



KEEPING YOUTH AWAY FROM CRIME SEARCHING FOR THE BEST EUROPEAN PRACTICES

Volume 2

Compendium of Ten Best European Practices



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Introduction

Juvenile delinquency has been a matter of public interest for years. Discussions about whether juvenile delinquency is increasing in quality and/or quantity and which strategies may help to alleviate the problem of juvenile delinquency are part of political discussions in Austria almost every year, especially following the publication of crime rate statistics.

Apart from applying repressive or alternative measures as reactions to criminal and deviant behaviour, prevention strategies are an important part of national strategies to reduce crime in the long term. The importance of preventive strategies becomes particularly apparent, when considering that empirical studies indicate that the different forms of sanctions applied after the committal of a crime have proven little successful, that their influence on recidivism is minimal and that imprisonment often has a reverse effect and even increases the quantity and severity of criminal behaviour.¹

When speaking about crime prevention, especially early crime prevention among children and juveniles, we have to take care not to see children and juveniles as a potential risk for society, but as a person with potential.² We have to accept that criminality is part of every society and can never be extinguished entirely.

Still, effective crime prevention and the effort to hinder children and juveniles from developing deviant or criminal behaviour is a strategy that could not only make society safer, but that could also help each individual child become a successful and well-integrated member of society. Children and juveniles from families with a difficult socio-economic background need to be considered as a group that requires special support because statistics and research from

¹Heinz: Rückfall- und Wirkungsforschung – Ergebnisse aus Deutschland (2007), 11 f.

²Drewniak: Jugendkriminalprävention zwischen Jugendhilfe und Jugendstrafrecht; in: DVJJ [Hrsg]: Fördern, Fordern, Fallenlassen - Aktuelle Entwicklungen im Umgang mit Jugenddelinquenz (2008), 225 ff.

all over the world show that they have a higher risk of failing in school, not finishing proper job training and by these disadvantages are more likely to develop criminal behaviour later on.

Finally, it also has to be considered that the Austrian society as such is changing: The wages are lowering and the classical model of the stay-at-home mother is no longer applicable for most families – both due to economic reasons of women having to contribute to the household income as well as the emancipation of women. Furthermore, patchwork families and women raising their children on their own are a relatively new reality within society, for which there is not yet a proper institutional answer, such as offering all-day school or a sufficient amount of places in day-care for smaller children. Thereby, children, care-takers, and pedagogues have to tackle different problems than previous generations. Critics also note that the parent's core task, the upbringing of the child, is increasingly passed on to the teachers and pedagogues, who can, however, not fully replace them.

Early prevention was recognized as a crucial and “essential part of crime prevention in society” by the United Nations in their Guidelines for the Prevention of Juvenile Delinquency (1990), also known as the Riyadh Guidelines, thus highlighting the key role of early prevention in deterring children from crime. The Guidelines also stress the importance of the participation of the entire society in creating an environment for children that is conducive to developing “non-criminogenic attitudes” and successfully preventing juvenile delinquency. The creation of such an environment requires the implementation of “lawful, socially useful activities”, whose aim is to ensure the harmonious development of adolescents, while respecting and promoting their personality from early childhood on.³

Whether the early prevention measures Austria provides at the moment are appropriate for these challenges and flexible enough to be adapted to the various family-forms found in society today will be discussed in this research.

I. Developing a prevention at early stages, overview of the systems.

Juvenile delinquency in Austria is a topic often discussed, although the issue's scale is not more alarming than in other European countries and statistical data is relatively similar.⁴

³ Resolution 45/112 - United Nations Guidelines for the Prevention of Juvenile Delinquency - "The Riyadh Guidelines" (1990) - <http://www2.ohchr.org/english/law/juvenile.htm>

⁴Ruderstaller: Rückfälligkeit jugendlicher Gewalttäter, page 196

Between 2002 and 2008 police reports about juvenile delinquency increased significantly, since then, however, the numbers are decreasing constantly. Since 2000 the number of convictions remained rather constant, even during the period when the number of reports to the police increased drastically. This indicates that mostly the willingness of the public to file a report changed.

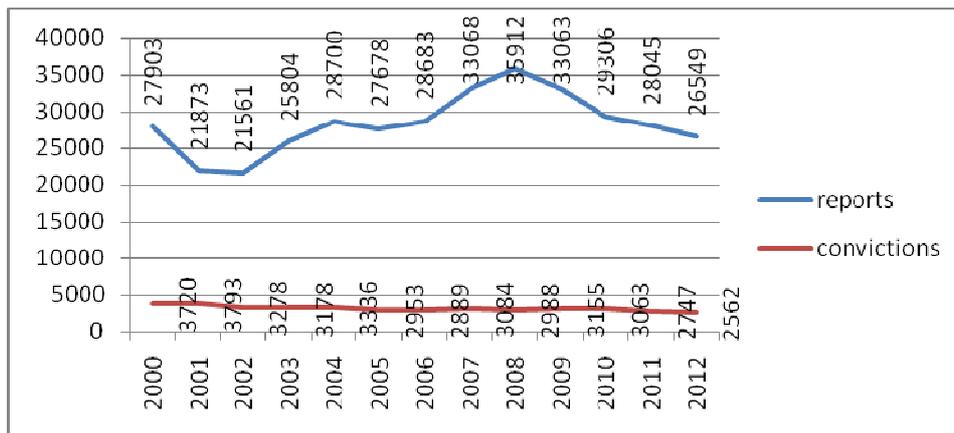


Figure 1: Police reports and convictions of juveniles (2000-2012)⁵

The discrepancy between the number of police reports and the resulting number of convictions is explainable by the prosecution’s handling of juvenile delinquency. In 79% of cases prosecution at the court is forgone as other forms of retribution, such as diversions, are seen as more appropriate. (§ 4, § 6 JGG, diversions – see chapter I.A.3. for details).

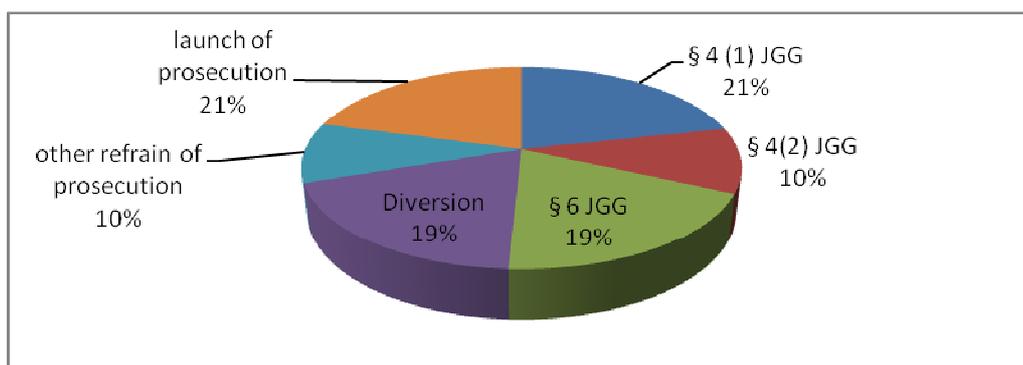


Figure 2: Prosecutor's handling of criminal proceedings against juveniles 2012 (n=26.549)

⁵ See Gerichtliche Verurteiltenstatistik, Verurteilungen Jugendlicher nach ausgewählten Abschnitten des StGB und Sanktion seit 1947.

The majority of offences committed by juveniles are property crimes, i.e. vandalism, theft, robbery and burglary are most common. Offences against life and physical integrity also play a quantitative role, as a result of which convictions for assault are also common.

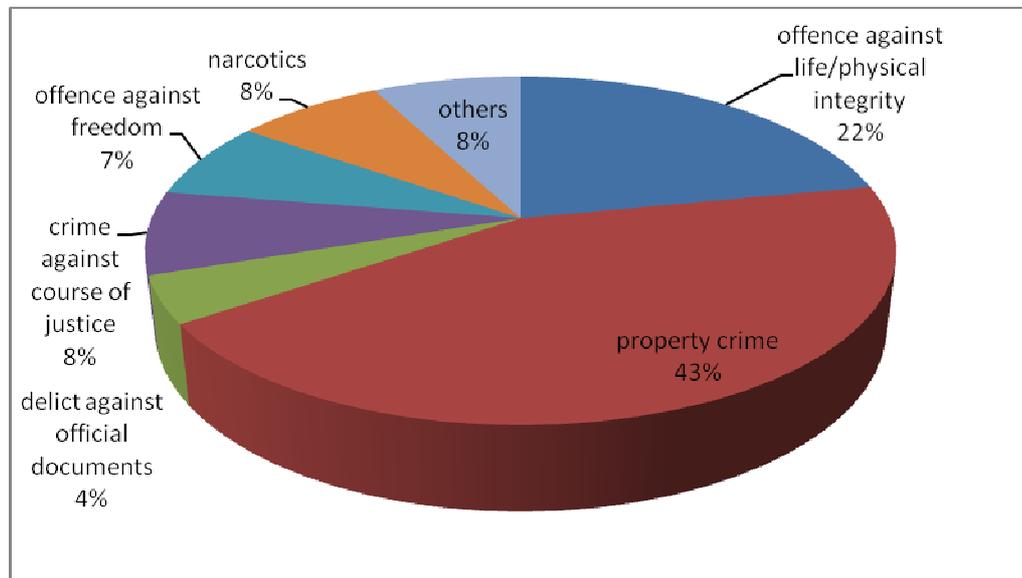


Figure 3: Offences committed by juveniles 2012 (n=4358)⁶

Gender differences are also significant: The percentage of girls convicted is in general lower, ranging at 13% on average. Depending on the different type of criminality it varies between 8,2% (offence against life and/or physical integrity) and 34,5% (crimes against course of justice).

A. The Austrian youth justice system

1. The principles of the youth justice system

The Juvenile Courts Act is a law primarily concerned with educating and disciplining juveniles, which is expressed in the law itself:

§ 5 (1) JGG: The use of the juvenile criminal law has the purpose to keep the juvenile away from committing further criminal acts.

These aims are to be reached primarily by the Child Welfare Authority's orders, actions taken by the Juvenile Court Assistance, forms of diversion in the criminal proceeding, orders,

⁶ See Statistik Austria, Gerichtliche Verurteiltenstatistik, Verurteilte Delikte nach Alter zum Tatzeitpunkt und Geschlecht 2012. This number is higher than the number of juveniles convicted because it takes regard to the offences the juveniles were committed for, not to the number of juveniles who were convicted.

probation assistance, and convictions with or without punishment reserved. Prison sentences and fines are to be used as *ultima ratio* only against juveniles.⁷

Special deterrence plays an important role and has to be taken into consideration when discussing a refrain from prosecution (§ 4 (2) (2), § 6 JGG), diversion (§ 7 JGG), conviction without punishment (§ 12 JGG) and conviction with punishment reserved (§ 13 JGG). General deterrence is only relevant at §§ 6, 12, 13 JGG. Furthermore the Juvenile Courts Act sets out in § 53 JGG, that the penal system shall educate the juveniles to a behaviour that is in line with the law and the requirements of community life. If the duration of the prison sentence the juvenile faces allows it, the juvenile is to have a job education which is in accordance with his/her abilities and interests.

Justice has several provisions how to avoid involving juveniles in a formal procedure, although the police, prosecutors and partly the court are involved in alternative penal measures of course. The responsible judges and prosecutors need to have special skills in pedagogy, psychology and social work. In any case of launching prosecution against a juvenile the Youth Welfare Office and the Guardianship Court has to be informed about that.

2. The functioning of the youth justice system

The most important sources of law are the Criminal Code (Strafgesetzbuch, StGB), the Code of Criminal Procedure (Strafprozessordnung, StPO) and the Penal Law (Strafvollzugsgesetz, StVG). The laws therein are generally also applied to juveniles, although the Juvenile Court Act (Jugendgerichtsgesetz, JGG) provides additional provisions designated particularly for juveniles and young adults with regard to the sanctioning system, criminal proceedings, parental involvement, and the enforcement of sentences against juveniles. Additionally, it puts forth guidelines for the Guardianship Court and the Juvenile Court Assistance.

In general, the same courts are responsible for conducting proceedings against adults as they are for juveniles. However judges and prosecutors who deal with criminal proceedings against juveniles are required to have special skills in pedagogy, psychology and social work (see § 30 JGG).

⁷Köck: Der Erziehungsgedanke im Jugendgerichtsgesetz, JRP 1999, 269.

Additionally, the Juvenile Court Assistance (see §§ 47-50 JGG) supports the court and prosecutor in the fulfilment of their respective responsibilities. While the main purpose of the Juvenile Court Assistance is to provide evaluations and psychological opinions, usually in the form of oral reports during the trial or a written opinion at an earlier stage of the criminal proceeding.⁸ This is effectively only available in Vienna.

The Guardianship Court is located in every district court which deals with so-called “non-contentious proceedings” (guardianship, divorce, visiting rules in divorced families, adoption...). The most important task in the field of juvenile justice is the question if any measures regarding the guardianship of the juvenile have to be taken. The Guardianship Court has to be informed by the prosecutor if criminal proceedings are initiated or finished. If the proceedings at court end, the court has to inform the Guardianship Court about that fact. The Child Welfare Authority has to be informed, too. The Guardianship Court and the Child Welfare Authority take measures to enhance the best interests of the child. In practice there are hardly ever any reactions by the Guardianship Court and the Child Welfare Authority in case of criminal behaviour.

In general, the Penal Code (StPO) is used for juveniles and young adults as well as for adults. However, there are some specific rules for juveniles (e.g. to have a person of trust with him/her, to have the parents informed, etc.). These rights and process guarantees are in general respected.

3. Reactions and sanctions against juvenile delinquency

3.1. Impunity of juveniles

The age of criminal responsibility is in Austria 14 years (see § 4 (1) JGG).

Juveniles between 14 and 16 years are not punishable if they commit only a petty offence (threat of punishment less than three years imprisonment), if there is no serious guilt attributable to the offender and neither general nor specific deterrence require any kind of punishment (see § 4 (2) (2) JGG). This means that juveniles under the age of 16 cannot be punished for petty offences, as long as special deterrence does not require the use of any other measure of the juvenile justice system. The majority of offences which are typical for juveniles (shop lifting, property damage, assault etc.) are thereby not punishable for juveniles under 16.

⁸ See <http://strafvollzug.justiz.gv.at/einrichtungen/jugendgericht/>

Additionally, if a juvenile is not able to understand his/her action as an offence or is seen unfit to act according to such an understanding, the offence will not be punished. In these cases, the procedure will be suspended without any further consequences by the prosecutor (seen § 4 (2) (1) JGG). These reasons are only presumed in case of a serious retardation of the personal development of the juvenile is determined by the High Court⁹ and includes for instance psychological or physical diseases, massive neglect or serious social defects.

Refrain from prosecution

The application of the youth penal law by a refrain from prosecution is required for juveniles who commit a crime subject to a threat of punishment less than five years imprisonment and if the use of diversion for the reason of specific deterrence is not necessary. If the offence caused a person's death the refrain of prosecution is excluded. The refrain of prosecution can be combined with an instruction by a judge for the juvenile. Compared to § 4 (2) JGG, the scope of applicability is much broader. Not only petty offences are included in the use of the refrain from prosecution according to § 6 JGG, but all medium-serious and partly even serious crimes can be ended by a refrain from prosecution.

However, the application of special deterrence as well as general deterrence reduces the scope of use. As an example of a requirement for general deterrence, the High Court¹⁰ mentioned the repeated participation in attacks of a gang against visitors of a park without any specific reason, except the exertion of violence itself.

3.2. Diversion

Diversions do not result in a conviction and can theoretically be used as a reaction to any kind of offence committed by a juvenile since the reform of the Criminal Code on 01.01.2008.¹¹ In practice, diversions are used for juveniles up to medium serious criminality. Of course not all prosecutions can end with a diversion, so a very important limitation is that the offender did not act with serious fault. A “typical” event of an offence, for instance a robber who violently tears away a woman’s handbag and runs off, is not per se a proper basis for an assumption of “severe fault”. A certain threat of punishment cannot cause “severe

⁹RS OGH 1952/12/05 5Os605/52; 10Os38/70; 10Os13/71; 10Os196/72; 10Os190/72; 10Os8/73; 10Os113/74; 1994/03/02 13Os188/93; 12Os114/02; 13Os50/06m.

¹⁰OGH 17.12.1996, 11Os157/96.

¹¹BGBLI Nr. 93/2007.

fault”.¹² Further limitations of the use of a diversion are the settlement of the circumstances of the offence. Furthermore, specific deterrence must not require any other measure.

The measures of diversion are the same for juveniles as they are for adults: paying a fine, community service, a probation period of up to two years (partly combined with probation service or certain constraints) and victim-offender mediation. These measures cannot be cumulated.¹³ A change of the form of the diversion is controversial even if it is possible according to the law: In theory, the prosecutor has to initiate a prosecution in front of court if the offer of a diversion fails; however, in practice there are several documented cases of diversions whose form was changed, especially if the initial failing of the diversion was not the fault of the accused person.¹⁴

3.3. Social-net conferencing

The so-called social-net conferencing was introduced as an alternative measure in Austria and was conducted as a model project during the time from 01.01.2012 to 31.12.2013 in Vienna, Carinthia, Styria and Upper Austria. It focused on juveniles and young adults who were subject to probation services. The project will be continued at least until the end of 2014 and an expansion to all of Austria is being discussed at the moment with the Ministry of Justice.¹⁵

The social-net conferencing is used for all problems dealing with social inclusion and integration, especially the step from a prison sentence to freedom, but also concerning restorative justice while including the victim and his/her social network. The advantages of the use of social-net conferencing are the activation of the juvenile’s family and friends as well as the strengths of the juvenile him-/herself. The organisation “Neustart”, which is responsible for probation services in Austria, organises and supports these meetings. In practice, the coordinators informed the judges and prosecutors about the model project in advance, explained the methods used and indicators for the use of the measure to increase the acceptance and use of the social-net conferencing.¹⁶

¹² Kucera: Die Anwendung der §§ 6 und 7 JGG 1988 in der Praxis, ÖJZ 1990, 586.

¹³ Schroll: Die Fortentwicklung der Diversion durch die Rechtsprechung, in: Moos/Jesionek/Müller [Hrsg]: Strafprozessrecht im Wandel (2006), 503.

¹⁴ Ruderstaller: Rückfälligkeit jugendlicher Gewalttäter (2013).

¹⁵ E-Mail from Hansjörg Schlechter on 07.01.2014.

¹⁶ <http://www.neustart.at/at/de/blog/entry/3094>

The first evaluations in 2013 showed a positive development of the project, especially in the use of social-net conferencing as an alternative measure to pre-trial detention. Social-net conferencing as a measure of sanctioning also showed positive results because the juveniles were put in positions that forced them to become active and allowed them to experience appreciation. The result was usually that the juveniles took responsibility for their own actions, not least because they wanted to avoid disappointing their social environment.¹⁷

3.4. Conviction without punishment & with punishment reserved

A conviction without punishment (see § 12 JGG) can be a sanction if a juvenile committed an offence which would justify only a minor punishment, but where it can be expected that the conviction without punishment will also fulfill the requirement of specific deterrence. Neither the specific threat of punishment, nor the concrete severity of fault and wrongdoing by the offence are relevant, but only the prospective prognosis concerning the juvenile's behaviour in the future.¹⁸ This prognosis is a discretionary decision by the court, its use (or refrain of use) can be reason for an appeal.¹⁹ Of course the use of the conviction without punishment is limited by the requirement that the punishment can be only of minor severity - thereby the threat of punishment and individual fault are observed. General deterrence shall only be considered in exceptional cases.²⁰ The reasons for the conviction without punishment have to be given in the judgment in detail and thereby replace the punishment.

While the juvenile faces fewer consequences directly affecting him/her, a clear disadvantage of a conviction without punishment is the criminal record entry, which inevitably leads to the stigmatisation of the juvenile. Thereby, convictions without punishment have more drastic and long-term effects than in the case of a diversion being applied, which is not part of the criminal record. The knowledge and awareness of the consequences of a conviction without any form of punishment can be questioned.²¹

Compared to the conviction without punishment the conviction with punishment reserved is the more invasive sanction.²² Similar to the conviction without punishment, the conviction with punishment reserved lost its importance since the introduction of the forms of diversion. While

¹⁷ Interview with Christoph Koss (Neustart); <http://kurier.at/chronik/wien/termine-einhalten-ist-besser-als-haft/35.032.421>

¹⁸ Kucera: Die Anwendung der §§ 6 und 7 JGG 1988 in der Praxis, ÖJZ 1990, 586.

¹⁹ OGH 14.01.1997, 14Os188/96.

²⁰ Amtsblatt zu BGBl I Nr. 599/1988

²¹ Ruderstaller: Rückfälligkeit jugendlicher Gewalttäter, page 149.

²² OGH 15.11.1983, 9Os166/83.

in 2000 still 834 juveniles (2 %) were convicted with punishment reserved in 2012 only 246 (0,7 %) were sanctioned that way.²³

In case of a conviction with punishment reserved a period of probation is allotted, during which the punishment can be promulgated. This period is required to last for at least a year but not longer than three years. The prolongation of an ongoing probation period is not possible.²⁴ The decision that the punishment is reserved must be part of the judgment and the reasons for it must be given. The court has to inform the juvenile about the legal consequences of a conviction with punishment reserved orally as well as written in simple terms. The written explanation has to include information on which grounds the punishment can be promulgated during the time of probation.

However, the actual significance of convictions without punishment decreased continuously since the introduction of diversions.²⁵

3.5. Fine and prison sentence for juveniles

In general, the threat of punishment through fines or imprisonment for juveniles is about half as severe as for adults. Generally speaking, the minimum levels of punishment from adults' are not applicable for juveniles, except for crimes with a threat of punishment from 10-20 years or life imprisonment: If the juvenile is below 16 years there is a threat of punishment of 1-10 years, for juveniles over 16 years it is 1-15 years.²⁶ Only very few prison sentences against juveniles are unconditional or partly conditional (14% respectively 11%), while most of the fines (74%) are unconditional. In general, the number of convicted juveniles is constantly decreasing slightly. In 2012, 2562 juveniles were convicted. Compared to 2011, this means a decrease of 6,7 %.²⁷

When a juvenile is convicted to a prison sentence he/she is to be placed in a youth prison (see § 55 JGG).²⁸ In prison, a juvenile is subject to a more relaxed form of incarceration, meaning that even on weekends and national holidays the cell must be open at least for three hours a

²³ Sicherheitsbericht 2012, page 79-80; Sicherheitsbericht des BMJ 2009, page 70-71.

²⁴ OGH 30.05.1995, 14Os62/95.

²⁵ Sicherheitsbericht 2012, page 79-80; Sicherheitsbericht des BMJ 2009, page 70-71.

²⁶ See § 5 JGG.

²⁷ Sicherheitsbericht 2012, page 54-55.

²⁸ Regierungsvorlage zu BGBl I Nr 599/1988.

day.²⁹ People who are working in a youth prison have to show a special education in pedagogy, psychology and psychiatry (see § 54 JGG). For the juveniles, school education and/or professional education are offered and promoted. Furthermore there are various offers for the organisation of the juvenile's leisure time.³⁰ After a release from prison on probation, probation services can be requested for up to three years if seen as necessary.

3.6. Reactions to juvenile delinquency in practice

In 2012 26.549 juveniles were subject to criminal proceedings. In 4987 proceedings against juveniles the prosecutor refrained from prosecution because the juvenile was under the age of criminal responsibility (§ 4 (1) JGG). In 2405 cases the offence was subject to the regulations of impunity (§ 4 (2) JGG), in 4365 cases the prosecutor refrained from prosecution based on § 6 JGG. These three measures have the highest numbers compared to all other sanctions and are 50,8 % of all criminal proceedings against juveniles. Furthermore, in 9,6 % of the proceedings against juveniles the prosecutor refrained from prosecution because the behavior was not qualified as an offence according to the criminal code. In 18,9 % the proceedings ended in a form of diversion, in 20,7 % the prosecutor initiated the prosecution at a court.³¹

4. Pre-trial detention and alternative measures

Arrest and pre-trial detention are to be kept to a minimum in cases involving juvenile offenders. A juvenile can only be placed in pre-trial detention if the disadvantages for the juvenile are in proportion to the crime committed as well as the expected punishment and if the normal development of his/her personality is not endangered. In case the purpose of the detention is no longer existent because of an agreement in family law, if necessary combined with other measures, the juvenile has to be released (see § 35 JGG).

Generally speaking, the imposition of pre-trial detention against juveniles has decreased since the year 2000 (in average 229 juveniles in pre-trial detention), although there were ups and downs³² in the statistical data: Since 2009 (average 191 juveniles in pre-trial detention) the numbers are constantly lowering and finally reached in an all-time low 2013 (although average

²⁹BMJ: Untersuchungshaft für Jugendliche – Vermeidung, Verkürzung, Vollziehung, page 28.

³⁰ See <http://strafvollzug.justiz.gv.at/einrichtungen/justizanstalten/justizanstalt.php?id=5>

³¹BMJ: Sicherheitsbericht 2012, 17.

³² E.g. 2004: 259 juveniles, 2008: 152 juveniles in average in pre-trial detention.

numbers are only available for a period from 01.01.2013 to 01.10.2013) and finally reached an average of 127 juveniles in pre-trial detention.³³

In June 2013 pre-trial detention in Austria was subject to extensive media coverage after a 14 year old juvenile, who had been accused of robbery, was sexually abused with a broomstick by three of his fellow inmates in the Josefstadt prison. The task force installed by the ministry of justice after this incident started to work in July 2013 and presented its final report in October 2013. The main aim of this interdisciplinary team was to find measures in between the extremes “prison” and “freedom”.³⁴

As alternative measures the task force suggested options to avoid and minimise the duration of pre-trial detention by social-net conferencing and opportunities to place juveniles in any other kind of accommodation.

B. The youth care system from the scope of juvenile crime prevention

1. The child protection system and monitoring mechanisms in Austria

Generally speaking, the child welfare law is subject to each province’s law, resulting in nine different laws in Austria.³⁵ However, these laws mainly regulate in a similar way how minors are treated whose parents are not able to raise the child without endangering its development. On a lower level the child welfare offices are obliged to enhance the quality of care and education for minors by offering advice, training for parents and parents to be, preventive measures, therapy, support in case the parents are not capable to maintain the minor’s wellbeing. In case the child’s best interests cannot be ascertained by that as a last resort the child could be placed in foster care. Moreover street work, supervised emergency shelter for juveniles, mother-child shelters and the organization of recreational activities are partly foreseen as an assignment of the child welfare office.

The general trend points toward supporting parents in raising their child rather than placing children in foster families. The two most important models in use are:

³³BMJ: Sicherheitsbericht 2009, 2010, 2011, 2012; BMJ: Runder Tisch Untersuchungshaft für Jugendliche – Vermeidung, Verkürzung, Vollziehung (2013).

³⁴ibid, page 6, 30.

³⁵ Burgenländisches Jugendwohlfahrtsgesetz; Kärntner Jugendwohlfahrtsgesetz; Niederösterreichisches Jugendwohlfahrtsgesetz; Oberösterreichisches Jugendwohlfahrtsgesetz; Salzburger Kinder- und Jugendwohlfahrtsordnung; Steirisches Jugendwohlfahrtsgesetz; Steiermärkische Jugendwohlfahrtsgesetz-Durchführungsverordnung; Tiroler Jugendwohlfahrtsgesetz; Vorarlberger Kinder- und Jugendhilfegesetz; Wiener Jugendwohlfahrtsgesetz.

- *Long term foster care*: This model is used if support in the upbringing of the child is no longer adequate to guarantee the best interest of the child. Although the accommodation in the foster family is planned for a longer period of time, usually until the child is 18 years old, there are intents to return the child to its biological family or at least to maintain the relationship with the biological parents.
- *Crisis- and short-term foster care*: Shared apartments with professional care and crisis centres are gaining importance. Their main goal is to offer short-term fostering in case of a family crisis. The maximum period for a minor to stay there varies between six months and eight weeks, depending on the province (8 weeks: Tirol; 8-12 weeks: Styria, Vienna, Carinthia; 3 months: Upper Austria; 6 months: Salzburg). The social workers and pedagogues develop an individual concept for the further accommodation of the child. The return to the family is the main aim and continuous contact with the parents is an important part of the work with the family and the situation.³⁶

Furthermore each provincial law includes the obligation to establish an independent ombudsman for children and young people (Kinder- und Jugendanwaltschaft). The main task of the ombudsman is to mediate in conflicts between parents, children or minors, and authorities (school, youth welfare office etc.), regarding any concerns of education and child care. Also, provincial laws have different regulations concerning public information on children's rights, and evaluation of drafts of national legislation.

Statistics concerning the quantity of assistance by the youth welfare show regional differences. The number of children who are in the state's full custody differs regionally between 0,32% in Upper Austria and 0,68% in Carinthia, with a nationwide average of 0,43%.³⁷ This is a decrease compared to the statistics from 2006, where 0,6% of all minors were in the state's full custody.³⁸ The percentage of children in foster families, among those who are in the state's custody, lies between 27% (Carinthia) and 50% (Vorarlberg), the Austrian average being 41%.³⁹ The relation of children in foster families and those in full custody decreased to the disadvantage of foster families since 2006, where 45% of all children who could not stay in

³⁶Scheipl: Das Pflegekinderwesen in Österreich.

³⁷ Burgenland: 0,54%; Carinthia 0,68%; Lower Austria: 0,34%; Upper Austria: 0,32%; Salzburg: 0,41%; Styria: 0,41%; Tirol: 0,38%; Vorarlberg: 0,36%; Vienna: 0,55%; Source: BMWFJ: Jugendwohlfahrtsbericht 2012.

³⁸ See BMWFJ: 6. Bericht zur Lage der Jugend in Österreich (2011), page 564.

³⁹ Burgenland: 31%; Carinthia 27%; Lower Austria: 45%; Upper Austria: 42%; Salzburg: 31%; Styria: 46%; Tirol: 31%; Vorarlberg: 50%; Vienna: 43%; Source: BMWFJ: Jugendwohlfahrtsbericht 2012.

their families were located in foster families.⁴⁰ Support in the upbringing of the child is provided all over Austria in 1,78 % of all cases, the regional differences ranging between 1,13% (Upper Austria) and 3,34% (Styria).⁴¹ The amount of provided support increased drastically since 2006, where it was provided in an average of 1,26% of all cases.⁴²

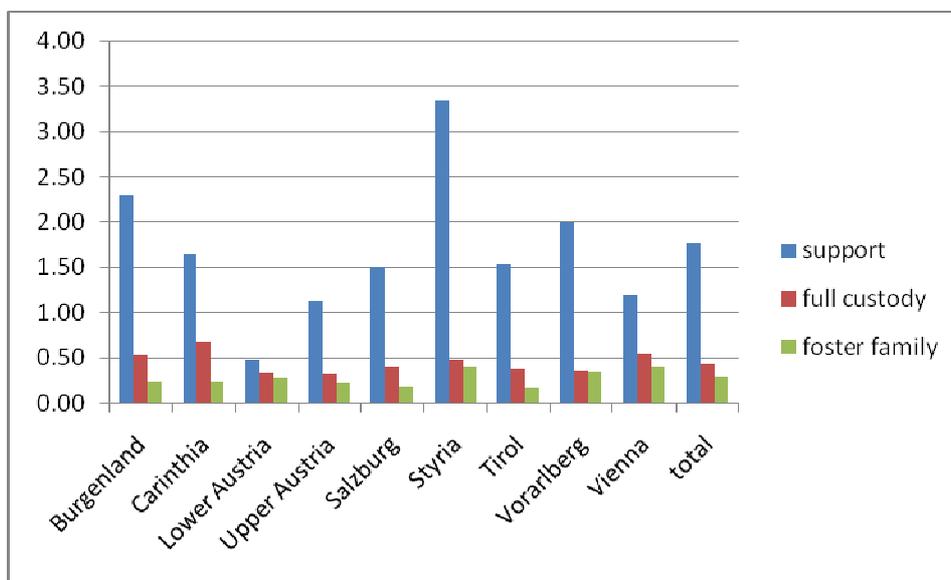


Figure 4: Percentage of support, custody and foster families in Austria in 2012 (n=1.509.989)⁴³

The youth welfare administration’s work is often criticised, partly for intervening too late, partly for intervening too vehemently.⁴⁴It suffers from being chronically understaffed, making its task increasingly difficult. The lack of personnel causes many social workers to work under great time pressure as they have to take care of a number of families that does not bear relation to the time necessary for such a task. This inevitably leads to mistakes in the proceedings.

2. Recreational activities

Providing children and juveniles with a meaningful way to spend their leisure time, can also contribute to crime prevention.

⁴⁰See BMWFJ: 6. Bericht zur Lage der Jugend in Österreich (2011), page 564.

⁴¹ Burgenland: 2,3%; Carinthia 1,65%; Lower Austria: 1,98%; Upper Austria: 1,13%; Salzburg: 1,15%; Styria: 3,34%; Tirol: 1,53%; Vorarlberg: 2%; Vienna: 1,2%; Source: BMWFJ: Jugendwohlfahrtsbericht 2012.

⁴²See BMWFJ: 6. Bericht zur Lage der Jugend in Österreich (2011), page 565.

⁴³ Source of data material: BMWFJ: Jugendwohlfahrtsbericht 2012.

⁴⁴Missliwetz/Fürdank-Hell/Schlager: Schwarzbuch Familienrecht – Kinderrechte, Jugendwohlfahrt und Familienpolitik Österreichs, 2013.

Schools offer recreational activities during the school year, e.g. excursions, school camping week, school trips, skiing courses and sport trips etc. on a regular basis. For children with a difficult socio-economic background there is a possibility to receive financial support from school.

Other recreational activities are mainly organised by the parents themselves through different organisations. The offers for activities during holidays range from children's universities, to camps and other recreational groups, often oriented towards sports or adventure. Cost-effective or free recreational activities for children at risk are hardly existent.

As an example the adventure-oriented juvenile work carried out by the Alpenverein can be mentioned. The Alpenverein offers, inter alia, summer camps (around 1000 children and juveniles join the 50 camps every year); environmental construction sites ("Umweltbaustellen") in which young people between 16 and 30 are invited to work voluntarily for one week at a natural disaster site; and SPOT experience, which is an experience-based school programme focussing on the topics of personal development, our relation to nature and English experience (this reaches around 1500 juveniles a year.)⁴⁵

C. The education system (10 - 18 years old) from the scope of Juvenile crime prevention

1. The Austrian education system

For children under the age of 3, Austria offers a so called *Kinderkrippe* (nursery school), children older than 3 may attend kindergarten. Partly, there is a lack of available places in nursery schools, especially in rural areas. In September 2010, Austria introduced the obligation for children who are five years old and subject to compulsory education in the following year to go to kindergarten for one year, which is free of charge. This obligation implies at least 16 to 20 hours in kindergarten on at least four days a week. The main aim of the introduction of this regulation was to reduce disadvantages for children from families at risk (see chapter I.C.2.) and to enhance their chances to succeed in the education system. An evaluation from 2012 showed that the regulation has positive effects on the children's intellectual potential regarding social, cognitive, motoric, emotional and lingual competences. Furthermore, the obligation to go to kindergarten contains the chance to identify special needs

⁴⁵Hahn-Bleibtreu (BMWFJ): 6. Bericht zur Lage der Jugend in Österreich (2011), page 444-445.

of certain children as well as special abilities at an early stage and to offer support. Currently, there are discussions about extending this obligation to two years.⁴⁶

In general, compulsory education lasts for nine years in Austria. At the age of six, children are subject to compulsory education and are required to go to *Volksschule* (primary school) for four years. Children who are not yet able to follow the lessons on an intellectual level might be sent to *Vorschule* (pre-school) for one year.

Mentally challenged children are usually placed in *Sonderschule* (special school) and subsequently receive their education in school types with a separate curriculum for the entirety of compulsory education. Depending on the degree of disability the curriculum has diverging contents, which are in accordance to the children's abilities. However, in practice children with deficits in German language skills are often placed in *Sonderschule*, without being mentally challenged.⁴⁷

After finishing *Volksschule* children have several options of further education, each of them with the duration of four years:

- *Hauptschule* (secondary school): This school has different advancement levels (*Leistungsgruppen*) within one school class. The quality of the education in these schools is diverging between urban and rural areas; the latter seem to have a higher quality.
- *Neue Mittelschule* (new secondary school): This school also works with a system based on different advancement levels. As opposed to the *Hauptschule*, the *Neue Mittelschule* offers an advancement level up to *Allgemeinbildende Höhere Schule* (AHS, secondary school).
- *Allgemeinbildende Höhere Schule* (AHS, academic secondary school): This type of school includes several orientations, which are the classical *Gymnasium*, with a focus on languages, the *Realgymnasium*, which focusses on technical skills, and the *Wirtschaftskundliches Gymnasium*, with a focus on economics. The AHS generally has a duration of up to eight years, but after four years juveniles can decide if they prefer to stay in secondary school or change into another kind of school.

⁴⁶ Horvath/Haas: Gesundheitsfolgenabschätzung zum verpflichtenden Kindergartenjahr (2012), page 13-15, 37-38.

⁴⁷ Statistik Austria: Migration & Integration – Zahlen, Daten, Indikatoren (2011), page 10.

After four years in one of these schools the juvenile has the following options:

- The Polytechnic Institute (one year) usually has the purpose of finding out about the interests of the youth for specific job training. This involves taking part in some practical training in a variety of professions to finally find a job as a trainee. In some cases juveniles who visited *Hauptschule* also use this year as a bridge-over to qualify with a BHS or AHS the following year.
- Berufsbildende Mittlere Schule (BMS, vocational school): These schools take three years and offer an education mostly in economics (*Handelsschule*, trade school) or in some special technical areas (fashion school, etc.)
- Allgemeinbildende Höhere Schule (AHS, secondary school): As described above, the AHS takes up to eight years and ends with an exam qualifying the students for university. There are also secondary schools which start only at the 9th grade and therefore do not offer 5th grade to 8th grade and focus mainly on juveniles who want to join an AHS after *Hauptschule*, *Neue Mittelschule* or Polytechnic Institute.
- Berufsbildende Höhere Schule (BHS, vocational high school): These different kinds of schools last for five years and end with an exam qualifying the pupils for university. There are several types of BHS focussing on different subjects, especially economics (*Handelsakademie*, HAK), technics (*Höhere Technische Lehranstalt*, HTL), agriculture or the education of kindergarten-teachers.

In case a juvenile decides to do a traineeship (*Lehre*), which usually starts at the age of 15, there is a dual system that contains both practical training as well as a certain amount of time in off-the job education in a *Berufsschule*. This model offers a professional education for such jobs as, for instances, electrician, optician, baker, tailor, mechanic, photographer, brick layer, hair stylist, clerk, restaurant and catering business, chef, shop assistant, etc. Most apprenticeships take about three years to complete.

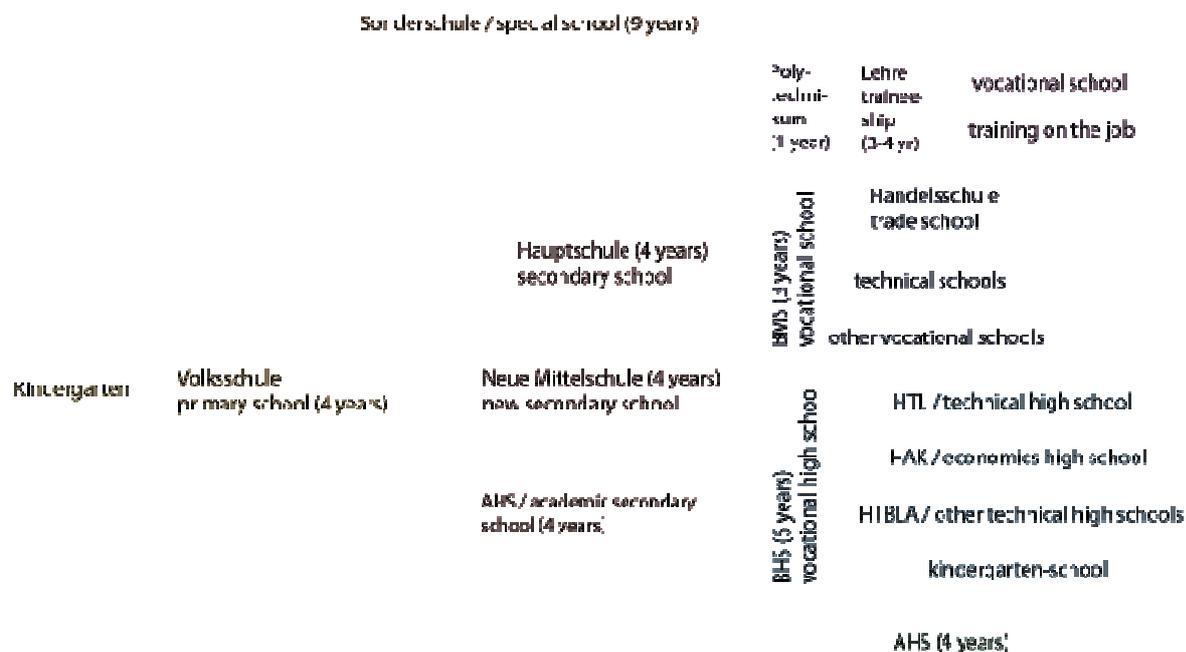


Figure 5: Overview of the Austrian school system

In general, the level of education among young adults is consistently high. In 2011, the ISCED-level reached by 85,4% persons aged 20-24 was 3b, which means that they have at least finished a traineeship (Lehre) or a vocational school of at least two years.⁴⁸ The level of juveniles who quit school at an early stage, have an education level below ISCED-3a/b and thereby have only finished *Hauptschule*, *Neue Mittelschule* or the first five years of AHS or a Polytechnic school, is 8,3%. This level is lower than the EU-average (EU-15: 15,4%, EU-27: 14,1% in 2010).⁴⁹

2. Socio-economic and cultural background and its impact on education

The children's social background is a main factor concerning the choice of school they attend and the success they have there. Children from families with migration backgrounds, a low socio-economic status and/or a low level of education have a disadvantageous starting position to succeed in Austria's education system. These families are generally less familiar with the school system and are less able to help children with their homework or decisions about their career in school. In general, migrant families have a low employment status thrice as often as non-migrant families. 39 % of all Turkish families have a low, only 10 % a high

⁴⁸Comparison: EU-15: 76,6%; EU-27: 79,0 % in 2010.

⁴⁹ See Misliwetz/Fürdank-Hell/Schlager: Schwarzbuch Familienrecht – Kinderrechte, Jugendwohlfahrt und Familienpolitik Österreichs, 2013, page 714-715.

employment status. Migrant families from EU member states have mostly either the highest level or lowest level employment status, so a very low number of parents with medium employment status.⁵⁰

Moreover, lacking command of the German language often jeopardizes succeeding in school. Contrary to the situation in other OECD-states, the ability to speak German influences the amount of success a child has in school even stronger than the influence the migration background does. 3 % of all pupils in Austria come from families in which German is not spoken at home, 22 % live in families in which German is only partly spoken at home.⁵¹

Around a third of all pupils in 4th grade are part of one of these social groups that are at an educational risk in Austria; on average, 9 % have more than one risk factor, with divergences between the cities and the countryside. 5 % of children from migrant backgrounds have more than one risk factor in rural areas, while it is 15 % in urban areas.⁵²

Research shows that the socio-economic background drastically influences the decision for a certain type of education so that the level of education seems to be “inherited” although there are no formal obstacles for a decision for a certain type of school except the school achievement.⁵³

3. Offers for children at risk

The model of an all-day school is only available in very few cases; most schools only last until midday. In the afternoon some schools offer supervision for the pupils. In case this is not offered, there are after-school care clubs.

There are a number of special offers for children who are at risk because they come from a difficult socio-economic background. Such facilities are usually financed by NGOs. Examples include *Wiener Lerntafel*, *FriendsLernkurs*, *GemeinsamSchlauImGemeindebau*, *Lerncafé*, *Nachbarschaftszentrum*, *Memory*, **peppa*, *Roma-Lernhilfe*, and *SowiesoMehr!*.⁵⁴ These

⁵⁰Bruneforth/Lassnigg: Nationaler Bildungsbericht Österreich 2012, Band I, page 22.

⁵¹ Ibid. page 24

⁵² Ibid. page 24.

⁵³ Ibid. page 68-69, 123-124.

⁵⁴ See <http://www.jugendinfo.wien.at/lernhilfe/> (28.01.2014)

organisations offer learning aid free of charge or for very low (symbolic) fees. These offers are all located in Vienna, while the other regions in Austria do not seem to have such free infrastructures for groups at risk.

Furthermore, schools also offer social work during the whole year in single or group/class sessions, conflict resolution and interventions in case of a crisis. Teachers can seek help if they have any trouble with pupils, but also when seeking support for the realisation of social projects within the class. Finally, parents can also ask for support in case it is required regarding the child or the family situation. The social worker can also forward the parents to other relevant institutions.⁵⁵

D. Austria's health care system

In general, health care is only available for persons who have health insurance. This health insurance is guaranteed in case a person works, but also in case a person is unemployed, but is registered at the employment bureau (AMS) and receives unemployment benefits or social benefits. A spouse, minors or children up to the age of 24 (as long as they are still involved in some form of education) share the partner's/parent's health insurance. This means, that in practice most people have health insurance and thereby receive any medical help necessary. Persons who do not have insurance still have access to emergency medical aid. Furthermore, there are hospitals which treat persons without insurance (i.e. *BarmherzigeBrüder*, *AmberMed*).

Medical aid is available at the general practitioner and, in case of an emergency, also at the acute day ward; the latter has been gaining quantitative importance during the last years. Medical specialists are available in hospitals as well as in private practices, which are mostly open for persons with insurance, too.

In practice, there seems to be a problem with the access to sufficient health care when there are language barriers, especially at gynaecological visits and when giving birth.⁵⁶ Financial barriers are partly an obstacle, especially concerning fees for dental care.⁵⁷

⁵⁵ Wien Xtra [editor]: Tagungsdokumentation Jugend und Gewalt (2009), page 54; see also www.schulmedation.at

⁵⁶ Fundamental Rights Agency Inequalities and multiple discrimination in access to and quality of healthcare, page 48.

⁵⁷ Ibid. Page 53-55.

For early and pre-natal screenings of medical conditions the central instrument is the Mother-and-Child-Passport (Mutter-Kind Pass) that shall maintain health prevention and health care for pregnant women and children up to the age of five. Additionally, counselling with a midwife is offered. Any pregnant woman who has insurance in Austria automatically receives this passport when seeing the doctor; women without insurance have to apply for it. The medical examinations are free and furthermore a precondition to receive child care benefits. During pregnancy, there are all in all five medical examinations in certain phases of the pregnancy concerning the child's development and the mother's health including potential risk factors. After birth, the child needs to have five medical examinations during the first year, which mainly focus on the physical and mental development as well as special risk factors in certain phases; four more medical examinations with the same focus on the child's development have to take place until the child's 62nd month of life in specific phases of its development.⁵⁸

In school, children are examined by the school physician at least once a year to detect possible health problems.⁵⁹ The school physician also keeps a medical record including the family health history to be aware of any risk factors. If any further measures seem to be necessary, the physician informs the parents. The school physicians community also provides information materials regarding health and school, for instance sexual education, weight of the schoolbag, nutrition and food offered in school, obesity, drug abuse etc.⁶⁰ Most schools additionally offer a school psychologist.

In general, any medical doctor is required to inform the police if he/she has a well-founded suspicion based on a medical examination that a person was a victim of severe assault. In these cases the doctor has to inform the victim about available victim protection services. In case the doctor has a suspicion that a minor is a victim of ill-treatment, torment, negligent treatment or sexual assault he/she also has to report to the police. Only in case the doctor can assume that the offender is a relative of the minor the report can wait as long as this seems to be necessary and is in the child's best interests and the doctor cooperates with the child welfare authorities. If necessary, another child protection service located in a hospital can also be involved.⁶¹

⁵⁸ <https://www.help.gv.at/Portal.Node/hlpd/public/content/8/Seite.082200.html> (24.01.2014)

⁵⁹ See § 66 SchuG

⁶⁰ http://community.schule.at/index.php?PHPSESSIONID=&design=schularzt_b&url=community&cid=592&modul=1&folder=10785 (24.01.2014)

⁶¹ See § 54 ÄrzteG

If there is a well-founded suspicion that a pupil consumes drugs, the law requires a medical examination by the school physician that also involves an assessment by the school psychologist. The school physician and the school psychologist have to evaluate if it is necessary to initiate any health-related measure (medical supervision, medical treatment including detoxification and/or substitution, psychological counselling, psychotherapy, psychosocial counselling). In case the pupil and/or his/her parents refuse the consultation by the school physician or the school psychologist the suspicion of the drug misuse has to be reported to the regional health authority.⁶² A “well-founded suspicion” is assumed if there are certain clues for a drug misuse, i.e. certain conspicuous conduct, injection sites from needles, supplies for drug consumption, or drugs found with the juvenile. In case any kind of treatment seems necessary the further actions are discussed with the parents. The utilisation of health-related measures is supervised by the school psychologist or the school physician.⁶³

E. Recommended reading materials

- Bundesministerium für Justiz: Sicherheitsbericht 2012 – Bericht über die Tätigkeit der Strafrechtspflege
Ministry of Justice: Security Report 2012 – Report on the criminal justice’s activities
- Bundesministerium für Justiz: Untersuchungshaft für Jugendliche – Vermeidung, Verkürzung, Vollziehung (2013)
Ministry of Justice: Pre-trial detention for juveniles – avoiding, minimising, execution (2013)
- Bundesministerium für Wirtschaft, Familie und Jugend: Jugendwohlfahrtsbericht 2012
Ministry of economy, family and youth: Youth welfare Report 2012
- Bruneforth/Lassnigg[editors]: Nationaler Bildungsbericht Österreich 2012, Band I – Das Schulsystem im Spiegel von Daten und Indikatoren
Bruneforth/Lassnigg [editors]: National education survey for Austria 2012, vol. I – The school system regarding data material and indicators
- Herzog-Punzenberger [editor]: Nationaler Bildungsbericht Österreich 2012 – Band II, Fokussierte Analysen bildungspolitischer Schwerpunktthemen
Herzog-Punzenberger [editor]: National education survey for Austria 2012, vol. II – focussed analysis of educational-political key aspects
- European Agency for Fundamental Rights: Inequalities and multiple discrimination in access to and quality of healthcare (2013)
- Hofinger/Neumann: Legalbiographien von Neustart-Klienten (2008)

⁶² See §§ 11, 13 SMG.

⁶³ Rundschreiben des BMUUK vom 30.12.1997, 21.070/4-III/B/8/97
http://www.eduhi.at/dl/Rundschreiben_zum_Suchtmittelgesetz.pdf (24.01.2014)

Hofinger/Neumann: Legal biographies of „Neustart“-clients (2008)

- Misliwetz/Fürdank-Hell/Schlager: Schwarzbuch Familienrecht – Kinderrechte, Jugendwohlfahrt und Familienpolitik Österreichs, 2013
Misliwetz/Fürdank-Hell/Schlager: Black Book Family Law – Children’s rights, Youth welfare and family policy in Austria 2013
- Statistik Austria: Migration & Integration – Zahlen, Daten, Indikatoren (2011)
Statistik Austria: Migration & integration – numbers, data, indicators (2011)

Juvenile Crime Prevention Strategies

1. The principles of juvenile crime prevention and early prevention systems

Austria does not have a general policy on juvenile crime prevention. It is targeted by the Federal Criminal Agency (Bundeskriminalamt) or various NGOs through different projects. In many of these projects, the state’s departments, the Federal Criminal Agency and NGOs cooperate with each other. There are four youth crime prevention projects which are conducted nationwide and are organized by the Federal Criminal Agency in cooperation with partner organisations and which have been conducted for several years (see II.2.1.).

Furthermore, the Federal Criminal Agency’s report on crime prevention also documents training of further youth crime prevention officers/workers as well as training for persons who work with juveniles (teachers, social workers etc.). The NGOs involved in crime prevention also offer courses for persons who work with juveniles. Most of these offers for education on crime prevention are provided in schools.

The most important areas in youth crime prevention are violence, cyber-crime (especially in connection with new media, including cyber bullying, happy slapping etc.) and addictions. Regarding addictions, the approach is much broader and is not only confined to illegal drugs. It also involves legal drugs and other forms of addictions which are not connected to any substance (i.e. media). For details see chapter II.2.2.

Early prevention does not seem to be a priority in most parts of Austria. Special support groups for children with a disadvantageous socio-economic background, which lowers their chances to succeed in school (see chapter I.C.3.), are only available in Vienna. These programmes are not organised by the state, but only by NGOs. For details on the projects in early prevention see chapter III.

In general, the projects have the aim of providing information for youths in order to strengthen their personal feeling of responsibility and thereby prevent them from committing a crime. Self-awareness, the handling of peer group pressure and civil courage are also issues these projects deal with. For details on the preventive strategies that are applied in each field of crime prevention and information on successful projects, see chapter II.2.2.

Finally, learning aids for children from economically and socially disadvantaged backgrounds is also included as a measure of crime prevention in this report, because success in schools in Austria is directly linked to the parents' own educational and socio-economic status. The resulting social marginalisation, in turn, increases the risk of the development of criminal behaviour (see chapter II.2.2.3.)

2. The juvenile crime prevention in practice

2.1. Juvenile Crime prevention organized by the Federal Criminal Agency

Crime prevention is part of the ministry of the interior's responsibilities. The main focus is the prevention of youth crime and property crime, the latter being implemented more in regard to preventing victimisation.⁶⁴ In the budget for 2013, the Federal Criminal Agency defined preventive measures against violence, particularly against women, and the intensification of victim-protection measures as its main goals.⁶⁵ Concerning juveniles, there are several ongoing projects, which are described below:

Click&Check: This project targets a responsible use of modern communication devices (mobile phones and the internet). It takes happy slapping, cyber bullying, dangerous political, violent and religious contents and dangers in connection with chat-rooms and social networks into consideration. In this programme, a prevention officer shows juveniles short video clips with typical situations juveniles can be subject to. The goal is to enhance the knowledge of the law, awareness of possible problematic behaviour and dangers and a sense of wrongdoing. The viewing of the video clips is followed by a class discussion with the prevention officer.⁶⁶ The target group is juveniles in 6th and 7th grade. The programme takes at least five lessons and can

⁶⁴ See http://www.bmi.gv.at/cms/BK/praevention_neu/wir_ueber_uns.aspx (04.02.2014)

⁶⁵ BMF: Teilheft, Bundesvoranschlag 2013, Untergliederung 11, Inneres, page 26, 62.

⁶⁶ See http://www.bmi.gv.at/cms/BK/praevention_neu/projekte/ClickCheck.aspx (28.01.2014)

be blocked or spread over the course of 1-2 years.⁶⁷ In 2012, 1.594 advisory discussions were held all over Austria, by which 41.690 juveniles were addressed.⁶⁸

Bleibsauber - JugendOK (Stay clean - youth OK): This is a project existing since 2007 on general youth crime prevention, which focusses mainly on violence, cyber-crime, youth protection regulations, pyrotechnics and betting shops. The main aim is improving the cooperation between law enforcement authorities, parents, school authorities and the juveniles themselves in order to generate a positive outcome regarding crime prevention. To do so, responsible employees from schools and the local government are asked to give speeches to the relevant target group at events within or outside of schools. Usually, these events are held between October and December, as these months involve most external risks through the consumption of alcohol and use of pyrotechnic articles at Halloween, New Year's Eve or Christmas. In 2012, 1.249 advisory discussions were held, by which 28.987 juveniles were addressed.⁶⁹

All Right – alles was Rechtist is a follow up project to OUT-Die Außenseiter (OUT-the outsiders). It focusses on violence and general juvenile delinquency and targets youths in 7th and 8th grade. In this programme, a prevention officer visits schools and shows the adolescents short video clips involving typical situations of juvenile delinquency (theft, robbery, burglary, vandalism and assault), while also including certain school-related topics (gangs, participation in a criminal offence). The videos also take the victim's perspective into account. Furthermore, role plays and discussions are used to develop a deeper understanding. The programme takes at least four lessons and includes the parent's and teacher's participation as well.⁷⁰ Legal terms, the threat of punishment and the application in practice are described with the help of the presented situations.⁷¹ In 2012, 590 advisory discussions were held, by which 12.871 juveniles were reached.⁷²

Welle gegen Gewalt (wave against violence) is a project introduced in the football-season of 2009/2010 by the ministry of the interior in cooperation with the Austrian Football Association

⁶⁷ See http://www.schulpartner.info/wp-content/myuploads/2012/03/ssr_bildungsgespraechewien_05mar2012handout_-3.pdf (28.01.2014)

⁶⁸BKA: Kriminalprävention, Jahresbericht 2012, page 17.

⁶⁹ibid, page 10, 17.

⁷⁰ See http://www.bmi.gv.at/cms/BK/praevention_neu/projekte/OUT.aspx (28.01.2014)

⁷¹ Bierigner/Tanzberger/Schroffenegger/Liebentritt/Kröpfl/Spannring: „Nicht Passt“ – Fachreader zur geschlechtsbezogenen Pädagogik und Gewaltprävention (2008), page 47-49.

⁷²BKA: Kriminalprävention, Jahresbericht 2012, page 17.

(*ÖsterreichischerFußballbund*) to reduce violence among sport fans and to enhance a fair and respectful interaction with other fans or sporting clubs. The main target group are juveniles aged 13 to 18, who are actively addressed by prevention officers in schools, youth centres and in fan clubs. The main tasks are the mediation of social knowledge, non-violent conflict resolution and the provision of a common sense of justice.⁷³

In addition to these national projects, there are also projects conducted on a regional basis in the provinces which are also organised and conducted by the ministry of the interior's prevention officers.

Burgenland introduced a project called *Los, check deinLeben* (Go, check your life) which aims at preventing addictions. This project was developed by the local police, the youth ombudsman and the province's *Landesschulrat* in 2009/2010 and is offered in all types of secondary schools. The target group are juveniles in 8th grade. There are five sessions, consisting of three lessons each, which are conducted during one semester. The main aim is to make adolescents reflect on their search for their own identity, peer group pressure and appreciation within the group, accepting responsibilities, their consumption patterns and handling of frustration and aggression. This approach intends to support the juveniles in developing their social competences and to avoid addictions and violence.⁷⁴ Furthermore, courses for multipliers, who shall carry on independently the knowledge to other persons of the target group, were held at the fire fighters' school to train fire fighters as youth workers in cooperation with the *FachstelleSuchtprävention* (specialist agency for the prevention of addictions).⁷⁵

Carinthia offers the project *Justformi* since 2009/2010 (formerly *Suchtfrei.ok* since 2004/2005) to prevent drug abuse, addictions and violence in schools. It is organised conjointly by the local police and the *LandesstellefürSuchtprävention*(province's agency for the prevention of addictions) and is supported by the education ministry (BMUKK). The programme focusses on children in 7th grade and aims at enhancing the juveniles' knowledge on addictions and their emergence, the involved substances, risk factors as well as laws and regulations concerning the protection of juveniles, also with regard to new media. Furthermore, nonviolent conflict resolution, alternative behaviour and strategies for coping with stress and aggression as well as

⁷³ See http://www.bmi.gv.at/cms/BMI_ZSA/welle_gg_gewalt/start.aspx (29.01.2014)

⁷⁴ Fachstelle für Suchtprävention Burgenland: Jahresbericht 2010, page 11.

⁷⁵BKA: Kriminalprävention, Jahresbericht 2012, page 13.

verbalisation of conflicts and feelings are part of the contents. The sessions are held during the whole school year. The parents are also addressed by evening meetings.⁷⁶

Upper Austria has a similar project on the prevention of addictions and violence called *Clever & Cool*, which is offered by the local police and the institute for the prevention of addictions. The target group are pupils in 7th and 8th grade and the project contains 11 modules and all in all takes 31 school lessons. The project has been in use since 1999. An evaluation in 2010 showed positive resonances by teachers, pupils and their parents.⁷⁷

In Vienna the project *No Legal Drugs – wirmachenm* has a similar approach and aims at raising awareness for problematic consumptions of legal and illegal drugs. The target group are pupils in 7th grade and children aged 13 and older, but the project addresses parents, workers in gastronomy, tobacco shops and youth centres, too. It is conducted by the local police in cooperation with youth centres, the organisation *B.A.S.I.S.*, and school physicians.⁷⁸

2.2 Crime prevention in the local community & NGOs

2.1.1. Prevention of addictions

Austria does not have a central unit or organisation dealing with the prevention of drug abuse. Respective work is mainly organised and implemented on local or regional levels under the guidance of the provincial Addiction Prevention Units and the regional coordination and control bodies. According to the European Monitoring Centre for Drugs and Drug Addiction the main aim is the accessibility of drug prevention measures in broad areas of social life, especially of those which are relevant to juveniles. The prevention measures do not only target illegal, but also legal drugs and generally promote a healthier lifestyle. The implementation of curricular school-based prevention programmes is considered highly relevant, and the primarily pursued goals include improvements in the entire school environment, such as strengthening the students' resilience to peer pressure or improving psychosocial and interactive skills among pupils. For the older age groups another relevant objective is to promote critical approaches to (licit as well as illicit) psychoactive substances. Programmes are comprised of training courses on addiction prevention, the preparation of training manuals,

⁷⁶ Info-Folder, http://olga.pixelpoint.at/media/PPM_3DAK_suchtvorbeugung/~M0/224.3dak.pdf (29.01.2014)

⁷⁷ See: clever & cool: Note 1 für schulisches Präventionsprojekt (<http://www.praevention.at/news/index.php/action.view/entity.detail/key.847/nav.6/view.29/level.2/archiv.true/>), <http://www.praevention.at/seiten/index.php/nav.18/view.416/level.3/>

⁷⁸ Projektkatalog Schulische Suchtprävention in Wien 2011, page 44-45

teaching materials and projects, as well as practical assistance for teachers, school heads and school medical officers in planning and implementing prevention activities.⁷⁹ Some programmes for the prevention of addictions simultaneously deal with the prevention of violence and the handling of new media.

Projects which follow these methods and principles are, for instance:

- *PLUS*: This project was developed in 2005 by the Austrian FachstellenfürSuchtprävention (agency for the prevention of addictions) and has been in use since 2009 all over Austria. It is monitored and evaluated by University of Innsbruck. The target group are juveniles from 5th to 8th grade.⁸⁰
- *step by step* is a nationwide project that has teachers, who are often confronted with conspicuous behaviour of their pupils, as a target group and aims at promoting the principle of helping instead of punishing juveniles for a drug addiction or misuse. The teachers are to be encouraged to intervene well-prepared in case there is any suspicion that a juvenile has some kind of addiction-related problem.⁸¹

Regional projects are:

Burgenland:⁸² *FreizeitsuchtGrenzen* (leisure seeking borders)⁸³ is a workshop-based programme which intends to make juveniles deal critically with their own consumption habits. Additionally, there is also an outdoor-programme including elements from experimental education, adventure games and learning experiences involving the environment and nature.

KIOSK – Kompetent-Informiert-Orientiert-Selbstbewusst-Kreativ (competent, informed, oriented, self-confidence, creative) is a project that has trainees in their first year of traineeship (Lehre) as a target group. In a workshop, the juveniles are asked to discuss experimental drug use and other consumption patterns, peer group pressure, advertisement and the resolution of stress situations.

Carinthia: “*GrenzWert*” is an offer of support for juveniles aged 12 to 17 who are in medical treatment for their risky consumption of alcohol. Juveniles and their parents are informed in

⁷⁹ See European Monitoring Centre for Drugs and Drug Addiction: Country overview Austria, <http://www.emcdda.europa.eu/publications/country-overviews/at> (31.01.2014)

⁸⁰ See <http://www.suchtvorbeugung.net/plus/> (31.01.2014)

⁸¹ See <http://www.suchtvorbeugung.net/stepbystep/pages/home.php> (03.02.2014)

⁸² See <http://www.suchtvorbeugung.net/suchtpraeventionsinfo/Schule> (03.02.2014).

⁸³ The German word “*sucht*” as a verb means ‘to look for’ or ‘to seek’, as a capitalized noun, however, it means ‘addiction’. The dittological name of the program was certainly intended.

hospital about this offer. The method primarily involves social pedagogy, but also contains elements of experimental education and adventure games. The aim is a reduction of the amount of alcohol consumed by youths. The project has been in existence since 2009 and is in use in the hospitals of Klagenfurt and Villach. It is conducted by the *LandesstelleSuchtprävention* and the organisation *Neustart* (an organisation which offers probation services) in cooperation with the paediatric station as well as the station for children's and juvenile's psychiatry in the respective hospitals.⁸⁴ *Way out* is a programme for juveniles aged 14 to 21 who show problematic consumption of drugs or alcohol and are first-time offenders. The program has been in use since 2002. The main aim is to avoid the affected youth's potentially developing involvement in criminal acts and to point out alternatives instead. The project is conducted by the police and the organisation *Neustart*. Around 100 juveniles take part in that project every year.⁸⁵

Lower Austria has, besides projects which are similar to the projects in other provinces mentioned before, a focus on theatre projects. Two of these are called *Forumtheater: Gehkum, Oida!*⁸⁶ (Come on, dude!) and *Forumtheater: Whats Up*⁸⁷. These pedagogic theatres show an unresolved conflict in an everyday situation in the context of alcohol consumption, nicotine or new media. The actors at *Gehkum, Oida!* are professionals who present a scene, while the adolescents can suggest solutions and intervene in the acting to try out different ways of conflict resolution. The main topics discussed are peer group pressure, identity development, and finding a balance between one's social and individual self. In the *Whats Up* project, juveniles act themselves.

Upper Austria offers a special project entitled *Peer education*. In this project, pupils receive introductory information on the prevention of addictions and then pass on this information to their colleagues all over the school, i.e. during the lessons, at special action days or in any other situation. Furthermore, Upper Austria strongly emphasises the education of teachers, other pedagogues and parents.⁸⁸

⁸⁴ See http://olga.pixelpoint.at/media/PPM_3DAK_suchtvorbeugung/~M1/785.3dak.pdf (03.02.2014)

⁸⁵ See http://olga.pixelpoint.at/media/PPM_3DAK_suchtvorbeugung/~M1/784.3dak.pdf (03.02.2014)

⁸⁶ See http://www.suchtvorbeugung.at/suchtvorbeugung/pages_projekte/content.php?kat=5&id=1082 (04.02.2014)

⁸⁷ See http://www.suchtvorbeugung.at/suchtvorbeugung/pages_projekte/content.php?kat=5&id=1117 (04.02.2014)

⁸⁸ <http://www.suchtvorbeugung.net/suchtpreventionsinfo/Schule> (03.02.2014)

Salzburg has several projects on addiction (for instance *3 Wochenohne*/three weeks without), but focusses mostly on alcohol and nicotine. The education of teachers, pedagogues and parents is offered widely.⁸⁹

Styria's most important organization in preventing addictions is *VIVID*, organised by the *FachstelleSuchtprävention*. Addictions to alcohol and nicotine (for instance in the project *Take Control*⁹⁰, which supports youths in quitting smoking) are central to the preventive measures which address pupils, parents, teachers and other pedagogues as well. *VIVID* offers informative evenings (*Elternabend*)⁹¹, discussions, and seminars (*Was geht ab?*)⁹² on the prevention of addictions and which possible reactions are available for parents.

Tirol and Vorarlberg have a similar approach to Styria and Salzburg and offer various training sessions for teachers and other pedagogues and concentrate mainly on alcohol and nicotine.⁹³ Vorarlberg's project *Klartext* also focusses on the misuse of new media.⁹⁴

Vienna, as Austria's capital and by far biggest city, has the broadest offer of prevention projects.⁹⁵ These programmes include *GrenzGang*, an outdoor-programme for school classes⁹⁶, *MOVE*, a short intervention against hazardous consumption patterns, *Forumtheater: MitMaß und Ziel – Eskotzt mich an*,⁹⁷ short films produced by juveniles concerning addictions⁹⁸ and finally also small brochures called "pocket information" for juveniles about alcohol⁹⁹ and cannabis.¹⁰⁰

2.1.2. Prevention of violence

Violence, as defined in projects concerned with its prevention, is not only confined to its physical realisation, but also includes sexual or psychological (relational) violence. Gender and

⁸⁹ Ibid.

⁹⁰ See <http://www.vivid.at/angebot/paedagoginnen/hs-und-nms/take-control-der-weniger-rauchen-kurs/> (04.02.2014)

⁹¹ See <http://www.vivid.at/angebot/paedagoginnen/hs-und-nms/elternabend/> (04.02.2014)

⁹² See <http://www.vivid.at/angebot/paedagoginnen/hs-und-nms/was-geht-ab/> (04.02.2014)

⁹³ See <http://www.suchtvorbeugung.net/suchtpreventionsinfo/Schule> (04.02.2014)

⁹⁴ See http://www.suchtvorbeugung.net/wiki/images/6/6a/Folder_klartext.pdf (04.02.2014)

⁹⁵ See Projektkatalog - Schulische Prävention in Wien,

http://drogenhilfe.at/downloads/Projektkatalog_schulische_Suchtpr%C3%A4vention_lowres1.pdf (04.02.2014)

⁹⁶ See http://drogenhilfe.at/downloads/Folder_GrenzGang_2013_low_res_fin.pdf (04.02.2014)

⁹⁷ See <http://drogenhilfe.at/ueber-uns/suchtprevention/arbeitsbereiche/projekte-zur-suchtprevention-in-der-schule/> (04.02.2014)

⁹⁸ Ibid.

⁹⁹ See <http://drogenhilfe.at/downloads/Download-PDF.pdf> (04.02.2014)

¹⁰⁰ See http://drogenhilfe.at/downloads/pocket-info_Cannabis.pdf (04.02.2014)

the cultural background of the affected youths are important aspects in projects dealing with the prevention of violence. Prevention and proactive measures take place in, as well as outside of schools, with a focus on activities in the leisure time.

Gender-sensitive prevention is the foundation of various projects, aiming at helping both girls and boys with their specific problems and within each gender-homogenous group. Victimisation, violent behaviour and alternatives are discussed in each group with special regard to the particular problems girls and boys have to face. For instance, the sexualisation of violence is addressed with girls, while boys deal with such topics as a refusal to participate in violent acts in spite of peer pressure.¹⁰¹ In one project, the performance theatre *man(n) wird mensch* (man becomes human) was performed in 2007 in three different youth centres and is performed since then in different provinces in Austria several times. The play shows two men talking lively about particularly male topics (cars, football, computers, women, work, alcohol TV etc.) and includes quotes from male magazines, while they are partly naked. As the play develops, the focus increasingly shifts towards suppressed personal problems and emotional pain and finally ends in silence and sadness. After the show, discussions with the viewers (boys as well as girls) about the depicted feelings, the conventions of “manly” behaviour and whether and how it could be changed are held.¹⁰²

In the field of preventive programmes that consider the juveniles’ cultural background, there is a project called *Lebenswelten – Kulturauflauf* (“living worlds – cultural mash”) which is conducted by *Culture Factor Y – Autonomer Jugend- und Kulturverein*. In this intercultural project, juveniles from different cultural and social backgrounds develop strategies for the prevention of violence by themselves with support from social and youth workers. The aim is that the juveniles become emotionally involved in their work on active or passive experiences of violence and reflect on them in group sessions and together with professionals. The project has its origins in Vorarlberg, where it was supported by local governments, the youth welfare administration and the province Vorarlberg. Today the project is not only used in Vorarlberg, but all over Austria.¹⁰³

¹⁰¹ Bierigner/Tanzberger/Schroffenegger/Liebentritt/Kröpfl/Spinning: „Nicht Passt“ – Fachreader zur geschlechtsbezogenen Pädagogik und Gewaltprävention (2008), page 29-38.

¹⁰² Ibid. page 39-42.

¹⁰³ Tanzberger et al: „Ich pass!“ Fachreader zu Transkulturalität und Jugendarbeit (2010), page 89-92.

The project *Aggression-training and conflict resolution for juveniles* involves juveniles aged 12-22, prison inmates in this age group, multipliers in youth work and teachers. The course includes methods such as group work and single sessions, the development of communicative skills, musical therapy, ritual pedagogics, and Original Play (game theory after Fred Donaldson) and Silek (martial art from Sumatra). There are at least three sessions which take two to six hours each; long term interventions can take up to six months. The main aim is to find out about one's own and other person's borders and respect them. In its current form, the project has been in use for two years, with 8 years of development.¹⁰⁴

Peer mediation is used in secondary school (AHS, see chapter I.C.1.) and has been in use since 15 years. Pupils from 9th to 12th grade are trained as mediators for conflict resolution for pupils from 5th grade to 8th grade. Thereby, the pupils feel like they do not only cause problems, but can also contribute to their solution. The juveniles who are educated as mediators take part in a seminar with two days duration. Teachers also take part in this seminar and have the obligation to support the mediators in the following time. After the first seminar there is an additional seminar held annually. Additionally, brief training sessions on gender-sensitive conflict resolution, intercultural mediation, *Forumtheater* as well as constant supervision are offered.¹⁰⁵

Theaterfür alle (theatre for everyone) offers prevention sessions available as a half day project or as a long-term version for an entire school year with 90 minutes courses each week. Target groups are all kinds of pupils starting from 1st grade up to 13th grade in primary school (*Volksschule*), secondary school (AHS, *Hauptschule*), and vocational high school (BHS) (see chapter I.C.1.). The main aim is to convey the legal, physical and psychological consequences of violence. The juveniles are to become more sensitive towards violence and receive training in non-violent conflict resolution. The children themselves are actors in the theatre, which applies a method known as "theatre of the suppressed" for the younger children and the form of a *Forumtheater* for the older juveniles.¹⁰⁶ Another project in the form of a *Forumtheater* is *Sofie's Geheimnis* (Sofie's secret). The play shows a girl (Sofie) who is mobbed and harassed by her clique because she borrowed money and cannot pay it back. The juveniles are asked to find a solution for the situation and intervene in the play.¹⁰⁷

¹⁰⁴Wien Xtra [editor]: Tagungsdokumentation Jugend und Gewalt (2009), page 49.

¹⁰⁵ See <http://www.peermediation.at/index.php?page=0&kat=Peermediation> (04.02.2014)

¹⁰⁶Wien Xtra [editor]: Tagungsdokumentation Jugend und Gewalt (2009), page 51.

¹⁰⁷ See Fachstelle für Gewaltprävention: Angebote zur Gewaltprävention in Niederösterreich (2011), page 36; see also: www.sog-theater.com (04.02.2014)

The project *JUMMIG*¹⁰⁸ is funded by the Daphne Programme and has been in progress between 2011 and 2013 in Vienna. During the project, juveniles aged 15 to 21 received well-founded training as multipliers who shall carry on this knowledge within their social environment.

In die Gosch'n: Gewaltmotivation und Gewaltdarstellung (In-your-face: motivations and demonstration of violence) aims at teachers and is a seminar that takes one or two days (eight or 16 units). It conveys general knowledge about historic patterns of violence and its continuity until today (honour, rites of violence, violence as a form of communication etc.), violent (youth) cultures (Hooligans, right wing ideology), and the demonstration of violence in the media. The practical segment involves methods that can be applied in schools to build trust and understanding.¹⁰⁹ Furthermore, detailed information on how to deal with violence and media is available for teachers and provided in teaching materials. *Erstdenken, dannklicken – Medien und Gewalt, Herausforderung für die Schule* – (Think first, then click – media and violence, a challenge in school) is a collection of information and methodological as well as pedagogic guidelines offered by the ministry of education, arts and culture. These materials give a broad introduction to the issue, including gender-specific aspects, legal background and concrete guidance on how to react in certain situations. It also provides exercises for the pupils in class. Another Handbook, called *Sex und Gewalt in digitalen Medien – Prävention, Hilfe & Beratung* (Sex and violence in digital media – prevention, help & information), which was funded by the Daphne III Programme, gives detailed information on the different kinds of violence in connection with digital media, taking victimisation in consideration as well. The handling of these topics in school and further information on specialised advisory organisations as well as exercises for the class are also part of the handbook.

The project *KonfliktesindzumLösen da* (conflicts are there to be solved) is a programme employing mediative pedagogy for a constructive conflict resolution and prevention of violence. The target group are pupils of any kind of school type. It intends to make juveniles aware of their own ability to solve conflicts and familiarise them with the required inner and outer resources. The feelings involved in this process, communication, bargaining etc. are developed in a playful way.¹¹⁰ Similar to this, there are also the projects *Coolness-Training* for

¹⁰⁸ http://jumigg.mk-n.org/index.php?option=com_content&view=article&id=86:sdfasfasf&catid=81:mk-n-wien&Itemid=140 (04.02.2014)

¹⁰⁹ Wien Xtra [editor]: Tagungsdokumentation Jugend und Gewalt (2009), page 52.

¹¹⁰ Ibid, page 53. See also: www.schulmediation.at (04.02.2014)

primary prevention and *Streitschlichter* (dispute settler) for primary and secondary prevention,¹¹¹ which are based on workshops, group works and speeches, confrontational and provocative as well as adventure-oriented pedagogics.¹¹² In Lower Austria there are also offers for school mediation, each with different workshops for teachers, parents and pupils.¹¹³

2.2. Financing of crime prevention measures

An analysis of the projects mentioned above has shown that there are different sources of financing for crime prevention programmes. Generally speaking, most projects do not have just one source of funding, but are supported through a very broad cooperation of governmental organisations, NGOs, and in part also receive funding from the EU or even through sponsoring from private enterprises.

The ministry of the interior has a budget for crime prevention and has more than 800 prevention officers who received special training. The ministry itself, in cooperation with other organisations as described in chapter II.2., conducts several nation-wide projects for the prevention of juvenile delinquency. Furthermore, the ministry of the interior supports several regional projects. Apart from juvenile delinquency, the ministry of the interior conducts and supports several crime prevention projects, which target mostly on the avoidance of victimisation regarding property crime, sexual offences, addictions and violence.¹¹⁴ The exact level of costs is not publicly available.

The ministry of education, art and culture financially supports crime prevention projects which are conducted in schools, for instance *Friends: Kinder-, Jugend und Familienzentrum*. The ministry also provides training and teaching material for the use in schools, e.g. on media and violence (see chapter II.2.2.2.)

The ministry of economy, family and youth supports some projects which do not target the prevention of crime directly, but focus more on establishing and maintaining appropriate conditions for a healthy and normal development of children and juveniles, i.e. *Friends:*

¹¹¹ Primary prevention is directed to persons who have neither developed any delinquent behaviour, nor are part of a group at risk. Secondary prevention is directed to persons who are for some reason at risk. Tertiary prevention is directed to persons who were already delinquent.

¹¹² See Fachstelle für Gewaltprävention: Angebote zur Gewaltprävention in Niederösterreich (2011), page 26; see also www.outdoor4you.at (04.02.2014)

¹¹³ Ibid, See also: www.vermittlungsexperten.at (05.02.2014)

¹¹⁴ BKA: Kriminalprävention Jahresbericht 2012; see also: http://www.bmi.gv.at/cms/bk/praevention_neu/ (06.02.2014)

Kinder-, Jugend und Familienzentrum. The ministry also co-financed, for example, the teaching materials on media and violence.

Furthermore the city governments and the provincial governments, especially the departments which are responsible for family and youth, also co-finance several projects. Some cities, for instance Vienna, have created their own departments for the prevention of drug abuse (*Sucht- und Drogenkoordination Wien*). Partly, the departments which are responsible for integration as well as those responsible for gender-related questions are (also financially) involved in projects. Mentionable examples are *GemeinsamSchlauImGemeindebau* (City of Vienna), *LernhilfeKirango* (Integration department, Vienna).

EU-funding is provided for several projects, for instance for the project *JUMMIG* and for the training and teaching material used in school.

The majority of projects is conducted (and co-financed) by NGOs, which have all specialised in certain fields, for instance child protection, social work, street work, probation services, migration and integration, addiction and drugs. The amount of NGOs which are active in these fields is far too large to mention them here. Concerning their respective involvement in certain projects, see chapter II.2.2.

The participants themselves sometimes have to pay varying amounts of money which range from a symbolic fee up to higher sums. Especially training sessions for parents and teachers are usually not free.

The use of volunteers is common in several projects, especially those which offer support for juveniles and children at a very early stage, for instance at learning aid.

I. Promising practices in early juvenile crime prevention

1. Gripso-logisch

1.1. Development and administrative aspects of the project

Gripso-logisch (wit-o-logic) is a Viennese early prevention programme for the reduction of violent behaviour among school children aged six to ten in after school care centres. The programme was conducted from 2006 to 2008. The programme's project-phase was accompanied by an evaluation by the university in the form of two master-theses. The project was conducted by the city of Vienna, namely the department of city administration which is responsible for kindergartens (MA10). Three psychologists and pedagogues for children with special needs were the persons responsible for the project.¹¹⁵ Today, after a positive evaluation, the programme is still conducted and financed by the city of Vienna. After the project-phase it was turned into steady practice in after school care centres.¹¹⁶

1.2. The functioning of the project & methods¹¹⁷

The intention was to develop a programme which includes all effective methods of general crime prevention, and that would not be limited to therapeutic interventions. The main aims are the reduction of the likeliness of aggressive behaviour and a strengthening of social integration, self-confidence and social engagement. Additionally, the programme aims at imparting legal basics about criminal law and children's and human rights.

Empathy, the control of impulses and different strategies for conflict resolution are the main pillars this project relies on. The program's protagonists are two hand-puppets, the little witch *Rikki* and her trainee *Toni*, who go to magic school where they are educated in the field of *Gripsologie* (witology), which deals with better ways to interact with others and how to solve conflicts. The children also learn some magic tricks and spells in this programme.

The programme is divided into four modules:

- Module 1: feelings

The first module has the aim of imparting the basic feelings of joy, anger, sadness, despise, surprise and fear. The children are to learn about the different perceptions of

¹¹⁵ Tischer: Evaluation eines Gewaltpräventionstrainings für schulpflichtige Kinder (2008), page 69-70.

¹¹⁶ See <http://www.adulteducation.at/de/bifodok/projekte/3213/> (20.02.2014)

¹¹⁷ Tischer: Evaluation eines Gewaltpräventionstrainings für schulpflichtige Kinder (2008), page 75-78.
Geppert: Gripso-Logisch! Das Wiener Gewalt-Präventionsprogramm für Hortkinder, page 68-73.

these feelings, both by the person experiencing these emotions as well as the person targeted by them. Consequently, the exercises in this module intend to enable the children to show a more empathic behaviour. This first part of the programme takes eight magic workshops, at their beginning the hand puppets are introduced and basic rules of behaviour are agreed on.

- Module 2: control of impulses

The second module includes four magic workshops and wants to show methods which enable the children to control their emotions in a better way and to show them alternative reactions to negative feelings such as anger. Furthermore, the children are taught relaxation techniques and reflexion as well as first steps for problem resolution.

- Module 3: conflict resolution

Within the nine magic workshops of the third part, the children learn constructive strategies to deal with problems, which are worked out with the children and exercised several times. The children get to know different coping-strategies and basic communication techniques for the contexts of inside the family, with friends and among grown-ups.

- Module 4: rights and obligations

In these last four magic workshops, the children are informed about children's and human rights and should thereby recognise what they need to consider in contact with other persons. Informal rules for the functioning of a society are subject to this module as well. Furthermore, the children are confronted with the legal consequences they would have to face in case they were to commit an offence. This information is surrounded by explanations about situations which are typical for children and juveniles, such as peer group pressure and tests of courage.

The methods used are the play with the hand-puppets, role plays, breathing and relaxation exercises, magic tricks to strengthen the children's self-confidence when succeeding, brainstormings on certain topics, communication techniques such as active listening and I-statements and feedback after any kind of exercise. Additionally, the content of the programme is to be present in the children's surroundings in the after school day care centre via songs and posters with rules etc. as well as in everyday life. The repetition of certain exercises is to guarantee sustainability.

After finishing the modules there is a celebration in which all children who participated receive a certificate and are pronounced to be a “little witch” or “sorcerer’s apprentice” and the content of the workshops is reflected once more.

1.3. Evaluation of the project

The project’s success was evaluated from 2007 to 2008 in two master theses by psychology students, Mag. Corinna Geppert and Mag. Nadja Tischer. Both empiric studies work with a test group and a control group, each consisting of six after-school care groups, to see in which way the programme changes the children’s social competence and self-confidence in the school year 2007/2008. The effects were measured with questionnaires the children had to fill in. The involved pedagogues were also asked to fill in a questionnaire with questions concerning emotional and behavioural disorders.

Tischer’s¹¹⁸ evaluation results did not show significant positive changes: Concerning experiencing one’s own impulsivity and egocentric complacency, there were no significant differences or changes noted between the test group and the control group. In both groups the data was in a normal and comparable area. Regarding self-confidence, the children’s questionnaires neither showed any significant differences at the beginning of the project, nor significant changes throughout the programme. The results on social integration and the children’s self-concept showed hardly any changes, only a slow increase, which is still not significant. However, there were significant differences in the different day-care groups, which were related to behavioural disorders of a few children in these groups, who would have needed a therapeutic intervention instead of a general prevention programme according to the pedagogues. The knowledge on legal basics even decreased during the time of the project, which might be explained by the fact that in two of the six day care centres the programme could not be finished and repetitions were not possible; the results of the control group, however, were significantly worse.

Concerning the project’s execution, the pedagogues criticised that the magic tricks and hexes, which are a key component of the modules and are intended to increase the children’s self-confidence, were hardly ever an incentive for the kids. Furthermore, it was not always clear for the pedagogues when and how the magic tricks were to be used.

¹¹⁸ Tischer: Evaluation eines Gewaltpräventionstrainings für schulpflichtige Kinder (2008), page 139-150.

Generally speaking, Tischer did not find evidence that *Gripso-Logisch* could live up to the project designer's expectations to improve the children's self-awareness and self-confidence significantly. These results are, however, only based on a short-term evaluation of the changes. Tischer assumed that the reason for the results deemed to be so insignificant is that she measures the short-term effects of the program. However, such projects usually only show their actual effects after a longer period of time. Additionally, the data concerning social integration and the children's self-concept was in a normal area at the beginning. The project is understood as a general prevention programme, not therapy, hence significant changes were not to be expected in these areas.

Geppert¹¹⁹ criticised that, in spite of the special training the pedagogues received in advance and the provided supervision during the period of implementation, the structural circumstances (lack of personnel, inadequate premises) were not optimal. In practice, this meant that in one of the groups the programme could not be fully executed, but only the first two modules were completed.

Generally speaking, the effects measured in the test group were very little. Aggressive behaviour and aggressive tendencies decreased in school, leisure time and at home. The pedagogues reported on the same effects in the after-school care centre as well as on a decrease of verbal aggression. It also turned out that the success rate was higher if there was no control group in the same care centre. Concerning emotional competence and peaceful conflict resolution, which go hand in hand with a decrease of aggression, an improvement was attested. The pedagogues assumed that this might be caused by the acceptance of the hand-puppets by the children, which were used to discuss conflicts and problems and resolutions.

Improved social engagement by helping others, an increase in cooperation and greater respect for others were statistically proven by the evaluation as well as the pedagogues' assessment. Further improvements connected with this project were a lower level of fear and depression in the test group, which was not witnessed in the control group. One after-school care centre generally showed very low improvement: This was the same group Tischer also described as problematic because the children rather needed therapeutic intervention.

¹¹⁹ Geppert: *Gripso-Logisch! Das Wiener Gewalt-Präventionsprogramm für Hortkinder – Eine Evaluation der Auswirkungen auf die soziale Kompetenz* (2008), page 141-148.

Regarding the knowledge of legal basics, Geppert came to the same results as Tischer: a decrease of the knowledge for both test group and control group.

So in general, Geppert's evaluation shows positive effects on social competence caused by the programme "Gripso-Logisch", although the structural circumstances (lack of personnel, inadequate premises) partly hindered a better implementation of the project, as regular repetitions of the exercises and a weekly application of the programme could not be realized in all instances.

2. Friedenswochen auf der Friedensburg Schlaining

2.1. Development and administrative aspects of the project¹²⁰

The name of this programme can be translated to "Peace Weeks on the Peace-Castle Schlaining". The project deals with the prevention of violence among children and juveniles and has since 2007 been conducted annually in the province Burgenland. Between September 2007 and June 2012, around 4500 pupils participated in the Peace Weeks.

The programme is organised by the *Österreichisches Studienzentrum für Frieden und Konfliktlösung*, ÖSFK (Austrian Research Centre for Peace and Conflict Resolution), short: *Friedenszentrum* (Peace Institute), which has the aim of contributing to the enhancement of peace and peaceful conflict resolution all over the world. Furthermore, the ministry of education, arts and culture and the provincial government of Burgenland support the project by funding and recommending it.

The workers involved in the trainings are certified mediators, outdoor-pedagogues and forest-pedagogues. The costs for participating in the project are € 95.- for the whole week, including lunches, € 19.- for single days and € 200.- for the whole week including accommodation.

It takes place every year in the small village Stadtschlaining, where the infrastructure, the library, accommodation for the participants and the peace museum are located in the castle Schlaining. The project's target group are school classes from 3rd to 13th grade, with each of

¹²⁰ See ÖSFK: Friedenswochen auf der Friedensburg Schlaining; see also: www.friedenswoche.at

these age groups being subject to a different schedule and methods. For this report, only the programme aimed at younger children in 3rd and 4th grade will be considered.

In 2009 the project won the UNESCO's award as Austria's UNESCO-project of the decade for sustainability.

2.2. The functioning of the project & methods¹²¹

The project aims at preventing violence by showing the children and young adults an interactive, reflected and age-adequate approach towards their own feelings, the people they are surrounded with, to nature and the topics of conflict and peace. In general, the programme is designed for the duration of a week or several days, but can be reduced to participation for a shorter period, too. If requested, the programme's content can focus on certain topics, i.e. gender, mobbing, etc. During the project days, the school class as a whole takes part and is not mixed with other classes.

In the programme for 3rd and 4th grade, the pupils should find a playful access to their own feelings and the topics of conflict and peace through the course of several modules, which can be adapted according to the group's wishes and needs:

In the first module, called "conflict", basics about positive communication are imparted; the pupils should understand that a society has rules that have to be considered to maintain its function ability. On an individual level the "inner conflict" and feelings like sadness, frustration, anger and violent thoughts are discussed. Regarding the class climate, the programme begins with an evaluation of the current situation, including negative as well as positive aspects. Finally, the group works on solutions for an improvement of the class climate together.

The second module is called "team". It is an outdoor-programme which aims at building bridges, in an actual way as well as in the figurative sense. The outdoor-activities are rich in phantasy, entertaining, interactive and cooperative and try to implement the motto "together we are stronger" to strengthen the classes' social cohesion. Finding one's own borders and

¹²¹ See ÖSFK: Friedenswochen auf der Friedensburg Schlaining; see also ÖSFK: Modellprogramm Friedenswoche für Volksschulen, 3. und 4. Schulstufe.

overcoming one's limitations are enhanced as well. Although the activities seem like games, there is a pedagogic concept in the background which is completed by reflective activities within the group after finishing each exercise to deepen the effects and make them sustainable.

The third module of the programme for children in 3rd and 4th grade is called "arts". Art as a form of communication via music, pictures and texts is subject to discussions and actual exercises. The children should express their wishes, dreams and phantasies in paintings, modelling, through music or in plays. For instance, the pupils paint peace pictures, symbols of peace and power, make prints in plaster with their hands etc. These actions are accompanied by reflections. The children are thereby to be enabled to see themselves as an individual person in the community of their school class and to respect their class mates.

The fourth module of the Peace Week is called "peace castle": The children are out in the woods as "forest detectives" and go on an adventure in the castle's moat. This programme is supported by forest-pedagogues, who introduce the children to the environment. Outdoor-activities in the woods are also part of the programme, in order to show that even nature can have both a stable and peaceful condition or can be instable and precarious and thereby in some kind of conflict.

Finally, the last module includes a tour of the peace museum where the natures of conflict and peace as well as different levels of conflict, war and peace are elaborated further. Certain topics, for instance human rights, children's rights and their meaning in everyday's life are discussed in the museum.

In order to enhance the sustainability of the programme, the class takes the peace-picture they produced together back to school, as it should remind them of the Peace Week, particularly the positive feelings they experienced there and the team-building they completed. The improved and more harmonious atmosphere in class created through the programme is to be prolonged and maintained thereby. Additional, the "we-feeling" learned by the different exercises should have a long-term effect.

The teachers receive training during the Peace Week as well. While the pupils are in their sessions, the teachers participate in systematic competence-training sessions, where they are

taught the background information to the pupil's training and, if requested, are given guidelines on how to deal with particular problems that might occur in the class and receive materials on methods which can be used during the school year.

2.3. Evaluation of FriedensburgSchlaining

Every Peace Week or Peace Day is evaluated individually by the participating pupils and teachers. Therefore, there are different questionnaires which are adapted to the children's age. Content, methods, the presentation of the modules as well as aspect or organization are surveyed as well as personal feedback. The questionnaires are then reviewed and discussed by the trainers, to improve the programme.¹²²

Currently the institute of psychology at the University of Klagenfurt evaluates the outcomes of the project. The interim report is not published and the final report is not yet ready, so there are no results available at the moment.

2.4. Interview with Mag. Ursula Gamauf-Eberhard

Mag. Ursula Gamauf studied philosophy and today works as journalist. She earned a second MA in Peace and Conflict Studies, which form the foundation of her current work. Additionally she has participated in many different trainingcourses - e.g. on mediation. Since 2007, she has been the project leader of the "Peace Weeks".

Question: Please describe your team at the „Peace Weeks“.

Mag. Ursula Gamauf: Our staff is small in numbers: currently we have one part-time secretary responsible for the organisational side of the project, and an academic, also working part-time, dealing with the content, methodology etc. But we do get much input from our external experts (pedagogues, mediators, etc.), with whom we collaborate on a regular basis in a specific working group.

Question: How many children participate in the Peace Weeks on average? Do you have classes all the time or several at the same time?

Mag. Ursula Gamauf: There are kind of "seasons" for this project: September - November and April - June. In these 6 months it often happens that two or more classes are here at the same

¹²² See <http://www.friedenswoche.at/schuelerinnen-programmem/evaluierung/> (11.02.2014)

time. All in all we do have 900-1.000 pupils participating in the Peace Weeks per school year; and the number is growing constantly.

Question: How long do the classes usually stay in Schlaining? Do they also use accommodation or do they return home every day?

Mag. Ursula Gamauf: Most of the groups stay for 3 workshop-days (incl. two overnight-stays). Some stay longer, hardly anyone shorter.

Question: What is the motivation of each class to participate? Do they come more because they want to get to know each other, team-building or do they have certain problems?

Mag. Ursula Gamauf: That differs from group to group. In autumn, many of the groups come to have a positive start to the new school year - that is quite obvious; they focus mostly on teambuilding and on how to deal with conflicts in the classroom. For the rest of the year, the aim for participation is a mixture of training in conflict competence, communication, problem-solving and team-building.

Question: Which problems do the classes usually have? Have there been any changes since the beginning of the project?

Mag. Ursula Gamauf: There are no "typical problems" - this really differs from class to class. What has changed is the content they book: in the first phase of the project the module on violence in everyday life was quite often booked; also the one on violence in the media. Interesting enough, this has stopped completely. Nowadays, focus is given to courses in conflict competence, communication, problem-solving and team-building.

The source for a lot of issues in school is that teachers hardly have the time to discuss things outside of their field; for example, such interpersonal topics as conflicts, the reasons for them, whether they are positive or negative and how they can be resolved peacefully. Also, the prevention of violence hardly ever finds its way into the curricula. But of course classes do have conflicts and sometimes do use violence to deal with them. Teachers are often overburdened by having to support the kids in learning how to solve conflicts without using violence.

Thus if you really want to have a sustainable effect it is not enough to bring the children to "Peace Weeks"; you would have to include a specific training on these issues in the education of teachers. That would really make a change!

Question: The peace week's homepage says that the program can be flexibly adapted to the classes' needs. Can you please describe how that works and give me examples?

Mag. Ursula Gamauf: In a specifically designed questionnaire we ask for particular details (special needs; special Problems; other specificities) about the group before we plan the programme. We then seek to address the challenges which this specific class faces throughout the programme. E.g. when we have a class with a high percentage of migrants, then we would put specific focus on diversity, communication, how do I see myself- how do others see me, etc. - this is content-wise. Of course, we choose methodology and content that is age adequate.

Question: How often are the “brush-up days“ used?

Mag. Ursula Gamauf: Not so often, unfortunately. It is basically a financial issue. But since we offer training for teachers parallel to the peace weeks we get the feedback that teacher feel more comfortable to really integrate methods and tools they've learned in Schlaining into their lessons which makes the Peace Weeks more sustainable of course.

Question: Concerning sustainability of preventive effects, it is remarkable that the Peace Weeks typically have the duration of only one week. Research showed that the longer a program is applied, ideally for several months, the greater the impact and preventive function is. The Peace Weeks Schlaining received a Sustainability Award from UNESCO Austria – of course for a good reason. Could you describe how sustainability is secured although the period of intervention is very short?

Mag. Ursula Gamauf: Sustainability is indeed a constant challenge for all of us - organisers, trainers, teachers, and last but not least pupils. It can only become reality when all of these cooperate/collaborate. So how do we "ensure" sustainability? We design the programme individually for each group, addressing their special needs. Classes receive a package from us containing material on the topics addressed, as well as all papers produced/used during the workshops (content; methods; etc.). They also produce their own peace sign in the framework of the workshops which they afterwards take back with them to their school. We teach pupils and teacher various methods they can easily use either regularly in classroom to prevent violence, or also specifically in case of a concrete conflict.

In the end, it is up to each group and their teachers to use all this and thus make the progress sustainable. If they wish, we offer "brush-up days", either here or directly in class. We also offer two to three days-teacher trainings. What would really make all these efforts sustainable would be a change in the whole education system, including themes like peace education, conflict prevention, violence prevention, etc. into all curricula.

Question: Please give your personal opinion on the effects on children and juveniles by prevention programmes which are included in everyday life (school etc.) on the one hand and those which are incorporated in some kind of special experience (so e.g. the Peace Week).

Mag. Ursula Gamauf: The advantage of out-of-school-activities like the Peace Weeks are that much can be achieved in a short time, because the pupils are away from their everyday-routine which often makes a big change. The advantage of in-school-activities is that you can practice things on a regular basis, which is the key for sustainable changes. All in all, I am convinced that the best effects can be achieved by combining both.

Question: Concerning internal evaluation, the Peace Week’s homepage says that pupils and teachers evaluate the week based on a questionnaire to enable you to introduce improvements to the project. What exactly do you ask? Did the answers result in any changes so far?

Mag. Ursula Gamauf: We ask pupils and teachers for their feedback on the content, structure and methods of the workshops and the performance of our trainers. Also, we ask them if they have learned something about themselves, their colleagues and about their perception of such

issues as conflict, peace, etc. Each feedback somehow influences the Peace Weeks. We do take all this very seriously as it helps us to better address the needs of the next participants.

Question: How do you organise external evaluation by an empiric research?

Mag. Ursula Gamauf: Currently Dr.Fenzl and Dr.Mayring from the institute of psychology at the University of Klagenfurt evaluate the outcomes of the project. The interim report is not published and the final report is not yet ready, so there are no results available at the moment.

Question: Is there anything else you would like to mention?

Mag. Ursula Gamauf: As I have outline above, I believe that there is a value in both, in- and out-of-school activities; plus we clearly advocate including these topics in the education of teachers.

3. EigenständigWerden¹²³

3.1. Development and administrative aspects of the project

The project was developed in Germany from 1998 to 1999 and was used as a model project in several German primary schools. In 2000, the project was first applied in Austria and cooperation with the German affiliate was agreed on. In 2003, the programme and the teaching materials were adapted for Austria and its graphics optimised. The working materials have continuously been improved since then, so in 2009 a handbook with additional songs and games was developed. In 2010 the *Bewegungsbuch*, a handbook for sports and games was developed and introduced to the project. At the moment, an extension module called *Raufen-Kämpfen-Richtigstreiten*(fighting the right way) for the prevention of violence is in development.

Today, the project is applied in all provinces of Austria, with a total of 1360 schools taking part all over Austria.¹²⁴

The project management is conducted by the *EigenständigWerden-Privatstiftung* (private foundation) by Dr. Peter Egger. The regional partners in each province are the institutions (special unit) for the prevention of addictions. Regarding contact data and other administrative aspects, please see the good practice fiche in the annex of this report.

¹²³ See <http://cms.eigenstaendig.net/> (07.02.2014)

¹²⁴ Burgenland: 54; Carinthia: 101; Lower Austria: 144; Upper Austria: 362; Salzburg: 124; Styria: 161; Tirol: 182; Vorarlberg: 97; Vienna: 137.

The project is financed by the *FondsGesundesÖsterreich*, the *EigenständigWerdenPrivatstiftung*, Rotary Austria – District 1910, the ministry of education, arts and culture which carries the personnel costs for the project management in each province, and the project partners. The latter have to carry the personnel costs for the implementation of the project in the province.

3.2. The functioning of the project & methods

The project *EigenständigWerden* (becoming independent), is a programme for the enhancement of health and the prevention of violence and addiction, which is conducted from 1st up to 4th grade. The methods used are based on the idea of gaining life-competence. Addictive behaviour and other behavioural disorders are to be prevented by early actions.

The programme is based on the concept of life-skills, which was formulated by the World Health Organisation. These skills are self-awareness and sensitivity towards others, coping strategies for stress and negative emotions, communication and self-assertion, creativity, critical thinking and the ability to solve problems. Additionally, the participating children are given information about health issues. These skills are, to a varying extent, applied in one of the three modules the project consists of:

- Me: get to know yourself, be self-confident and take responsibility for yourself
- Me and the others: communication, relationships, group
- Me and my environment: recognise, act, look ahead

The methods used are teaching models, communication rules in class, moderation techniques, talk circles, role plays, work in small groups, puppet play and theatre, games, songs and relaxing techniques. The project has three elements:

In the first phase teachers and pedagogues take part in training courses which take three days with two additional half-day reflective meetings. If possible, at least two teachers of each school should take part. The participation of the teachers is only planned for one year, while the implementation in school should take longer, ideally all four years of primary school. The other teachers in the school should also be informed in a pedagogic conference about the project by the teachers who took part in the training.

he abilities learned in these sessions should then be put into action in school during the lessons. Therefore, the teachers receive working materials, which should be used in ten to twelve lessons a year, which have to be evaluated in a questionnaire. The programme is structured so that the first part, which is applied in 1st and 2nd grade, forms the basis for the second segment, which is designed for 3rd and 4th grade. The material in both parts is designed specifically for the particular age group.

Finally, as an accompanying measure to the children's programme and thereby third element, the parents are also subject to a seminar about the prevention of addictions in the family. For the cooperation with the parents there are also guidelines for the teachers on how to arrange parent-teacher conferences.

As an example, one of the lessons on how to solve problems will be described briefly in the following.

In 1st and 2nd grade, the lesson is called "What shall I do?" The aim of the lesson is that the children shall be enabled to identify and name a specific problem. They are to learn that, if they do not know what to do in a given situation, the first step is to think about the problem and then find solutions for it. In these sessions, the children are asked to find as many solutions as possible without the teacher's help or evaluations. As props, a hand-puppet named "Cătja" and picture cards ("Stop!", "Think about it", "Find a solution") are used. Additionally, there is a homework sheet, on which the children have to colour a picture. In the lesson, the children are first confronted with a problem the hand-puppet Cătja has and which she cannot solve. The choice of the topic is up to the teacher, but should relate to an issue the children can identify with (for instance, a smashed window, a bad mark at school etc.). Based on the three steps for problem-resolution and supported by easily memorable rhymes, the children are asked to find a way out of the problem and to finally decide on one of the possible solutions. Methods on how to remain calm in a stressful situation, which is caused by a specific problem, are also part of the programme. This session can be repeated in class whenever applicable.

In the lesson for 3rd and 4th grade, two further steps are added: after thinking about the problem (What happened? How do I feel? What do I want?), there is a more differentiated process of finding a solution, which includes the consequences of any idea. The 4th and final

step after thinking about solutions is the decision on one certain solution and its implementation. The methods differ slightly from 1st and 2nd grade: The hand-puppet is a facultative part of the lesson; the other elements generally stay the same. For homework, the children have to colour a sheet with the steps for the solution of problems and have to think about a problem they want to solve this way or write a story using the depicted scheme.

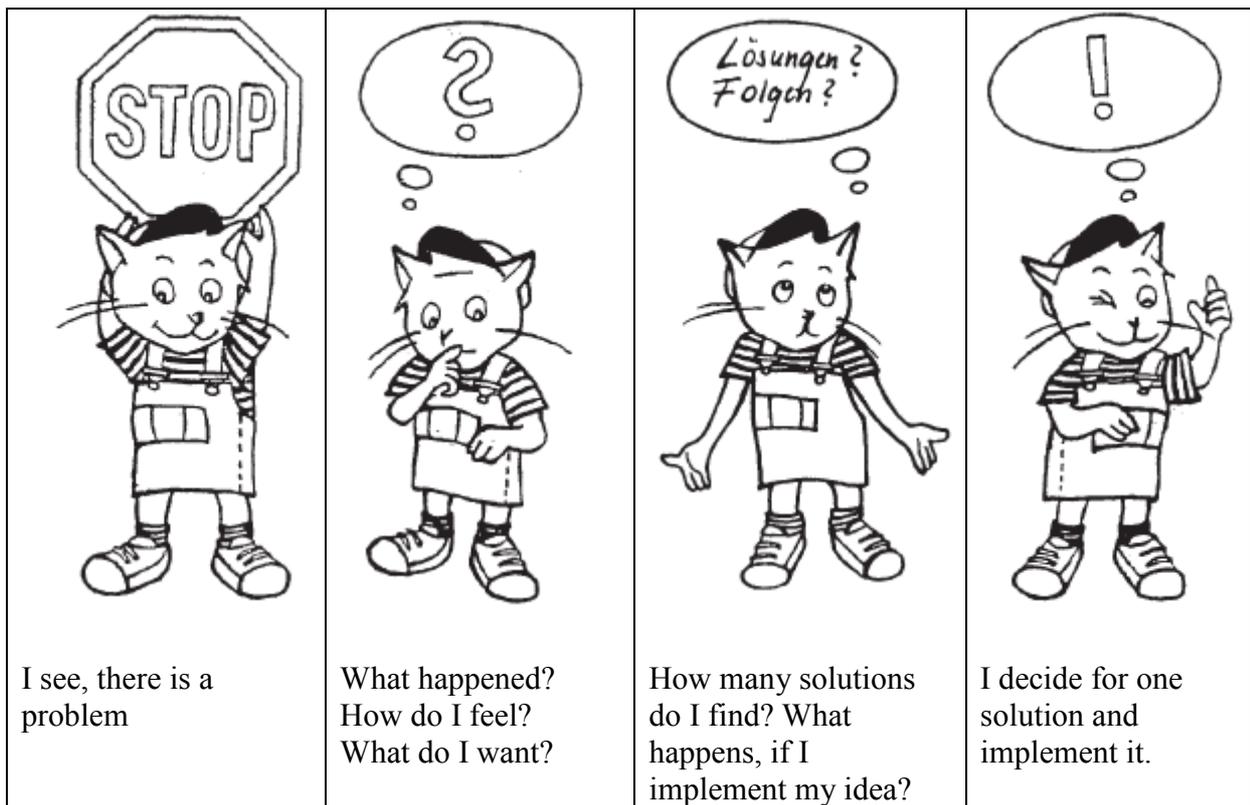


Figure 6: Scheme for problem-solution for 3rd and 4th grade¹²⁵

3.3. Evaluation of the project

3.3.1. Evaluation of the basis project¹²⁶

The project was evaluated in 2007 by the *Institut für Therapie- und Gesundheitsforschung* (institute for research on health and therapy) and the *Eigenständig Werden Privatstiftung*. The evaluation included surveys among pupils from 3rd and 4th grade as well as teachers.

The pupils were divided into an intervention group which took part in the programme and a control group who did not. Both groups were questioned in October 2005 and in June 2006

¹²⁵ Source: Project Eigenständig werden, Teaching materials “Jetzt weiß ich weiter”

See <http://cms.eigenstaendig.net/wp-content/uploads/2010/11/Jetzt-wei%C3%9F-ich-weiter1.pdf> (07.02.2014)

¹²⁶ See http://cms.eigenstaendig.net/?page_id=330 (07.02.2014)

about the classroom climate, social competences, self-assuredness, involvement in physical or psychological violence and habits on smoking and drinking alcohol. Between these two interviews there were at least nine prevention-lessons conducted. The sampling range included 2.149 pupils from 127 school classes, in the second round of interviews the numbers were reduced to 122 classes and 1.915 children.

The different areas of development were distinguished in different categories:

- Classroom climate: children of the intervention group reported less often that the classroom climate was constantly bad. Thus the positive effects of the programme were proven.
- Self-assurance and social competence: The responses to this group of questions were contrary to what had been expected, as the control group reported on an improvement in this area more often. The authors of the evaluation presume that the reason was a greater amount of self-criticism and sensitivity among children who participated in the programme, which they had acquired in the reflection segments.
- Involvement in violence: The reduction of violence was slightly bigger in the intervention group.
- Consumption of substances: In both groups very few pupils had already had their first experiences with alcohol or cigarettes without their parent's knowledge. In the second interviews, the non-smokers of the control group reported slightly more often that they intend to try a cigarette soon or would smoke a cigarette offered by a friend. The differences to the intervention group were not significant because of the generally low number of pupils who expressed these intentions.

The teachers generally expressed that they had been satisfied with the project. The aim, practicability, time spent on the implementation, materials, activities and appropriation for children was in most cases rated as "very good" or "good". Additionally, the teachers reported that the lessons were fun for the children as well as for themselves and were helpful for the other school lessons. Only in very few cases the necessity to improve the project was mentioned.

The authors of the evaluation generally interpreted the results as positive because they showed that the project had improved the classroom climate, reduced violence and was well

accepted among teachers. These results confirmed the findings of evaluations carried out on the projects conducted in Germany and South Tirol. However, the authors admitted that the levels of improvement were very low so far and could not be verified in all areas evaluated. The reason for this might be, according to the authors, the short observation period of only one school year, while the long-term effects and a longer implementation of the project in one class may increase the effects. Furthermore, it is expected that certain resiliencies, especially in regard to substance consumption, become effective only after a longer latency time.

3.3.2. Evaluation of the additional Sports-book (*Bewegungsbuch*)¹²⁷

The *Bewegungsbuch*, which is used additionally to the basic programme of *EigenständigWerdens* since 2010, was evaluated in 2013 by the Institute of Sports Science at University of Salzburg.

The evaluation's aim was to examine the levels of acceptance and effectivity of this additional material. Therefore, four classes with all in all 77 pupils were part of the intervention group, while four other classes with all in all 70 children were part of the control group. The evaluation period lasted from October 2010 to June 2012, while in between each of the three interview sessions, which were conducted once a year, there were six lessons conducted with the *Bewegungsbuch*. The teachers involved were also asked to review the lessons and the pupil's behaviour based on several aspects as well as the teaching material itself.

The teachers rated the didactics and practicability of the *Bewegungsbuch* as very positive and reported on positive feedback from pupils as well. In regard to social competence, the teachers reported clear improvements, which was in accordance with the pupils' reviews.

Concerning self-assurance, there were no significant differences between the intervention group and the control group. In both groups it slightly decreased at the end of the school year, which is a typical phenomenon in school. However, the reduction of self-assurance at the end of the school year was lower in the intervention group, which may be an effect caused by the prevention programme.

¹²⁷ See http://cms.eigenstaendig.net/?page_id=3571 (07.02.2014)

Significant effects were proven regarding social competence: According to the teachers' appraisal, the intervention group profited greatly from the programme, whereas the control group developed neither an increase, nor a decrease of social competence.

On the basis of these results, the authors of the evaluation concluded that the project was moving in the right direction. Nevertheless, the attested positive effects should motivate the programme designers to develop the project further and optimize the used tools. The *Bewegungsbuch* qualified as a well-functioning supportive segment for the project *EigenständigWerden* and its aims. It proved that the idea of extension modules for the project was promising.

3.4. Interview with Mag. Ingrid Rabeder-Fink

Mag. Rabeder-Fink is a sociologist and responsible for the prevention programme *EigenständigWerden* for the province of upper Austria in the *InstitutSuchtprävention Pro Mente*.

Question: What is your position in the programme *EigenständigWerden*?

Mag. Rabeder-Fink: My main tasks are project management, acquiring new schools to take part in the programme, the cooperation with other organisations and authorities as well as the management of the team and the content and development of the *seminars* held and the support of the workers involved. The team at *ProMente* in Upper Austria consists of ten persons; furthermore there are six persons who are in the so-called "trainer-pool", who conduct the trainings for the teachers and are supervised and trained themselves by me. So my responsibility contains all matters of management and further development of the programme and its expansion.

Question: Upper Austria uses the project more intensively than other provinces which have about the same size or number of inhabitants: Upper Austria has 362 schools taking part, while Lower Austria has 144, Styria 161 and Vienna 137 schools taking part. How do you explain these differences and how do you manage to have such a great expansion of the project in your area of responsibility?

Mag. Rabeder-Fink: This has four reasons. First of all I use a top-down process to acquire new schools to take part in the programme. At the beginning I contact the highest authorities responsible, which is the *Bezirksschulamt* (district's school authority) and discuss the framework of the school's participation on the programme. The schools don't have any costs when taking part and the teachers can use the trainings as a regular skill enhancement for their job and add it to their seminar-booklet they have to keep in account, which increases their

interest even more. Secondly, Upper Austria takes part in a programme called *gesundeSchulen* (healthy schools). This project has five main aims; one of these is the prevention of addictions. Thereby the project *EigenständigWerden* has one more advertisement channel. The third reason for a broader use of *EigenständigWerden* in Upper Austria might be the project *Kleiner Muck*¹²⁸ which is conducted by the *Gebietskrankenkasse* (regional health insurance fund). This project focuses on primary schools and there is close cooperation with the programme *EigenständigWerden* and it is recommended by the *Gebietskrankenkasse*. Finally, Pro Mente is well-financed by the province at the moment so that we are able to have ten to twelve seminars a year. So all together good cooperation, searching for an efficient way and direct contact with the persons who have the responsibility to decide, results in a wide distribution of the programme in Upper Austria.

Question: Did you notice any difference of the use of the programme and the problems arising in the city respectively the countryside?

Mag. Rabeder-Fink: Yes, of course. Generally speaking, there are fewer problems in rural areas than in the city. The teachers are usually less exhausted and pupils with problematic socio-economic backgrounds, language problems and/or migration backgrounds are less common than in the city. However, inside the city there are also some differences depending on the district. The different kinds of addictions which are intended to be prevented hardly differ between the countryside and the city: The consumption of any kind of substances (experimental consumption of nicotine or alcohol) is hardly ever problematic. Excessive consumption of media, overweight, nutrition and a lack of physical activities are more often in the centre of interest, which occur, due to differing habits and possibilities, more often problematic in the city.

Question: The programme plans for any school taking part that at least two teachers attend the training and promote it in school and that at least ten to twelve sessions should take place in class with the pupils. Does this system work in practice and are there any activities which exceed this amount?

Mag. Rabeder-Fink: Actually we work a little differently in Upper Austria. A higher amount of training takes place within the school, so the teachers don't have to promote it to their colleagues. As a result most of the teachers take part in the actual training sessions conducted by Pro Mente, including the headmaster. Thereby the motivation of the teachers involved increases. There are also talks with the teachers on a regular basis, to enable the programme's spirit to spread all over the school. Additional schools can become an *EigenständigWerden* certified school if 70-80% of all teachers who work there use the programme. However, the practical use during the lessons is unfortunately decreasing with the time passing by: In 3rd and 4th grade there is usually less time because the pupils are under pressure to be able to join the AHS (secondary school).¹²⁹ The main factor however is the motivation of each individual teacher.

¹²⁸ This name is based on a famous children's book.

¹²⁹ For the definition, please see chapter I.C.1.

Question: Do you, in any way, support the development of the project, especially further training modules?

Mag. Rabeder-Fink: The training modules, such as the additional song book and the *Bewegungsbuch* in the past, are not developed by the province's project partners, but by other organisations. So for instance, the *Bewegungsbuch* was developed by the Institute of Sports Science of the University of Salzburg. For the current, additional module, *Raufen-Kämpfen-Richtigstreiten* (fighting the right way), the Menta-Foundation is working on an additional module. Ideas on changes and for new modules are discussed during the teacher's meeting, which takes place twice a year. The suggestions collected there are then passed on to the responsible decision makers on a nationwide level. These ideas and suggestions already sparked great improvements of the programme in recent years. However, the training of the teachers has been adapted according to the changes of the individual needs and changes of the society since its introduction more than ten years ago. So for instance the problematic consumption of media was included in the programme to a greater extent.

Question: Is there any involvement of school psychologists in the programme in case any further assistance is needed for a child at risk?

Mag. Rabeder-Fink: Yes, in case a problem occurs the school psychologist gets involved and if necessary the child is relegated to other institutions. In general, parents are also included in the programme.

Question: Do you think it is problematic that, through the change of society, the parent's tasks concerning the upbringing of a child are increasingly handed over to the teachers, who are thereby put into a position where there is less time for teaching?

Mag. Rabeder-Fink: I don't think this is a real change of the teacher's profile. The teacher's task is the maintenance of a good class climate, the reduction of stress and fear for the children and the enhancement of solidarity between the classmates as well. The prevention programme has positive effects on these elements as well, as the children are less occupied with dealing with their own stress, but have their energy to concentrate on studying. According to my experience there are, however, changes in the pupils' abilities: media consumption decreased their ability to concentrate, they are less able to control their impulses, often they lack physical activity and social competence caused by broad changes of society (e.g. less siblings, parents spending more time at work and less with their children). The approaches to teaching and schools in general have changed as well. Experimental teaching methods and structures that require more self-discipline than many children have, while not giving them the guidance they need, decreases the children's success in school. So the children's difficulties at school have different reasons than a negligence of teaching because prevention programmes take too much room.

Question: Could you please describe the financial situation of the programme?

Mag. Rabeder-Fink: The level of exact costs is not publicly available. The project is surely worth the money spent: The children's general development is positively enhanced and problems that can occur in that stage of life are usually not yet consolidated and irreversible, so

the programme is more likely to succeed in preventing further problems than a programme at a later stage of the child's personal development.

Question: Does the programme have any financial limitations for the future?

Mag. Rabeder-Fink: Unfortunately the programme is always funded for only one year, so Pro Mente as a non-profit-organisation needs to discuss the financial matters with the provincial government every year. Of course there are discussions about cutting measures every year, especially if the money is needed somewhere else, for instance after the flooding and destruction of a lot of property in 2013.

Question: Do you have any internal evaluation mechanisms?

Mag. Rabeder-Fink: Yes, after every training session with the teachers the participants review the quality of the training session, so that any necessity to change can be implemented in the programme.

4. Learning aid

The "Manual for the Measurement of Juvenile Justice Indicators", published by United Nations Office on Drugs and Crime in 2008, advocates the creation of an environment, which will ensure a „meaningful life in the community“ and which will foster a process of personal development and education that is as free from crime and delinquency as possible.¹³⁰

UNICEF, in a digest on Juvenile Justice, lists a series of general measures to promote social justice and equal opportunity. It emphasizes the perceived root causes of committing criminal offences, such as poverty and other forms of marginalization. UNICEF promotes the theory that primary prevention makes the implementation of "programming and policy development at all levels in spheres ranging from community health to education and family support services" easier. Here in this context, all the members of society are called upon to "contribute to the prevention of juvenile offending"¹³¹

Vienna provides various offers for children from families in difficult socio-economic circumstances, providing learning aid for a symbolic fee or free of charge. Even if these projects do not aim directly at the reduction of criminal behaviour, the practical long-term effects may be the same. It needs to be taken into consideration that the group of disadvantaged

¹³⁰United Nations Office on Drugs and Crime. "Manual for the Measurement of Juvenile Justice Indicators" (United Nations, New York, 2008) - http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf

¹³¹ UNICEF, Juvenile Justice, Innocenti Digest - <http://www.unicef-irc.org/publications/pdf/digest3e.pdf>

children is especially at risk of failing in school¹³²and consequently reproduce the unfavourable living standards they themselves grew up in. Unfortunately, disadvantageous circumstances are often an important criminogenic factor.¹³³ In many cases the difficult socio-economic background is connected with a migration background.¹³⁴ Supporting children from underprivileged backgrounds in succeeding in school might have a preventive effect on children and juveniles by giving them perspectives for a better life. Many learning aids have a strong focus teaching the German language, which makes sense in the context of the Austrian school system, where children who do not have German as a mother tongue are less likely to succeed. Of course, there are some projects which also support the language skills in the children's mother tongue.

As described in chapter I.C.3., Vienna is the only city in Austria that offers learning aids for children and youths at risk free of charge or for a very low (symbolic) fee.

4.1. Friends: Kinder-, Jugend- und Familienzentrum

4.1.1. The functioning of the friends-centre¹³⁵

The Friends: Centre for children, juveniles and families was founded in 2009 and is operated by the organisation *Jugendfreunde Leopoldstadt*. The centre is financed by the organisation *Kinderfreunde Leopoldstadt*, fees from different groups of customers, public funding (City of Vienna, *Wiener Gesundheitsförderung*) and donations. The different events are partly supported and conducted by other organisations. Learning aid is offered for free, child care in the afternoon including food costs € 80.- per month.

The centre is located in the 2nd district of Vienna, which has a high percentage of persons with a different mother tongue than German, so the centre follows an intercultural approach. It aims at teaching children to speak German equally as well as their mother tongue. The programme does not have any limitation to age, but reaches out for any child or juvenile.

The centre offers various activities, such as tutoring (daily on weekdays), child-care in the afternoon, German courses, a space for girls only, a café for parents and children where

¹³² Bruneforth/Lassnigg: Nationaler Bildungsbericht Österreich 2012, Band I, page 22.

¹³³ See Baumann: Kriminelle Jugendliche aus Sicht pädagogischer Fachkräfte (2009), page 39 ff;

¹³⁴ See Walklate: Handbook of Victims and Victimology (2008), page 96, 102.

¹³⁵ See www.friends2.at; see also: Friends Kinder-, Jugend- und Familienzentrum: Programm Frühjahr 2014.

discussions and seminars are held, discussion evenings, advice and training seminars for parents etc. Additional activities are offered for families, children, juveniles and adults, for instance theatre plays, events for parents and children, handicraft workshops according to the season, flea markets etc.

The organisation *Interface*, which specializes on supporting refugees and persons holding subsidiary protection, offers in cooperation with the *Friends-centre* tutoring for school children aged 6 to 11 in the project *Sowiesomehr* (“More anyway”), focussing particularly on German. The project is carried out in cooperation with Vienna’s schools during the school year, with an additional programme during the summer holidays offered which combines German intensive courses and sports and other leisure time activities. The fees for the lessons are € 1.- per lesson.

4.1.2. Interview with Mag. GüntherLeeb

Mag. GüntherLeeb is the chairman of the NGO “Friends”, which was founded in 2009 as a sub-organisation of the *Kinderfreunde Leopoldstadt*. He studied Social Economy and is responsible for the “Friends” centre, including the planning of financing and planning of the programs together with the workers who are located directly in the centre.

Question: How is your centre organised in regard to learning aid?

Mag. GüntherLeeb: Since the organisation was founded, we have offered learning courses, called *sowiesomehr* (more anyway), twice a week. Lately we also introduced midday-care for children who are for some reason not in another after-school care program, but still need such a program for some reason. They receive lunch, are offered help with homework and reasonable occupation for their leisure time. Personally, I work here unsalaried. The centre has a head who is employed; 15 persons work there under freelance contracts or service contracts for the special courses which are held; five to six persons work voluntarily at special events.

Question: How is the financial situation of the centre?

Mag. GüntherLeeb: The main problem is the complicated system of funding: There are different sponsors who fund different groups of migrants, depending on their residential status. So a huge amount of bureaucracy is necessary. For instance, collecting the residential status and citizenship of each child, his/her parents and when the children came and left the centre. This of course requires the parents’ cooperation, which is not always available. The midday-care, which is focussed on children aged 6-10, will need additional funding somewhere in

between € 2000.- and € 3000.- annually. The amount that cannot be funded by the state will be financed by the *KinderfreundeLeopoldstadt* and *Interface*.¹³⁶

Question: How many children visit your centre regularly?

Mag. GüntherLeeb: For midday-care, which is just beginning, we have 10 registrations – we have space for 14 children all in all. For *sowiesomehr*, we only have room for 12 children. After-school care, besides midday-care, is visited by 10-12 children, there are no strict limitations. However, we do have a lack of space and financing. Many families have the problem that the children don't get a place in a regular after-school care centre because the mother is not working. Still there is a need for support in many cases, which then has to be provided by organisations like *Friends*. In general, an all-day school would help – the all-day schools which are currently offered are usually too expensive for those families whose children would need this support.

Question: You ask for € 1.- symbolic fee for certain learning aid courses. Do you think this increases the appreciation the parents and children have towards the offer?

Mag. GüntherLeeb: I don't think that the money itself plays a role in the appreciation of the work. Some families just don't have the money and it's even hard to get this € 1.- For these very poor families we also raise money to enable the children to take part at a school field trip; partly it's even necessary to offer financial help for proper clothes and shoes in winter.

Around 2/3 of all parents appreciate the learning aid anyway, independent of whether there is any money involved. The other 1/3 either thinks they are entitled to have free learning aid anyway or doesn't have a relation to education and thereby can't appreciate the offer. Many parents don't understand why this is not offered by schools.

The children are happy anyway to have the opportunity. Many of them are far away from ever going to an AHS¹³⁷, but they are happy to succeed in the next test, to have fewer difficulties in school, to have a good offer for spending their leisure time after school and for feeling accepted.

Question: Your homepage says that the centre follows an intercultural approach. How do you interpret the term “intercultural”? How do persons with a non-migration background react to that? Does it have an influence on the numbers of “native Austrian” children in the centre?

Mag. GüntherLeeb: There are hardly any “native Austrian” children in the centre. The reason for this may be the focus on learning German – all courses have more or less a German course integrated, so for children who have German as a mother tongue this is not that interesting. The few “native Austrian” children who come to the centre and who have difficulties with studying are used to being in an intercultural environment anyways.

For us, the intercultural approach primarily refers to a peaceful co-existence and the equality of different cultures. The common celebration of certain festivities, for instance Christmas and Ramadan are not included. Unfortunately the term “culture” has become more and more negative in the past and was exploited by right-wing ideology to construct some kind of

¹³⁶an organisation which offer integration aid for refugees and persons with subsidiary protection

¹³⁷Secondary school; definition see chapter I.C.1.

“threat” to “our” culture. Actually, culture must not be seen as a static idea: Culture is a very dynamic definition; each person’s culture can change and is subject to discussions and social changes. And human rights must not be violated based on an understanding of one’s culture.

Question: Is there any rivalry between the different groups of migrant children and juveniles?

Mag. GüntherLeeb: Unfortunately, yes. Provocations, harassments, prejudices, up to verbal, psychological and physical violence are a wide-spread phenomenon among the migrant children and juveniles. We try to react to them with peaceful conflict resolution, discussions on where these aggressions come from and a clear statement, that this is not acceptable in the centre. Usually the prejudices come from the children’s family and school. However, there are also many inter-cultural friendships and solidarity between the children. In many cases the children teach each other their language so that in the end some groups, for instance in a sports team, speak some kind of mixture-language consisting of various elements of several languages.

Question: How does the support for learning the mother tongue as well as German work in practice in your organisation? Why do you follow, different than *Lerntafel*, a multi-lingual approach?

Mag. GüntherLeeb: We have a special course which takes place twice a week during the whole school year. This course is conducted by pedagogy-students who have a special training for teaching languages and are also supported by a pedagogue from the organisation “Interface”.

Many children don’t speak their mother tongue correctly because their own parents don’t speak it properly. Some parents, who immigrated to Austria as adults, are illiterate themselves, some live a quite isolated life and have psychological problems because of that. In families where the parents have a very low level of educational, the language skills even in the mother tongue are poor, so it’s even harder to learn German later on. It’s not necessary in any case to speak the mother tongue perfectly to learn German as a second language, but it helps. In Austria the school system is centred on a good command of the German language – so it is very important to teach the children German to enable them to succeed in school.

Question: Did you notice any improvement since the obligation to go to kindergarten for one year was introduced?

Mag. GüntherLeeb: I think it is too early to give a verdict on that. Generally, I think the expectations are too high: Most children were in kindergarten even before it became an obligation; the number increased by only 5%. Additionally, the main problem is the quality of kindergarten: The pedagogues who work there don’t have the education to teach the children German, especially if the majority of the group has a different mother tongue than German; and the groups are far too big – often there are 25 children in one group. So to really improve the language skills in kindergarten, there would need to be specially trained pedagogues and smaller groups. Very early support, for instance by reading out to the children and by offering them books at a very young age to enable them to learn by visualisation, is often missing and hardly possible under the current circumstances. In the current political climate, I do not see

much chance for any substantial changes. It rather seems that there is an interest in maintaining the current system of elitism.

Question: Do you have any secondary aims with your learning aid, besides helping the children to succeed in school?

Mag. GüntherLeeb: The general approach when founding the centre was to offer early prevention and to help the children develop resiliencies against all kinds of criminal influence or behaviour. The children often come from socio-economically and educationally disadvantaged families. By offering them tutoring and reasonable occupations during their leisure time, the children have a perspective not to reproduce their parent's situation which should also help them in not developing criminal behaviour. For children who already had problems because of criminal behaviour, we also offer accompanying services to authorities (e.g. police, court, youth welfare authority, social services, other advisory services,...) prevent their slipping into further crime.

4.2. Wiener Lerntafel

4.2.1. The functioning of the Wiener Lerntafel¹³⁸

The *Wiener Lerntafel* (Viennese Learning Platform) has been offering free learning aid since 2011. Currently, the project is financed by donations, but is actively searching for a more stable funding and long-term sponsoring. The expenses are round € 200.000.- a year, thereof € 70.000.- for rent and € 90.000.- for personnel costs. The rest of the costs are spent on office supplies, print costs and advertisement.

The *Wiener Lerntafel* provides learning aid to around 300 children at the moment. Since its beginning in 2011, over 850 children received learning aid and more than 17.000 single lessons were provided, until the end of 2013 almost 7000 homework hours were provided on the homework-table. The learning aid is provided by around 180 voluntary workers, who have very different backgrounds: Around 20 % have a pedagogic education; about 50 % are persons who graduated from university, approximately 40 % are persons who are retired. Contacts between tutor and child outside the centre are strictly forbidden to protect the child.

The learning aid is, according to the requirements of the child, provided in single lessons or as supervision while the child is doing homework independently. The language used in the tutoring is always German. There is also a psychologist available who takes care of children who have special learning difficulties. A painting lesson is offered once a week with support from a painting therapist. Furthermore, workshops on the topics of fear of exams and difficulties in reading and mathematics can be visited. The target group are children from economically disadvantaged families between the ages of 6 and 14.

4.2.2. Interview with DDr. Stefan Unterberger

Dr. Stefan Unterberger is *Lerntafel's* chairman and the founder of the organisation. He studied economics with a major in sociology as well as environmental politics and is responsible for management, fundraising, cooperation and communication-matters. He has almost twenty years of experience of working for and with different non-profit organisations. His life-motto is: “Doing your best means to never stop trying.”

¹³⁸ See <http://www.lerntafel.at>

Question: What was your motivation to found the Lerntafel?

Dr. Stefan Unterberger: Personally I had the feeling that I am very advantaged in my life and I had the wish to pass some of my luck on to persons, who are in one way or another disadvantaged. Before I founded the *Lerntafel* in 2010, I concerned myself intensely with poverty, before that also with asylum seekers in the years from 2008-2009. I worked at the *WienerTafel*¹³⁹ for two years and until now I still organise the collection of material goods for homes of asylum seekers.

Socio-economic disadvantages go hand in hand with a drastic reduction in chances to succeed in school and thereby later on in finding a job. Empiric studies show a correlation between a low socio-economic status, criminality and grades in school. So I thought it would help children to have more chances in life, if they received free learning aid.

Question: I read that your centre is planning to expand and is trying to get stable funding. Can you tell me about that?

Dr. Stefan Unterberger: Until 2014 we were financed by annual events to raise funds and also through sponsorship contracts. The events are a little problematic because they bind a lot of resources, which could be better used in the work with the children. We have hardly any federal funding. The ministry for social matters supports us with € 5000.- to € 10 000.- per year. In 2011 the ministry of education expressed that they would offer any help, except financial aid.

There is a great demand on free learning aid. We would first of all like to expand within the city of Vienna and open a second centre, most likely in a district north of the Danube, such as Floridsdorf or Donaustadt¹⁴⁰. A potential office-space would need to be easy to reach for the children, so close to a subway station would be ideal, and it would need to be at least 200 m² in size, ideally even bigger - the current centre has 600 m², but we started with 200 m², too. In the long run we intend to expand to the other provinces of Austria and maybe eventually even open centres in all capitals of the European countries.

Question: How does a typical lesson in your centre work?

Dr. Stefan Unterberger: As an ideal start, the teachers would take part in an introductory workshop. At the moment we have around 180 teachers and we are lucky to additionally have so many applicants that we can choose whom to take. There is also a manual on how to give learning aid. Around 80% of all children are taught individually, the other children in small groups of two to three children. We have 30 separate tuition places and around 20 tables for doing homework.

Question: The *Lerntafel* does not, in contrast to another learning aid centre (*Friends*), have a multilingual approach, but provides learning aid only in German. What were the reasons for this decision?

¹³⁹An organisation, that collects food from supermarkets they would throw away but still are good and distributes it to persons in material need. See: www.wienertafel.at

¹⁴⁰ Both districts are typical working class area with a mixture of many different cultures.

Dr. Stefan Unterberger: German language skills are elementary for the understanding of any subject in school: If a child doesn't speak German well, there is no chance to understand mathematics or science. So we decided to promote German as a first (and thereby mainly used) language for the students. They often don't speak their mother tongue properly, so in fact they would have to learn two languages: German and their mother tongue. This is too much for them. We have to face the fact that children in general are differently gifted and therefore they need different forms of support – otherwise the education system doesn't work and the children won't succeed in school and later as adults trying to find a job.

Furthermore, in Austrian schools we have a very low failure and feedback management culture: Children starting in first grade learn pretty soon to dislike the red pen the teacher usually marks mistakes with. I'm trying to say that children are usually taught very early what they did wrong, rather than what they did right. Verbal assessments for children in the first two grades of elementary school would minimise their fear of failure and increase their joy of learning and success in school: Their courage for asking questions and their self-motivation for learning would certainly rise. This can happen only when teachers regularly encourage students to ask more questions in and outside of classes. Currently, Austrian politicians are mainly focussing on discussing a reformation of schools by reforming the public services law for teachers only; what a poor performance.

Question: Is there any evaluation available for the learning aid?

Dr. Stefan Unterberger: The question of evaluation is very interesting from a scientific point of view, because it's really difficult to measure the learning outcomes. Over the last 50 years of trying to find reliable methods for assessing students, research has repeatedly demonstrated that the reliability of test scores is still negligible. On the one side, we currently evaluate the success of the program every year by taking a look at the improvement of the marks of each child we teach during one year. In around 40-50% the marks stay stable or get better and hardly any child worsens. But on the other side, the success of a learning aid is much more than that: It includes imparting joy and self-motivation to study and the ability and courage to ask questions – the latter ability is poorly promoted in the current school system. The mark a pupil gets in school often doesn't say much about the knowledge of a child: Some children fail at a test because they are afraid of it, even though they know the answers. That's why we also offer workshops on how to overcome exam anxieties, or on presentation techniques including computer-supported presentations.

Question: Do you think the parents appreciate the offer of a free learning aid?

Dr. Stefan Unterberger: Most parents do, some don't because they have either no understanding of the value of education or feel that they are entitled to free learning aid. We try to include the parents actively in the organisation: Four times a year we hold meeting evenings for the parents in our centre and twice a year we have a little festival which is organised as a potluck-dinner. Also, we have started offering German courses for those parents who bring their children to the centre and would usually wait for them finishing their free tuition.

Question: How long do children take tutorings for and how long are the teachers usually willing to stay with the centre?

Dr. Stefan Unterberger: The students usually stay for six to twelve months; some of them stay even longer and are taught in small groups after the first year. Additionally, every student is invited to come each day to do his/her exercise together with a separate instructor. We have a core team of around 180 teachers, of which around 20-30% have been with us since the beginning. The shortest period of teaching is six months.

Question: What do you think are the reasons why a functioning system of free learning-aid is only available in Vienna?

Dr. Stefan Unterberger: I think Vienna needs it the most. Vienna has around 15 000 children from socially disadvantaged families at the age of 6-14 years, who go to schools and need support. Research¹⁴¹ from Germany, carried out in 2013, shows that only 40-50% of all teachers received special training for being able to teach German as a foreign language or how to promote German to students with an emigrational background; probably the quota is around the same in Austria. Teachers are often overstrained by the number of children and the different languages and cultures which are mixed in one class; so the lessons don't function as they should. In the centre we experienced that there is often a lack of basic skills, also concerning social skills, so that we first of all had to teach some of the children how to greet and say "please" and "thank you".

Question: What do you think about the ongoing discussions in Austria on whether parents increasingly transfer aspects of their responsibility of raising children to the schools and other institutions on the one hand, and whether schools are out-sourcing education and teaching from school to the parents and other institutions on the other hand? Who should, in your opinion, take which part in a child's education and upbringing?

Dr. Stefan Unterberger: I think the problem is more complex than that. Children, parents and teachers are increasingly required to deal flexibly with change, but in fact it doesn't really work. There is a triangle of relationships consisting of the child, the parents and the teacher (based on the theory of R. Miller). If the cooperation works in this triangle the education as a whole is likely to succeed. I don't see sharing the responsibility as an out-sourcing of responsibility because neither of the partners of the triangle can be considered in isolation. At the end, the child will always be the product of this socialisation.

Furthermore, we have to consider that today's children, the so-called "generation Z", are different than the generations before. They need more individual handling, they are more interested in why something is as it is, they are more self-confident and most of all they are more used to the new media, which makes them in some way "strange" to older, adult persons. This is a phenomenon you can see all over Europe, where all children have more or less the same social pressure for wearing certain brands, having a certain mobile phone and looking a particular (usually denaturalised?) way. So today it seems to be important to, for instance, regulate the use of mobile phones in schools, which is different than ten years ago because

¹⁴¹ <http://bildungsklick.de/a/90440/lehrer-lernen-zu-wenig-ueber-sprachfoerderung/>

these technical devices today can be used for more than writing text messages and calling somebody.

4.3. Others

GemeinsamschlauimGemeindebau (Be smart together in communal housing)¹⁴² is a project by the organisation *Wohnpartner*, which is a service department of the city of Vienna. This is a project that offers learning aid for the charge of € 1.- for every lesson in the so-called *Gemeindebau*¹⁴³, so the learning aid is provided directly in their living area. The teachers are specially trained teachers from *Volkshochschule* and teach German, Mathematics and English. The study groups have a size of seven children maximum. The target group are young people between the ages of 8 and 15.

Kirango-Lernhilfe (Kirango learning aid)¹⁴⁴ offers learning aid for children aged 6 to 14 and focusses mostly on enhancing the ability and joy to read. The offers are free of charge. In any of the libraries which take part (39 total in Vienna), children can visit in the afternoon to get help with their homework and spend their leisure time there while reading, listening to music etc. There are also reading events in these libraries. The stories presented at these events are not only presented in German, but to an extent also in other languages.¹⁴⁵

*peppa¹⁴⁶ is a project funded by Caritas, which offers learning aid and leisure activities for young women with migration backgrounds at the *Mädchencafé* (girl's café), which is a subdivision of the Viennese youths centres. The centre is located in Vienna's 16th district, which has a very high percentage of inhabitants with migration backgrounds. Apart from German, the facility's employees speak Arabic, English, French, Croatian, Serbian, Turkish, Romanian, Russian and Spanish. Besides learning aid, advice on family difficulties, choice of education and job training including aid when seeking a job, gender-specific issues, and support in crisis-situations are also offered.

¹⁴² See <http://www.wohnpartner-wien.at/home/projekte/271> (06.02.2014)

¹⁴³ Municipal housing began to gain importance in the early 20th century, when living conditions for workers were appalling. The Social Democratic Party pursued the project to improve these conditions. Today, municipal housing projects are still associated with the lower class and recently also with immigrants.

¹⁴⁴ See www.kirango.at (06.02.2014)

¹⁴⁵ Albanian, Arab, Armenian, Bosnian/Croatian/Serbian, Bulgarian, English, French, Hebrew, Korean, Nepali, Dutch, Polish, Romanian, Russian, Slovakian, Turkish and Hungarian.

¹⁴⁶ See <http://www.caritas-wien.at/hilfe-einrichtungen/asylmigrationintegration/integrationsarbeit/peppa/> (06.02.2014)

The project *Roma Lernhilfe* (“Roma learning aid”)¹⁴⁷ focusses on children from the Roma community. It was introduced in 2008 and is conducted by Viennese *Volkshochschulen*. Besides helping the children (aged six years and older) to succeed in school in the subjects Mathematics, German and English, multilingualism and the conservation of Serbian and Romani language skills are actively supported. The offer also aims at involving the parents in the school activities.

5. Interview with Dr.Ireen Winter on juvenile crime prevention in Austria

Dr.Ireen Winter is a jurist and has been working as assistant professor at the institute for penal law and criminology at the University of Vienna since 2004. She is also the curriculum coordinator for the master program of security management at Wiener Neustadt College (Fachhochschule), which cooperates closely with the ministry of the interior. From 2007 to 2010 she worked for the European Crime Prevention Network (EUCPN) and from 2008 to 2011 for the Federal Criminal Agency (Bundeskriminalamt). In her work, she focusses on research, police and security, football, crime prevention and the penal system.

Question: How do you see the situation of crime prevention provided by the state in Austria compared to other EU member states regarding financial issues and priority?

Dr.Ireen Winter: Crime prevention is not financed adequately. The police officers who work on crime prevention are paid, of course, and materials necessary for executing a crime prevention program are provided as well. Still, it is more a question of the individual commitment of each police officer. There is only one preventive program against violence at football events, called *WellegegenGewalt*¹⁴⁸, which is financed properly by the ministry of the interior, so advertisement, cooperation and personnel are available.

Generally, crime prevention is an issue in politics, but it clearly has less significance than in other European states, especially compared to Scandinavian countries, which involve all relevant governmental institutions, including the justice system, in one prevention strategy. Austria also has a lack of infrastructure for crime prevention; although there were attempts to centralise crime prevention in the Federal Criminal Agency it did not work out as it was supposed to.

Question: Does Austria have a stringent crime prevention strategy?

Dr.Ireen Winter: Austria doesn’t have one crime prevention strategy, but a bundle of selective strategies in several fields which are conducted by several actors. So for instance, there are specific strategies on drugs, violence, sports events, property crime etc. It would be very important to form one national strategy with a clear content, which then could be implemented for each individual target group. Single projects are not a solution, but can only be a starting point to see if a certain strategy were to work. If an evaluation shows that a practice is promising it should be turned into a steady programme.

¹⁴⁷ See <http://www.vhs.at/lernraumwien/roma-lernhilfe.html> (06.02.2014)

¹⁴⁸ See also chapter II.2.1.

Question: How do you evaluate the acceptance of crime prevention among the police and pedagogues?

Dr.Ireen Winter: The police nowadays see crime prevention as one of their main tasks, so the acceptance is very high. Pedagogues often say that they are overstrained and that they don't have the time for prevention programmes; however, other teachers are very open to prevention and try to include it into their lessons. Personally, I think that it would help to create prevention as a subject in school that is taught by experts: Prevention is very complex and does not only include crime prevention, but also financial management for example. Research shows that a part of youth crime is caused by financial problems. Today children and juveniles have a huge financial responsibility at a very young age by having their own bank account, a mobile phone, etc. Banks give loans to juveniles very easily, which often results in a loss of control over the financial situation. So if children and juveniles would learn how to manage their own financial situation, just as they learn, for instance, how to write a formal letter in school, this actually would decrease juvenile delinquency. Furthermore, it is very important to raise awareness for certain problematic behaviours at a very early stage.

Question: You said before that Austria has no common crime prevention strategy. Austria currently has a number of regionally different kinds of youth crime prevention projects and different approaches. Most likely, this might be caused by regional differences: The situations in Vienna and on the countryside are largely different. What do you think about this regional diversity of prevention programs?

Dr.Ireen Winter: It's difficult to generalise from international experience to a national strategy, the same can be said from a nationwide experience to a more regional approach. Ideally there would be guidelines that are valid for the whole country, which still have enough room for flexibility for regional variation. Thereby, an individual reaction to hotspots is possible without losing a common strategy. So for instance, violence at football events is especially relevant in the area surrounding the stadium in Vienna Hütteldorf, but hardly in other districts of Vienna. There needs to be a nationwide framework that enables cooperation partners to react according to the local requirement. However, this individual reaction needs to be evidence-based and should take statistics and reports on where there are which problems (drugs, gangs, etc.) into account. Austria doesn't have a serious policy paper at the moment. The Federal Criminal Agency more or less only defines that there are four areas of crime prevention. The strategy followed in Sweden can be seen as a role model: they have a very good policy paper and the prevention strategies are already executed.

Question: What is your opinion on evaluation of prevention projects? Do you know any examples of good practice?

Dr.Ireen Winter: There are several techniques of evaluation, for instance systematic reviews or (meta-studies) which are used in Scandinavia, the Beccaria-Standards which are used in Germany or the evaluation based on the "five i" by Paul Ekblom. Each of them has a different approach; none of them is the be-all and end-all: Quality standards and substantiality need to be considered as equal parts. In practice, evaluation plays a very important role because it's usually connected to the availability of the project's funding. In practice, the quality of evaluations in Austria varies a lot. The results do not always influence the execution of a program. Even in cases the evaluation of a model project showed good results it is not

continued. If a project is turned into a long-term program, it is usually a political and financial decision.

Question: What is your experience with the importance of early prevention in practice?

Dr.Ireen Winter: Early prevention is clearly not enforced in an ideal way. There is no clear common strategy as well. This would be a task for a cooperation of all relevant governmental departments concerning health, education and children and youth, not primarily the ministry of the interior.

There have been considerations about the obligation to join training on the adequate upbringing of children for parents to be and/or young parents. This is not yet implemented and also not planned in the closer future. It's difficult to say if the measure is per se "good" or "bad". On the one hand it is a very strong intrusion into privacy; on the other hand it would help with the early detection of where problems could arise or already exist. This should be implemented ideally as low-threshold opportunities, maybe even as mobile consultations to avoid stigmatisation. The kindergarten has very few offers on crime prevention. For pedagogues, awareness-raising would be very important – there is often a lack of knowledge.

Question: What is your experience with the work of the youth welfare authorities in the field of crime prevention and identification of children at risk?

Dr.Ireen Winter: In the media there, are at irregular intervals reports on failures of the system, so that a child was maltreated systematically by his parents for a longer time, sometimes even beaten to death. Positive examples naturally never are subject to media coverage. I think maybe the functioning of the youth welfare authority has to be reviewed as a whole, without wanting to judge the current work of the social workers. The current system is very inflexible and bureaucratic: So at the moment, it sometimes happens that if a parent does not observe one or two appointments with the authorities, the child is threatened to be taken to the state's custody. Additionally, it needs to be considered that the contact with the youth welfare authority is stigmatising and often felt as a threat – to overcome this negative connotation, the system should open up and move forward to become a service that works in the best interests of the child – even if the child's future is not in the same household with the parents.

Question: Is there anything else you would like to add?

Dr.Ireen Winter: Austria needs, as I said before, a common strategy which leaves enough space for individuality and creativity – this does not work at the moment. Not every crime prevention project is helpful: Sometimes certain forms of prevention are "trendy", so for instance, lately preventive measures targeting cyber-crime have been in vogue. This results in broad funding of many single projects on that issue, while losing other problems, which are from a quantitative point of view far more important (e.g. property crime), out of sight. These situations cause some projects to profit from a trend as a free rider and receive funding, although the project actually has no functioning concept. So the basic crime prevention against quantitatively important forms of criminality must not be neglected because of "trendy" prevention issues.

And of course, as I said before, it would be important to introduce a system of low-threshold or even as mobile consultation offers to avoid stigmatisation.

In early prevention there are generally no such “trends” – it’s all about family, relationship and education. As I described before, the inclusion of crime prevention in school should be an individual subject held by experts to avoid overstraining teachers. This subject needs to include financial management as well. Thereby a good balance could be reached: Neither would the school education be overstrained by a load of individual projects, but a common strategy would help to ensure certain quality standards. Currently there is certainly enough research to develop such a common strategy.

II. Evaluation mechanisms for early juvenile crime prevention programmes

According to the evaluation of the projects described in detail in chapter III, there are several general evaluation mechanisms in use for the projects and programmes, some of which are cumulative:

An empiric evaluation of the effects the various projects have on the juveniles on a longer or shorter term with a quantitative approach is often conducted for projects which aim more or less directly at the prevention of crime, especially on addictions and violence. These empiric studies are usually conducted by universities and therefore meet high standards of quality regarding the used methods. The research is published afterwards in most cases.

The evaluations typically cannot measure the long-term effects of these projects, such as decreases in criminal or deviant behavior, because these outcomes cannot easily be verified – the children who took part in a programme at the age of seven years might be hard to find again 15 years later. However, some projects implicitly tackled this issue, as the projects themselves are conducted over a span of several years. Additionally, the evaluations can also measure specific parameters, e.g. the abilities for peaceful conflict resolution, self-confidence, coping-strategies in situations of stress, decrease of mobbing etc. which may indicate that the programme's goal was at least reached for the moment.

As examples of good practice for an empiric evaluation of crime prevention projects, the two evaluations of *EigenständigWerden* (see chapter III.3.3.) and *Gripso-Logisch* (see chapter III.1.3.) are worth being pointed out.

Concerning quantitative research, Austria has so far conducted hardly any long-term evaluations and follow-up studies; in the projects introduced in chapter III there were none at all. The actual efficiency of prevention programmes can usually be judged only after several years with a follow-up evaluation, while assessments immediately after the programme often do not show relevant changes.¹⁴⁹

¹⁴⁹ See Tischer: Evaluation eines Gewaltpräventionstrainings für schulpflichtige Kinder – Auswirkungen auf das Selbstkonzept und Selbstwertgefühl (2008), page 147; referring to Heinrichs (2002) and Brezinka (2003)

Of course the current omission of long-term and follow-up evaluations is understandable: Many of these programmes have only very few years ago been turned from a test-phase with a quantitative analysis of the effects on the children into long-term projects. The children who took part in the project are not easily available because they finished primary school and therefore cannot be interviewed as easily as at the end of their participation in the programme. A follow-up evaluation for such projects would thus require higher organisational efforts and thereby also higher expenses.

For persons who are actually involved in the programmes in any way, an internal evaluation, which is usually based on a qualitative approach, is also an important evaluative mechanism to find out about the project's practicability. Such evaluations usually employ questionnaires for participants, partly also for pedagogues and other practitioners. Additionally, there might be an institutionalised platform for practitioners where they can place any kind of complaint or idea for the improvement of the programme. This form of evaluation is usually conducted by the organisation which is responsible for the project.

The qualitative evaluation mechanisms used in Austria are generally sound. The programmes do not stigmatise families because most programmes are offered for a whole school class or day care group. Learning aid is also designed as an offer that reaches out to children who need support for any reason. The evaluation mechanisms follow this scheme: children, pedagogues and partly parents are interviewed anonymously via questionnaires and are therefore not exposed, stigmatised or discriminated against in any way.

As an example for the internal evaluation of a programme, the examination of the *FriedenswochenSchlaining* needs to be mentioned: After every Peace Week the pupils and the teachers can answer a questionnaire about the content and organisation of the week. The evaluation of the questionnaires is used to further improve the project and is also passed on to the organisations which are co-funding the project (see chapter III.2.3.)

The assessment of the learning aid project *Friends* works in a similar way, but includes a network of experts and institutions that might be helpful in improving the programme and in enhancing net-working. The evaluation intends to improve the offers according to the needs and wishes of the participants.

As a model for the best practice, the internal evaluation of the programme *EigenständigWerden* should be mentioned (see interview with Mag. Rabeder-Fink, chapter III.3.4). Twice a year all teachers involved meet to collect new ideas and suggestions for the project, such as additional modules or changing the used methods. The collected input is forwarded to the nationally responsible institution, where it is evaluated and potentially integrated in the project's curriculum. The actual effectiveness of this method is proven by the fact that during the last years two further modules were designed according to the teachers' requests and that a third additional module is in progress. This form of evaluation allows a sustainable reaction to changed requirements and also expresses the appreciation for the practitioners involved.

Generally speaking, it is advisable to apply a combination of quantitative and qualitative methods for each programme. This should, on the one hand, cover the proven effects of certain criteria on the children's personalities and competences; on the other hand, a regular internal evaluation, which includes the experience of the teachers and pedagogues who implement the project as well as those of the children themselves, should help to improve the programme according to the changing needs and problems.

Finally, the introduction of follow-up evaluations for programmes that have been in use for several years is recommended to see the project's long-term effects, which might be more reliable criteria for evaluating a programme's effectiveness.

III. Conclusion and Recommendations

“Good social policy is the best criminal policy” was already stated by the famous criminologist Franz von Liszt (1851-1919) – this statement has not lost any of its actuality today.

UNICEF, in a digest on Juvenile Justice, lists a series of general measures to promote social justice and equal opportunity. It emphasizes the perceived root causes of committing criminal offences, such as poverty and other forms of marginalization. UNICEF promotes the theory that primary prevention makes the implementation of “programming and policy development at all levels in spheres ranging from community health to education and family support services” easier. Here in this context, all the members of society are called upon to “contribute to the prevention of juvenile offending.”¹⁵⁰ In the context of this holistic approach, not only programmes which aim directly at the reduction of crime, but also those which target social inequality by educational and medical measures are of interest. This approach is partly followed in Austria. For instance, the prevention of addiction and the promotion of a healthy lifestyle usually go hand in hand. Although there are interesting and important steps taken, it is still necessary to extend these programmes and provide them with secure funding.

Concerning the work of the youth welfare authorities, it needs to be underlined that the law itself gives good opportunities to support juveniles who are in danger of developing a serious criminal behaviour: The youth welfare authority and the Guardianship Court are informed about any criminal proceeding against a juvenile. Still, there is hardly ever an intervention following. Furthermore, the juvenile court assistance, which has important tasks in evaluating the juvenile’s social environment and connects the relevant organisations and administrations, is actually only working properly in Vienna (see chapter I.A.2.). The reason for the lack of practical implementation of the measures for juvenile offenders by the youth welfare authorities might be a notorious underfunding and insufficient resources.

By implementing the policies of the youth welfare authorities in practice at the stage of tertiary prevention, children and juveniles at risk could be identified at an early stage to hinder a further involvement in criminal activities. The systematic implementation of these measures could have a great impact on crime statistics, bearing in mind that multiple offenders – so the

¹⁵⁰ UNICEF, Juvenile Justice, Innocenti Digest - <http://www.unicef-irc.org/publications/pdf/digest3e.pdf>

5% of all offenders who are responsible for 50-60% of all offences¹⁵¹ – are statistically the most relevant group of criminals and thereby should also be targeted by intensive measures of tertiary prevention.

Prevention is gaining more and more significance and involves several partners, reaching from NGOs which focus on certain topics like addictions, violence, education or health up to the police which also plays an important role in crime prevention.

Early crime prevention programmes in Austria are mostly used in schools and thereby applied to all children, not only those who are at a particular risk for some reason. As described in chapter III.1.-III.3., these measures often aim at an improvement of social skills, an increase of self-confidence and the development of coping strategies. In this context, it needs to be discussed critically, whether through these measure and due to more general changes in society, the upbringing of a child is increasingly becoming the teacher's responsibility. As a result, this development also needs to be considered in the school system, provided that it is given enough space without cutting back on education itself.

What also needs to be considered in the implementation of prevention programmes are regional differences. Several aspects result in an inhomogeneous situation within Austria: The social structure, especially the percentage of migrants, the family structure and opportunities for activities in the leisure time. Additionally, different forms of criminality and different kinds of reactions by the social environment occur regionally. Hence, the situation of children and juveniles in Vienna, Graz, Linz or Salzburg cannot be compared to that of children and juveniles in rural areas. And even within one city certain districts can have very different social frameworks. That these differences also require a slightly different approach when preventing crime is obvious. In practice, the regional projects have to consider these differences (see chapter II.2.2.) and underline the necessity to respect these differences and react adequately. Although nationwide prevention projects are important to secure equal standards, a perspective for the actual, local circumstances in which the project is implemented needs to be maintained.

¹⁵¹Schöch: Das Jugendkriminalrecht vor neuen Herausforderungen? in: *Deutsches BMJ: Das Jugendkriminalrecht vor neuen Herausforderungen* - Jenaer Symposium (2008), page18-19.

Concerning evaluation and further development of the programmes, Austria does not have one single strategy. Several programmes seem to have proper evaluation mechanisms, but in general, long-term and follow-up evaluations should be focussed to improve and adapt the prevention programmes.

Therefore it is recommended to develop a common national strategy for crime prevention which includes the available knowledge of researchers and experiences made with current and past projects and programmes. This strategy should ensure a certain level of quality and harmonisation by providing guidelines, but still should leave some flexibility to react on hotspots or regional problems. The strategy should include all forms of criminality and takes social issues, education, the health system and core issues of security and justice into account.

The introduction of one obligatory year of kindergarten seems to be a very effective instrument of supporting children in learning German before they enter school. This is a very important problem to tackle because evaluations show that children from families with a different mother tongue than German have massive difficulties in school and are less likely to succeed (see chapter I.C.2.). Research on the impact of the mandatory year in kindergarten also showed positive effects (see chapter I.C.1.).

The introduction of a second obligatory year, which is currently being discussed in Austria, could increase these effects. To additionally strengthen the positive effects of this measure, it would be necessary to offer age-appropriate language lessons. These would need to be financed adequately and conducted by persons with special training.

Although the discussions in Austria are often focussed on children who have problems with German because of their migration background, it needs to be considered that there are several reasons why children can have a retardation of the development of their language skills. An obligation only for children with deficits would have the negative effect that on the one hand it might be seen as a stigmatisation; on the other hand it would also enable disadvantaged children to learn while playing from children who do not have these deficits. This would, therefore, promote an equality of opportunities and thereby reduce social inequality and ultimately also crime.

Concerning the Austrian school system, the lack of social mobility and the phenomenon of “inheritance” of the parent’s education status is a well-proven fact. Political discussions about a change of the system, especially the change to a school for all children from 1st grade to 8th grade, have been going on for years. Recent reforms have been superficial and cosmetic at best, lacking the reformative profundity and scope the current school system needs. Merely changing the name of certain school types without changing the underlying system which causes the social inequalities will not tackle the problems the system actually has. Therefore, a general reform which allows promoting the children’s abilities and helps them to tackle their weaknesses in a proper way needs to be found.

Additionally the system of free (or reduced to a symbolic fee) learning aids, which focuses on children from a disadvantageous backgrounds, should be introduced all over Austria to promote the equality of opportunities of all children to succeed in school. These programmes also need solid funding.

Another structural problem not yet properly discussed which would also decrease the social and educational differences, is the possibility of visiting a secondary school which ends with general qualifications for university entrance (Matura) after a job training (Lehre).

If social inequalities, which partly cause criminal behaviour, can successfully be tackled by a sensible social policy which enables all inhabitants to succeed in life instead of reproducing disadvantageous patterns for generations, society as a whole would profit from such reforms and circumstances. The phenomena of the disintegration of migrant groups and marginalisation would decrease drastically, by which social coherence would increase. Presumably, this would ultimately lead to the reduction of crime levels to an acceptable degree.

To ensure that children and juveniles are subject to preventive measures it is recommended to introduce prevention to the school curriculum. It should also take life skills, such as financial management, into account. This subject should be taught by persons with special training and knowledge. By this inclusion, the workload of teachers and the amount of information they have to pass on outside of the regular curriculum could be reduced.

Annex

1. Good practice fiches

Good Practice Fiche: Gripso-Logisch

CONTEXT	<i>This project is only used in Vienna as a project for the reduction of violence and is used in after-school day care centres. From 2006 to 2008 it was only conducted as a project. After positive results in two evaluations the programme is now used in Viennese after-school day care centres if required.</i>
GOALS	<i>Reduction of physical violence and mobbing, improvement of the ability to peacefully resolve a conflict, coping with negative feelings, and increasing self-confidence</i>
DESCRIPTION	<p><i>The programme consists of four modules, which are accompanied by hand-puppets and magic tricks. These modules shall enable the children to:</i></p> <ul style="list-style-type: none"> <i>- deal with negative feelings</i> <i>- control their impulses</i> <i>- peacefully resolve conflicts</i> <i>- gain knowledge on legal basics of criminal law, children's and human rights</i> <p><i>In the end the children receive a certificate in a festive act and are declared to be a "little witch" or a "sorcerer's apprentice"</i></p>
BUDGET	<i>The project is financed by the City government of Vienna, kindergarten department (MA10)</i>
OUTCOMES	<p><i>The evaluations showed mixed results: Social competence was enhanced, peaceful conflict resolution and a decrease of aggression and violence were proven.</i></p> <p><i>The achievement of knowledge on legal basics did not seem to work out, partly because the programme could not be fully implemented in every test group caused by structural deficiencies in the after-school care centre.</i></p>
PROFESSIONALS INVOLVED	<i>Pedagogues</i>
INSTITUTIONAL PARTNERS	<i>City government of Vienna, kindergarten department (MA10)</i>
CONTACT	<p>Magistratsabteilung 10, Wiener Kindergärten https://www.wien.gv.at/bildung/kindergarten/post@ma10.wien.gv.at</p>

Practice Evaluation			
Criteria	Satisfactory	Average	unsatisfactory
Programmeme relevance	X		
Programmeme efficiency and effectiveness		X	
Programmeme impact		X	
Programmeme sustainability	X		
Programmeme transferability	X		
Translating evaluation findings into statements of good practices			

Good Practice Fiche: FriedenswochenSchlaining

CONTEXT	<i>This project is only used in Burgenland and takes place near the rural town of Stadtschlaining in an old castle. It is offered by the Austrian Research Centre for Peace and Conflict Resolution (Österreichisches Studienzentrum für Frieden und Konfliktlösung, ÖSFK). The target group are pupils from 3rd to 13th grade.</i>
GOALS	<i>Reduction of violence, improvement of the class climate and team-building</i>
DESCRIPTION	<p><i>It is offered with the duration of one week, but is also available with shorter durations. There are different contents provided for each age group. The modules for children in 3rd and 4th grade are:</i></p> <ul style="list-style-type: none"> <i>- Conflict: peaceful conflict resolution and dealing with negative feelings is imparted</i> <i>- Team: includes outdoor-activities which enhance the social cohesion within the class, combined with reflections on the exercises</i> <i>- Arts: peace and emotions are expressed by different forms of arts (painting, music, modelling, theatre), a peace-picture is created by the class</i> <i>- Peace castle: outdoor-activities in the woods are conducted to get in touch with nature; tour through the peace museum</i>
BUDGET	<p><i>The project is financially supported by the ministry of education, arts and culture and Burgenland's province government. Some costs have to be covered by the pupils themselves:</i></p> <ul style="list-style-type: none"> <i>- € 200.- for the participation for one week, including accommodation and food</i> <i>- € 95.- for the participation in one week, including lunch, excluding accommodation</i> <i>- € 19.- for a single day, including lunch</i>
OUTCOMES	<i>From September 2007 to June 2012 around 4500 pupils took part in the Peace Weeks.</i>
PROFESSIONALS INVOLVED	<i>Professionally trained mediators, outdoor pedagogues and forest pedagogues</i>
INSTITUTIONAL PARTNERS	<i>Österreichisches Studienzentrum für Frieden und Konfliktlösung (ÖSFK)</i>
CONTACT	<p><i>www.friedenswoche.at Österreichisches Studienzentrum für Frieden und Konfliktlösung (ÖSFK) Department Friedenspädagogik Rochusplatz 1 A-7461 Stadtschlaining responsible contact persons: - Claudia Hofer, administrative assistant</i></p>

	<p><u>mpt@aspr.ac.at</u></p> <ul style="list-style-type: none"> - <i>Mag. Ursula Gamauf-Eberhardt MA, projectmanagement</i> <u>gamauf@aspr.ac.at</u> - <i>Lisa Pertl, project coordinator, mediation, coaching, outdoor-pedagogic, training</i> <u>pertl@aspr.ac.at</u>
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Practice Evaluation			
Criteria	Satisfactory	Average	unsatisfactory
Programmeme relevance			
Programmemeefficiencyandeffectiveness			
Programmeme impact		X	
Programmeme sustainability		X	
Programmeme transferability	X		
Translating evaluation findings into statements of good practices	X		

Good Practice Fiche: *EigenständigWerden*

CONTEXT	<i>This programme is applied all over Austria and intends to prevent any kind of addictions and violence. The target group are children in primary schools and the prevention lessons are integrated into regular lessons throughout the schoolyear.</i>
GOALS	<i>Strengthening self-assurance, social competence and life-skills to reduce the danger of addictions and violence</i>
DESCRIPTION	<i>The programme is conducted by a project manager, the EigenständigWerden private foundation, and regional partners. Teachers receive training and give lessons in school all over the year.</i>
BUDGET	<i>The programme is financed by the FondsGesundesÖsterreich, the EigenständigWerdenPrivatstiftung, Rotary Österreich-Diskrikt 1910, the ministry of education, arts and culture and the province's specialised organisations on the prevention on addications.</i>
OUTCOMES	<i>At the moment, 1360 schools all over Austria take part in the prevention programme. The evaluations showed significant positive effects on class climate and the reduction of violence; the results on self-assurance and social competence are not conclusive, mainly because of an increase of self-criticism and sensitivity. Similarly, the results on the consumption of substances are not significant – long-term studies would be necessary for reliable results.</i>
PROFESSIONALS INVOLVED	<i>Social workers hold the training-courses for the teachers, teachers conduct the actual prevention sessions in class.</i>
INSTITUTIONAL PARTNERS	<ul style="list-style-type: none"> - <i>FachstellefürSuchtprävention Burgenland</i> - <i>LandesstellefürSuchtprävention Kärnten</i> - <i>Fachstelle für Suchtvorbeugung, Koordination und Beratung Niederösterreich</i> - <i>InstitutfürSuchtpräventionOberösterreich</i> - <i>Akzente Fachstelle Suchtprävention im Land Salzburg</i> - <i>Vivid – FachstellefürSuchtpräventionSteiermark</i> - <i>Kontakt+Co Tirol</i> - <i>Supro – WerkstattfürSuchtprophylaxe Vorarlberg</i> - <i>InstitutfürSuchtprävention Wien</i>
CONTACT	<ul style="list-style-type: none"> - <i>EigenständigWerdenPrivatstiftung (projectmanagment)</i> Fürstenallee 4, 5020 Salzburg cms.eigenstaendig.net office@eigenstaendig.net - <i>FachstellefürSuchtprävention Burgenland</i> Franz Lisztgasse 1/III, 7000 Eisenstadt www.burgenland.at suchtpraevention@psd-bgld.at - <i>LandesstellefürSuchtprävention Kärnten</i>

	<p>8.-Mai-Straße 28/1, 9020 Klagenfurt www.suchtvorbeugung.ktn.gv.at abt5.suchtpraevention@ktn.gv.at</p> <p>- <i>Fachstelle für Suchtvorbeugung, Koordination und Beratung Niederösterreich</i> Brunngasse 8, 3100 St. Pölten www.suchtvorbeugung.at info@suchtpraevention-noe.at</p> <p>- <i>Institut für Suchtprävention Oberösterreich</i> Hirschgasse 44, 4020 Linz www.praevention.at info@praevention.at</p> <p>- <i>Akzente Fachstelle Suchtprävention im Land Salzburg</i> Glockengasse 4c, 5020 Salzburg www.akzente.net/suchtpraevention</p> <p>- <i>Vivid – Fachstelle für Suchtprävention Steiermark</i> Zimmerplatzgasse 13/I, 8010 Graz www.vivid.at info@vivid.at</p> <p>- <i>Kontakt+Co Tirol</i> Bürgerstraße 18, 6020 Innsbruck www.kontaktco.at office@kontaktco.at</p> <p>- <i>Supro – Werkstatt für Suchtprophylaxe Vorarlberg</i> Am Garnmarkt 1, 6840 Götzis www.supro.at info@supro.at</p> <p>- <i>Institut für Suchtprävention Wien</i> Modecenterstraße 14/C/2, 1030 Wien www.sd-wien.at isp@sd-wien.at</p>
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Practice Evaluation			
Criteria	Satisfactory	Average	unsatisfactory
Programmeme relevance	X		
Programmemefficiency and effectiveness	X		
Programmeme impact	X		
Programmeme sustainability	X		
Programmeme transferability	X		
Translating evaluation findings into statements of good practices	X		

Good Practice Fiche: Kinder-, Jugend- und Familienzentrum Friends

CONTEXT	<i>This centre is located in 2nd district of Vienna which has a high percentage of persons with a different mother tongue than German, so the centre follows an intercultural approach.</i>
GOALS	<i>Success in school</i>
DESCRIPTION	<i>It contains different offers, inter alia, learning aid, German courses, child care in the afternoon, a space for girls only, a café for parents and children, discussion evenings and training seminars for parents. One of the centre's main aims is to enable children to speak German as well as their mother tongue.</i>
BUDGET	<i>The programme is co-funded by the district administration of the 2nd Viennese district, the organisation Aktion Viel Falter, the ministry of economy, family and youth, the organisation Integrationsfonds, the organisation Gesunde Leopoldstadt/WIG, the city of Vienna – department n° 57, the ministry of work, social issues and consumer protection, the organisation wienXtra. Learning aid is offered for free, child care in the afternoon including lunch costs € 80.- per month</i>
OUTCOMES	<i>At midday-care there are currently 10 children – there would be space for 14 children all in all. In the afternoon learning course, which is held twice a year, there are 12 children. An evaluation of the effectiveness is not available.</i>
PROFESSIONALS INVOLVED	<i>Volunteers, persons with freelance-contract or service contract</i>
INSTITUTIONAL PARTNERS	<i>Kinderfreunde Leopoldstadt</i>
CONTACT	<i>www.friends2.at Responsible contact persons: - Mag. Günther Leeb, initiator and project management guenther.leeb@kinderfreunde.at - Mag. Gerd Andrä, project management gerd.andrae@friends2.at</i>

Practice Evaluation			
Criteria	Satisfactory	Average	unsatisfactory
Programmeme relevance	X		
Programmeme efficiency and effectiveness	X		

Programmeme impact	X		
Programmeme sustainability	X		
Programmeme transferability	X		
Translating evaluation findings into statements of good practices			

Good Practice Fiche: Wiener Lerntafel

CONTEXT	<i>The Wiener Lerntafel has been offering free learning aid since 2011. The target group are children from economically disadvantaged families between the ages of 6 and 14.</i>
GOALS	<i>Success in school</i>
DESCRIPTION	<i>The learning aid is, depending on the requirements of the child, provided in single lessons or as supervision while the child is doing homework independently. There is also a psychologist available who takes care of children who have special learning difficulties. A painting lesson is available once a week with support from a painting therapist. Furthermore, workshops on the topics of exam anxiety, reading difficulties and problems in maths are offered. The language used in teaching is German.</i>
BUDGET	<i>Currently, the project is financed by donations, but is actively searching for more stable funding and long-term sponsoring. The expenses are approximately € 200.000.- a year, thereof € 70.000.- for rent and € 90.000.- personnel costs. The rest of the costs are office supplies, print costs and advertisement.</i>
OUTCOMES	<i>Around 300 pupils are currently subject to learning aid. Since the beginning in 2011 over 850 children received learning aid and more than 17.000 single lessons were provided. By the end of 2013, almost 7000 homework hours were provided on the homework-table. In around 40-50% the marks stay stable or get better and hardly any child worsens.</i>
PROFESSIONALS INVOLVED	<i>Around 180 voluntary workers with different backgrounds: 20 % of these workers have a pedagogic education; around 50 % are persons who graduated from university, around 40 % are people who are retired. Currently the management tries to get more funding to enable special training for the teachers.</i>
INSTITUTIONAL PARTNERS	<i>Organisation Wiener Lerntafel</i>
CONTACT	<i>www.lerntafel.at Responsible contact persons: - DDr. Stefan Unterberger (chairman) unterberger@lerntafel.at - Karin Tikovits (centremangement) tikovits@lerntafel.at</i>

Practice Evaluation			
Criteria	Satisfactory	Average	unsatisfactory
Programmeme relevance	X		
Programmeme efficiency and effectiveness	X		
Programmeme impact	X		
Programmeme sustainability	X		
Programmeme transferability	X		

2. Abbreviations

BKA	Bundeskriminalamt	Federal Criminal Agency
BKA-G	Bundeskriminalamt-Gesetz	Federal Criminal Agency Act
BMI	Bundesministerium für Inneres	Ministry of interior
BMJ	Bundesministerium für Justiz	Ministry of justice
BMASK	Bundesministerium für Arbeit, Soziales und Konsumentenschutz	Ministry of work, social issues and consumer protection
BMUUK	Bundesministerium für Unterricht Kunst und Kultur	Ministry of education, arts and culture
BMWFJ	Bundesministerium für Wirtschaft, Familien und Jugend	Ministry of economics, families and youth
JGG	Jugendgerichtsgesetz	Juvenile Court Act
LG	Landesgericht	Regional Court
OGH	Oberster Gerichtshof	Supreme Court
OLG	Oberlandesgericht	Higher Regional Court
SMG	Suchtmittelgesetz	Narcotic Drugs Act
StGB	Strafgesetzbuch	Criminal Code
StPO	Strafprozessordnung	Code of Criminal Procedure
StVG	Strafvollzugsgesetz	Penal Law

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Country: **Belgium**

Author: **Jacques Moriau**

I. Developing a prevention at early stages, overview of the systems

1. A brief history of youth protection

In Belgium, minors' law was carbon copied on adults' criminal law (1791 and 1810 Penal codes) until 1912. The issue of minors' discernment and the uprising and growing of a « social defence» movement (A.Prins), centered on prevention, will then lead to the child protection's law.

May 1912' law on child protection breaks with the basics of adults justice : the perpetrator's discernment is here no longer the condition for court action. Following a new logic of protection, justice intervenes not to punish but to protect the child.

The law provides « child custody, protection and education measures », with indefinite term (art 13) to replace the sentence. These measures are applicable to minors under 16 (penal majority age) authors of « facts that are legally classed as offences » (art 16). Actually, they will also be applied to « pre-delinquants » whose health, security or morality would be regarded as endangered. In the middle of this new justice model stands the juvenile court judge, a paternal authority figure with very important powers. He can ask for the help of psychiatric and social experts to take the best action possible regarding the child's interest and society protection.

Through its applications, this law will be strongly and diversely criticised : much too much power in the hands of the juvenile court judge, measures that are not time bound, a language that is vague when it comes to define protection. These criticisms will lead to a new law on April 8 1965. Based on the ideals of social defence and the Welfare state values, the 1965 law is clearly « protectional ». It doesn't make difference anymore between delinquents or non-delinquents, putting them all together in a general category of « endangered minors ». Child's interest is now the focus of the action.

The law extends its protection to endangered minors under 18 « whose health, security or

morality are at stake » (art 36, 2°), whether they are delinquents or not. The law doesn't set an age level of responsibility, but it brings the age of penal majority up to 18. However, Act 38 provides a « disvestiture » process that allows the juvenile court judge to send a minor between 16 and 18 back to adults criminal courts. Minors' justice can now take action for any « endangered minor » from 0 to 18.

The juvenile court of justice stays the main actor and the aim of the action is still more educational than punishing. In addition to the existing « protection measures with indefinite term », 1965 law sets up « educative and philanthropic services » for the judge to possibly impose to the minor (art 37, §2). This marks the beginning of a « restorative » approach of the protection model.

Among the criticisms against this law, one can stress on : no interest for general prevention, excessive use of judicial protection¹⁵², no respect for the rights of the minor in court, too many institutionalizations of children and a lack of action in open custody.

These criticisms will grow and lead to a major change in the politics of youth protection in Belgium at the beginning of the nineties¹⁵³ : the separation between the schemes of delinquent minors and non-delinquents endangered minors. Judicial protection stays in the hands of the Federal Ministry of Justice (and thus of the juvenile courts), educational help to the non-delinquent youth in danger is conducted by the Communities (Flemish, French and German-speaking). The aim here is to clarify the rules and to divert the non-delinquent child care out of the criminal justice system. (see *infra*, Youth care System).

Fifteen years of this new regime will lead to a new reform of the law on child protection in 2006.

Before that reform different important facts have influenced the evolution of the system as to bring it to its contemporary form :

- A National commission for the reform of the law on child protection, called «

¹⁵²See for instance Van Kerchove M., « From repression measures to care and protection measures. Reflexions on the mystifying power of the language », *Revue de droit pénal et de criminologie*, n° 4, 1977, pp. 245-279.

¹⁵³Flemish decree of June 27 1985 (modified on March 28 1990) and decree from the French Community of March 4 1991.

Commission Cornelis » was put up in 1991. Its task was to propose improvements of the protection measures and the introduction of criminal measures for young delinquents. The report¹⁵⁴ that was delivered in 1996 had a more punitive perspective and came with some principles that would later be written in 2006's law : the principle of a diversity of measures to apply following the seriousness of the offences, measures that are proportionate to the act and limited in time, legal guarantees to reinforce the minor's rights in court (obligation to audition the child's parents or the ones with custody rights, right of the minor to be assisted by a lawyer, free access to the file...).

- Another commission, chaired by professor L. Walgrave, will deliver a report in 1998, at the request of the Ministry of Justice, influenced by a more and more serious attention given to victims and to the model of a restorative justice. This report emphasises more on the aims of damage repair and social peace restoration than on the authors' rehabilitation. This vision reinforces the gap between a child's law that reacts to the offence and a youth help service that tries to prevent facts.
- The placement of minors in the closed section of the Public Institutions for Youth Protection (IPPJ) is a mechanism provided by art 37 of 1965's law. These institutions are managed by the Communities and are supposedly ment to pursue a mainly educative goal. The lack of accomodation in these IIPJ have brought the judges to make use of art 53 of the same law that allows them to put minors temporarily in jail.

European Court of Human Rights will condemn Belgium in 1988 for this practice (Bouamar judgment). Article 53 will be officially abrogated in 2002.

To prevent the supposed effects of this abrogation, the law of march 1st 2002 will create a federal detention center in Everberg¹⁵⁵ to accommodate some delinquent minors. The creation of this federal detention center opens a breach in the educational model. It re-introduces the principle of children's jail, even if under certain conditions (minimum age of 14, minimum seriousness of the offences, lack of accomodation in IPPJs, respect of the child's rights).

¹⁵⁴National Comitee for the reform of the law on Youth care, « Towards a fundamental reform of 1965's law on Youth care », *Courrier hebdomadaire*, CRISP, n° 1676-1677, 2000.

For a more detailed analysis see X. Baeselen et D. De Fraene, « Vers une réforme fondamentale de la loi de 1965 relative à la protection de la jeunesse », *Courrier hebdomadaire*, CRISP, n° 1676-1677, 2000.

¹⁵⁵De Fraene D., Christiaens J. et Nagels C., « Le traitement des mineurs délinquants. Justice restauratrice et centre d'Everberg », *Courrier hebdomadaire*, CRISP, n° 1897-1898, 2005.

These different steps lead to 2006's law that organises the reform of the youth protection system.

2. Some data on juvenile delinquency.

Regarding administrative statistics on juvenile delinquency, the situation in Belgium is dramatic. Statistics barely exist for the past 25 years. Since 2006, The INCC, national institute for criminology and forensic science has been recording data from the state prosecutor's offices. We will use some of these data here : the state youth justice prosecutor's offices' reporting streams for all Belgium between 2005 and 2008¹⁵⁶.

The figures hereunder presented refer only to « facts that are classed as offences » (FQI).

Among the 55.000 offences recorded on average for a year,

45% of the facts refer to robbery and extortion.

20% to assault and battery.

Drugs, traffic violations and public safety hazards (threat, weapon carrying offence against public safety) each represent about 10% of the reported cases. These figures were all stables along the 4 years of recording.

About the age of the minors, 63% of the cases involve a young person between 15 and 17, children aged 12 or 13 are reported for less than 15 % of the cases.

Most of the facts, and particularly assault and battery cases are just shelved (57%), 13% are also classified « no case » but after a state prosecutor's office decision (mediation, reminder of the law, warning).

These figures are close to the ones made public by the INCC in 2008.¹⁵⁷

A recent self-report enquiry¹⁵⁸ confirms this distribution and allows to add a few elements:

- There are few differences between reporting rates in urban and rural areas,

¹⁵⁶I. Ravier, "La délinquance des mineurs sous l'angle de l'activité des parquets de la jeunesse", *Journal du droit des jeunes*, n°319, 2012, pp. 11-22.

¹⁵⁷C. Vanneste et alii, eds, *La statistique "nouvelle" des parquets de la jeunesse : regards croisés autour d'une première analyse*, Gent, Academia Press, 2008.

¹⁵⁸D. Defraene et alii, *Self-report Delinquency in Belgium*, Brussels, BELSPO, 2013.

- Boys report more violence than girls; girls report more robberies.

Finally, on trends¹⁵⁹, within the limits of interpretation signaled before, nothing shows an increase of the cases reported to the state prosecutor's offices: there were about 63.000 cases reported in 1987, and less than 60.000 in 2008.

A. Youth Justice System

1. Broad Principles of the Youth Justice System

2006's law is the result of a complex debate. It takes part in the following context : reinforcement of the minors rights and their responsibility, emergence of restorative practices (mediation procedures, community work), public concern over insecurity, intense media coverage of violent local news and also, as always in Belgium, importance of the contrasted points of views between Communities.

The Van Holsbeeck¹⁶⁰ case that took place in April 2006 helped to achieve a political agreement on the reform of the youth protection's law¹⁶¹. Two laws will be voted on May 15 and June 13 2006. They reflect the will to maintain the educative spirit proper to the protectionnal model, but also to leave space for more criminal or restorative measures

What are the general principles of that law ?

Minors' Justice is a specialised justice, separated from the adults'.

Juvenile Court is the central organ. Together with the Juvenile Court Judge, it is competent for any minor suspected of a crime (« a fact that is legally classed as offence »), but also for minors considered as « in danger » due to deficiencies in their family environment (art 36, alinea 2 and alinea 4) that have been reported to them.

The Juvenile Court and the Juvenile Court Judge have a large spectrum of measures to use,

¹⁵⁹I. Ravier, *op.cit.*, p.19.

¹⁶⁰A teenage boy is stabbed to death in the daytime in Central Station while his MP3 player is robbed. The two authors of the crime are minors.

¹⁶¹C. Nagels et al., « La réforme de la protection de la jeunesse (2004-2006) », *Courrier hebdomadaire du CRISP*, 32/2006 (n° 1937-1938), pp. 5-58.

whether it is to protect or punish the child. These measures can be « protectional » (educative guidance, health care...), « punishing » (custody) or « restorative » (community work, mediation procedures) (art 37).

In the case of delinquent minors, the judge must first take restorative measures (mediation through a neutral service that will bring the child, his parents and the victim together). The judge has to bring the child's attention on his responsibility. The parents and any person who has the child in charge (grandparents, step-parents, foster parents, etc) are associated : they are systematically called and informed. On top of it, the child's parents may eventually be proposed or imposed with a parental apprenticeship (art 29bis).

As soon as a case comes to the Juvenile Court Judge, the minor has access to a lawyer at any step of the procedure (art 49, alinea 3). The judge must, before any decisions, first hear the child.

The Juvenile Court Judge, when he decides to take a measure, must fix a maximal length for it (art.37§2, alinea 7). Any decision can be appealed. The judge must clearly motivate his decision (art 37§2 *quinquies*). He must, when deciding, take in account a number of significant elements, such as the age and personality of the child, his family and school environment, his security, the seriousness of the facts, the danger that he could represent for the society. These criteria must help the judge to take his decision « objectively ».

Custody in open or closed educative regime must be the last resort (art 37§2, quater).

The judge must also apply the subsidiarity rule : he will choose the less radical measure among two. He is helped in his task by the Youth Protection Service (SPJ, ruled by the Communities). This independant service organises and coordinates Youth care and the application of certain measures taken by the Juvenile Court Judge. It can also realise social enquiries about the child.

The Juvenile Court is in principle competent for minors between 0 and 18 years old. Intermediate age thresholds (12, 14 years old) are used for the imposition of certain measures. In specially serious cases, the court can divest itself in favour of an Adult Court (art 57 bis).

One must add that, even before the case comes to a Juvenile Court Judge, the Public

Prosecution Service can propose a number of measures to the minor. The aim is to give a quick answer to the presumed making of a « fact legally classed as offence » by a minor. In this context, the Public Prosecution Service will offer the child to follow a mediation procedure or a group restorative concertation, this before any decision taken by the judge on the merits of the case.

2. The reform of 2006's Law on Youth Protection has important effects on the relation between the minor and the Criminal System :

- - child's responsibility is put forward as the aim of the measures. These ones rely more and more on the will and implication of the child. The opportunity of a parental apprenticeship is there to make parents more accountable too,
- new guarantees in the procedures are set up (motivation, presence of a lawyer, minimal age). They aim to respect the requirements of the Belgian Constitution and the CRC¹⁶²,
- new penalties are provided, more severe than in the 1965's law : custody in closed federal Center, divestiture in favour of an Adult Court for the most serious cases,
- restorative measures become a priority and must be proposed before anything else.

3. But a number of criticisms are voiced concerning this new organisation :

- A part of the criticisms relate to the possibility for the Public Prosecution Service to propose measures before the intervention of the judge and on the fact that « temporary » measures can be taken.

Following the CODE¹⁶³, article 52 of the law that allows the judge to take measures before knowing if the child is « guilty » of the facts is against the principles of presumption of innocence and of the impartiality of the judge¹⁶⁴.

Further, the measure « proposed » by the Public Prosecution Service seems, in the

¹⁶²In Belgium, the Convention came to force on January 12, 1992 : law of November 25, 1991 approving the Convention for the rights of the child, *Moniteur Belge*, January 17, 1992.

¹⁶³The NGOs coordination for the rights of the child (CODE), who ensures the proper implementation of the International Convention for the rights of the child in Belgium.

CODE, *La justice juvénile en Belgique : état des lieux*, Bruxelles, 2008.

¹⁶⁴Rights that are recognised by art 6 of ECHR and art 40 of CRC.

context, hard to refuse for the child and thus restrains its actual liberty.

Some argue that this law « offers a legal possibility to react to one single delinquent behaviour by cumulating educative, restorative and punishing measures¹⁶⁵ », and thus undermines legal guarantees¹⁶⁶.

- The issue of divestiture also calls for attention :

Some argue that the closed center of Everberg is actually a real prison for minors.

Some add that « divestiture is incompatible with the Convention on the Rights of the Child¹⁶⁷ » and that, by using that tool, one creates two categories of minors.

Finally, they say that, with these new conditions, divestiture is made easier and will then be used more often.

- The last set of criticisms address the issue of confinement.

The reform specifies limited access conditions for the confinement in IPPJ and the interdiction to confine minors who have committed non serious acts in closed center of the « Everberg » type.

What happens actually ? Confinement is not used as a last resort measure and is not made as short as possible. Belgium is thus in contradiction with its obligations coming from the CRC.

4. The reform of 1965's law emphasises on restorative measures and on the minor's responsibility.

The aim is to bring the child to understand and respect the rules of life in society. New measures are provided : mediation, restorative group concertation, and the youngster's project.

The first two measures are there to confront the minor to the victim and find an agreement on a restorative action ; the project requires from the youth a reflexion and the putting up of

¹⁶⁵J. Christiaens, « De hervorming van de Belgische jeugdbescherming : à la recherche du modèle perdu », *Panopticon*, 2005/1, p. 15.

¹⁶⁶.I. Delens-Ravier et Th. Moreau, "Les avis sur la note-cadre", *Journal du droit des jeunes*, n° 235,2004, p. 19.

¹⁶⁷I. Delens-ravier, Th. Moreau, *ibidem*, p. 24.

a strategy of « social rehabilitation ».

The main problem with these restorative measures is that, even if successful, they don't put an end to prosecution. It can thus not be talked about diversion. The question is still : what do actually do the judges : diversion instead of prosecution ? Or addition of punitive an restorative measures ?

It can also be argued that the right to a fair trial and the presumption of innocence are violated in the sense that, in order for the diversion measure to happen, the child supposed to have committed a fact legally classed as offence must declare not to deny being concerned by the fact legally classed as offence. In other terms, the child must admit his guilt before his appearance before the Court.

One can also address the relevance of these diversion measures as « alternative to confinement ». They are not real alternatives. The law of 2006 provides new measures such as the obligation for the minor to follow a medical/psychological treatment, to enter a hospital or a psychiatric hospital. It is to be feared that these measures will be regarded by the child and his family as a punishment.

5. The Law service works together with other services. The distribution of competencies is particularly complex in Belgium, due to the institutional architecture of the country.

As indicated in the introduction, the support system for the endangered youth is divided between Federal institutions (Ministry of Justice) and Federated institutions (Flemish, French, German speaking Communities, Bruxelles-Capitale Region).

Let's take the French speaking part of the country for example. The French Community rules the youth care services, made to help the endangered children and their parents on a voluntary base, but it also manages the judicial child protection services that helps the juvenile court and the educational part of the IPPJs in which young delinquents are confined (Guards are under the authority of the Ministry of Justice). The French Community also approves the private services who implement measures.

There is a structural link between these services. Endangered children who come to the SAJ on a voluntary base can be referred to the Public Prosecution service if they refuse to be helped

and are in a serious danger. The Public Prosecution service can also refer minors that are said to be « in danger » to the youth care services without seizing a judge of the SPJ (see schema). Minors having committed « facts legally classed as offences » are under the sole competence of the Public prosecution Service.

B. Youth Care System from the scope of juvenile crime prevention

Belgium has had a Youth Care system that is independent from the judicial system since the early nineties.

As indicated before, the function of Youth care is performed by the Community level (French, Flemish and German speaking) and is organised by the Community Decree¹⁶⁸.

March 4th 1991's decree is destined i) to the minors and their parents in difficulty and ii) to the minors whose health or education or security is in danger (because of their own behaviour or of their parents' one).

The general philosophy of this decree is to work in the child's interest and its family's, to try keep him in its life environment and consider him a « subject of right ». The Youth Care system tries to avoid the child's judicialisation.

Youth Care services have two types of missions :

- individual help, depending on « youth care counselors »
- general prevention depending on « borough council »

a) Individual Care

The decree organises the « Youth Care services (SAJ) for the help granted on voluntary base, and the « judicial protection services » (SPJ) for the constrained help.

SAJs accommodate minors « in danger » or « in difficulty ». They can come by their own will

¹⁶⁸We will only present the system organised by the French Community. The Flemish and German speaking systems work identically for the most.

or be signaled by first line services (school, health services, social services) or other people. The Youth Care counselor listens to the child and tries to find help among the existing services (psycho-medical or social help, psychiatric support, etc). The counselor has a mediation role. If he doesn't find a service able to provide the help needed, he can take the situation in charge by himself (art 36§6). His action is always subordinate to the consent of the child.

Every case is evaluated on its own. The application of a custody or supervision measure needs the agreement of the child (if over 14) and its parents.

If the child or his parents refuse to be helped and the danger situation goes on, the counselor can send the case to the Juvenile Court that can impose a help measure (art 38). It is then the SPJ who manage the case.

b) General prevention

The decree also creates, in every judicial district, a « Youth care district council » (CAAJ). Its members represent the sectors that deal with youth problems (social help, youth care, youth protection). The CAAJ has mission of stimulating, coordinating, supervising and assign budgets to prevention actions on its territory.

It also has mission to gather the expression of needs and opinions from the youth on the subject of prevention.

The decree sets up the « Community Council for Youth Care » (CCAJ), with the mission of advising the government in the matter of Youth care and protection. It delivers a report every other year and has a steering function over youth care politics.

We should add that the French Community has provided a General Delegate to the Child's rights whose mission is to watch over the respect of children's rights and interests.

c) Some figures

2013 : first report from the Youth care Services¹⁶⁹. It gives a quick scan of the sector in a few

¹⁶⁹Report from the youth care administration. Year 2011, n°0, Brussels, May 2013.

figures. It also provides details on the sector's budgets.

In 2011, Youth Care Services have taken in charge for at least one day 40.234 minors (on a population of 983.630 under 18 in the French Community, thus, 4% of the minors).

38.219 minors (95%) were minors « in danger » or « in difficulty ». 3612 were minors who had committed a « fact legally classed as offence » (8,9%)¹⁷⁰.

Gender distribution :

Gender	Young people in difficulty or danger FQI	Young people taken in charge after a (fact classified as offence)
Girls	48%	18%
Boys	52%	82%

40% were taken in charge outside their life environment (custody).

2034 today measures were taken in IIPJ or Federal closed center during 2011.

Overall budget of the sector is 290 million euros among which 150 for accommodation services.

C. Education system from the scope of juvenile crime prevention

1. Education system is a Community matter in Belgium. In the French Community, compulsory education is divided in two levels : « primary education » (6 to 12) and « secondary education » (12 to 18). Secondary education is divided in four different types of education : general, technical, artistic and vocational. One must add an alternated training system (CEFA) that offers an alternative to traditional education. This type of education mixes general classes and professional practice in industry.

Primary and secondary education are doubled by a « specialised » education system for exceptional pupils.

¹⁷⁰A minor can be taken in charge either because he is recognised in difficulty or in danger or for having committed a fact classified offence.

The specialised education system employs, on top of the teachers' team, paramedical, psychological and social staff to accompany the child. The system is divided in 8 types following the troubles that affect the child (mental handicap, behaviour disturbance, illness, physical handicap).

There is no special form of education for the children « in danger » or taken in charge by the SAJ or SPJ. Young people in custody go on with their regular scholarship.

However, it must be noted that i) one type of specialised education is dedicated to young people with « behaviour disturbance », ii) minors in custody or in IPPJ are educated within these institutions during their institutionalisation, iii) regional services in charge of the handicapped also organise « medico-educational institutes » (IMP) open to children who are not able to follow a scholarship in the specialised education system because of psychiatric problems.

As a matter of fact, a great number of children under Youth care system are either educated in specialised school, IMPs or CEFAs or are out of school.

There are different other services to help the children with educational difficulties : psycho-medico-social centers (CPMS), scholar mediation services and mobile teams (both centered on prevention of school dropout and violence) and school reintegration services (SAS) that welcome dropped out or excluded pupils to help them go back to school.

Finally, some private social care services organise, after school hours, an educational help for children of disadvantaged neighbourhoods (« homework schools »).

2. School exclusion

To be excluded from the compulsory education system, a child must have violated the physical, psychological or moral integrity of a member of the staff or of a pupil, or be responsible for serious material or moral damages.

During scholar year 2011-2012, 2078 pupils have been definitely excluded from a French Community school on a total of 873 045 pupils (official figures from the compulsory education administration¹⁷¹).

« The percentage of young people from 18 to 24 who have prematurely abandoned school is close to 14 in Wallonia for nearly 9 in Flanders and close to 16 in the Brussels district. Whatever the region, it is among boys that the problem of abandoning scholarship before getting a certificate of full secondary education and of not studying anymore afterwards is more accurate¹⁷².»

C. Health system

Belgian Health system is considered one of the most efficient around the world¹⁷³. Health care in the strict sense (Hospitals, general medicine) is a federal matter. Prevention and health promotion services are a regional matter.

1. On the French speaking territory, two different services are in charge of prevention and of monitoring infants and school age children.

The Birth and early childhood agency (ONE) has for principle tasks, on one hand to monitor childhood (0-12) host organisations : kindergartens, summer camps, etc, on the other to accompany the child. In this perspective, the ONE organises psycho-medical consultations before and after birth, and medical consultations for children. It also provides specialised services for the prevention and monitoring of abuses situations.

Within the school system, health promotion in schoolsservices¹⁷⁴(PSE) and psycho-medico-social centers (CPMS) have mission to detect certain illnesses or to prevent transmission of infectious illnesses, but also to guarantee children's wellness in their scholar environment. These services are for instance charged to provide an individual health report for each pupil every other year.

¹⁷¹See *Exclusion scolaire définitive. Principes directeurs et recommandations*, Bruxelles 2013.
http://www.changement-egalite.be/IMG/pdf/Exclusion_scolaire_def_pages_sans_traits.pdf

¹⁷²IWEPS, *La situation des jeunes en Belgique francophone. Photographie statistique*, Namur, 2010.

¹⁷³Vrijens F. et alii, *La performance du système de santé Belge.Rapport2012*, Health Services Research (HSR), Bruxelles, Centre Fédéral d'Expertise des Soins de Santé (KCE), 2012.

¹⁷⁴Décret du 20.12.2001 relatif à la promotion de la santé à l'école.
19. 12.20.2001 decree on health promotion in school.

These two structures are thus in a position to notice any psycho-social problem, mental health trouble or intellectual deficiency.

2. Policies for the prevention of addictions concerning youngsters in age for compulsory education in the French Community are conducted following a global approach and do not aim at a particular substance or at illegal substances exclusively. They also care for addictions « without psychotropic substance » like game addiction, internet addiction, mobile phone or sex addiction.

The policy followed is one of health promotion through teams' support, projects' development, training and information. First line stakeholders such as school directors, teachers, educators, PSE, CPMS, facilitators and parents work together with associations for the prevention of addictions.

In order to reinforce and coordinate actions that take place in schools, special « addictions » support cells have been created in every local center for health promotion. They act as interfaces between school stakeholders and actors in the prevention of addictions' field.

A risks reducing policy has been put up at a federal level through intervention on party locations, information to the target groups and link with health care structures. A « national alcohol plan » that gather all the stakeholders has also been established.

3. Health policy in Belgium is based on a health insurance system of a « bismarckian » type. Employment-related contributions supply the biggest part of the health care budget. An alternative financing mechanism (on VAT base) allows a universal cover for the part of the population who doesn't contribute.

As a matter of facts, a series of compensation systems make it possible for the whole population to have access to quality health care. The weakest groups (children, elderly people, handicaped) are particularly well protected by adapted pricing policies. Public centers for social action (CPAS) take in charge the costs of health care for the ones without incomes.

D. Juvenile Crime Prevention Strategies

1. One must distinguish between security policies, police policies and related policies.

Regarding security policies, financed by the Ministry of Internal affairs, the setting up in 1992 of programs called « security contracts¹⁷⁵ » was the first prevention policy to take place at a national level. They aimed directly at prevention in the matter of juvenile delinquency and small criminality. These contracts quickly became a key element of the prevention policy. They are structured by three principles : i) a contract-based partnership between federal state, municipalities and regions, ii) a local management, iii) a social dimensions and a police dimension.

These programs have evolved to become « society contracts » (1997), then today « security and prevention strategic plan¹⁷⁶ » (PSSP).

PSSPs function the same way as security contracts. To be financed, municipalities must establish a local security diagnosis every four years, where they point at problems and propose actions to solve them. Incivilities, youth in difficulty and drug users are among target phenomena that have to be taken in account.

Operative goals of the plan must be measurable, acceptable, realistic and planned. The proposed plan must lead to results that are provable in quantitative and qualitative terms and that can be translated into various indicators.

The actions defined in the PSSP can also be financed by regional budgets and by financial sources that are centered on more precise issues (for instance : financing from the « large cities policy » or « urban policy » allows to face the issue of urban gangs¹⁷⁷).

At a strictly police level, there hasn't been any prevention policy anymore since the police reform of 2000. Prevention is mainly achieved through the regular police work of deterrence and the increased presence of a community policing.

¹⁷⁵D. De Fraene et alii, "Les contrats de sécurité et de société dans la Région de Bruxelles-Capitale", *Bres*, n°34, 1997.

¹⁷⁶Royal decree of 11/7/2013 on strategic plans for improving security and prevention and on town guards facilities.

¹⁷⁷S. Bruler-Desmeth et alii, *A la recherche des bandes urbaines*, SPF Intégration sociale, Politique des grandes villes, Bruxelles, 2012.

The only concrete prevention measure specific to police is the setting up of « points of contact » with some school to struggle against violence and dropping out.

Finally, they are related prevention initiatives such as the ones centered on health and drug use, for instance information campaigns on reducing the risks that are financed by health services.

2. Since the nineties, the juvenile delinquency subject or related themes such as incivilities, insecurity feelings, drug addicts, have been presents in every document that define criminal policy.

In this sense, prevention of juvenile delinquency states well as a priority. These last years, politics that were taken to struggle against juvenile delinquency were centered on two categories of behaviour : drug addiction in a broad sense and problematic behaviours in the public area, targetted as generating insecurity feelings.

To struggle against drug addiction, wide amplitude policies have been put up, such as risks prevention campaigns or the national alcohol plan. Struggle against problematic behaviours is a more local action. Young people in the public area are more and more controled and framed, either by the local PSPPs or by « municipal administrative sanctions » provided by every municipality. Minor offences, considered as ruining the public order are framed and social control is to be re-established.

3. There is no such thing as a specialised institution in the education of professionals for the prevention of juvenile delinquency in Belgium.

Professionals who work in the field as well as the institutions for which they work can be divided in two main groups. On one side, social work institutions or institutions that accompany children « in difficulty », who do « general » prevention (open educational support, youth and cultural centre) and who employ people from social work schools, social assistant schools or educators. On the other side, institutions linked to security issues (police, municipalities, PSSP) who employ people gratuated from criminology school or police school, for instance as « prevention officers ».

This distinction is obviously caricatural. The complexity of fundings and of field work mechanisms makes it possible to find social assistants or educators within PSPS or criminologists in open institutions.

4. The strategic plans for prevention and improved security scheme gives to municipalities a central role. They have to carry out a security diagnosis, identify priorities and come up with measures to be taken. It defines strategic objectives and operational objectives to meet. Coordination, supervision and follow up of the plan are carried out at the municipality level by a prevention officer, an administrative coordinator and an internal evaluator. A steering committee allows information transfer and concertation between the prevention officer and local police.

The municipality is thus the main actor in prevention strategies' development.

Actually, all big cities in the country (Brussels, Antwerp, Charleroi) have centralised all the available financial means (federal, regional, municipal and side fundings) within structures that manage the whole prevention policy. This way, they can better distribute resources between the police component, the social component and situational prevention throughout public spaces development.

In Brussels for instance, the non-profit association BRAVVO¹⁷⁸, put up by the town, is the sole operator for prevention policy. It's them who manage the whole policy on the whole territory of the municipality .

We will come back widely in the next section on this particular experience.

5. It is hard to define exactly what the budget for prevention policies in the field of juvenile delinquency is in Belgium. This for three main reasons.

The first one is the institutional reality of the country that splits up power levels and funding sources. To get a precise idea of the budget, it would be necessary to add amounts coming from federal, regional, municipal and related policies.

The second reason is linked to the very definition of prevention. Following the adopted definition, some policies get into the strategic scheme of struggle against juvenile delinquency or not. When does a public policy cease to be preventive ? Are social or school support prevention measures ? Following the answer, amounts can vary tremendously.

¹⁷⁸www.bravvo.be

The third reason lies in the fact that prevention budgets are not specified throughout target groups. Amounts dedicated to prevention policies take in general measures, and even investments in public spaces' improvement.

However, an estimation of the most important federal budgets in term of security and prevention gives us an idea of the importance of the means allowed tho this matter.

In 2012, federal budget for big cities policy was 60.697.000 €(to be distributed among 17 towns). Note that this budget covers many other competencies than security and prevention, for instance green taxation, energy saving policies or territory planning.

For the 2014-2017 period, PSSP's budget is for whole Belgium 35.074.000 €. Onemust add a specific federal fund of 2.400.000 € on the same period, that allows to hire « town guards ».

E. Promising practices in early juvenile crime prevention

A. School reintegration services(SAS)

1. As seen before, exclusion, school dropout and school relagation process are very important phenomenons in Belgium, especially in the French-speaking part of the country.

Following Eurostat figures, 12% of young adults aged between 18 and 24 in 2007 have prematurely left school. It climbs up to 14% in Wallonia and 16% in Brussels region¹⁷⁹. Of course, these phenomenons have important consequences in terms of employment¹⁸⁰,poverty risks¹⁸¹ or health¹⁸².

In occidental states, school should be a vector of equality and social integration for all youngsters. In reality, and especially in the French-speaking Community of Belgium, as shown by PISA¹⁸³enquiries, school is an important factor of segregation among the young population.

¹⁷⁹IWEPS, *La situation des jeunes en Belgique francophone. Photographie statistique*, Namur, 2010.

¹⁸⁰IWEPS, *La situation des jeunes en Belgique francophone. Photographie statistique*, Namur, 2010
See alsoService public fédéral Economie, *Enquête sur les forces de travail*, 2011.

¹⁸¹« Les jeunesses bruxelloises », *Bruxelles Santé*, n°54, avril 2009

¹⁸²D. Favresse, *Etude de la santé des jeunes en décrochage scolaire et de la consommation du cannabis à l'adolescence*, Bruxelles,Ecole de santé publique, ULB, octobre 2000.

¹⁸³ OCDE, *Résultats du PISA 2009 : synthèse*, 2010.

The school system in the French-speaking Community of Belgium is one of the most unequal in the Western world. The system filters out youngsters in two different movements. There are two types of schools, the official network and the ‘free’ one. According to the strategy of the families, their resources and social position, youngsters rather go to the official network than to the free network. Another filter is the orientation of the school education. At the age of 14, young people have to choose among three streams: general education, technical education or vocational training. Afterwards they can choose on the basis of school evaluations, or rather they can be *forced* to ‘go down’, so they can change from a general education to technical divisions or from technical to vocational training. But they cannot ‘go up’.

The selection of students is based on two major procedures: the decision of the teachers to make a pupil repeat the same class (a sanction that is very much used¹⁸⁴) and the expulsion from school followed by relegation, because when a pupil wants to enrol in a new school, she will have to accept a more down-graded orientation. These two logics reinforce a real segregation in school education: youngsters of more disadvantaged families, many of whom come from immigrant families, repeat classes more often than others and they follow most often relegated or down-graded orientations.

The passage through school produces segregation between different types of youngsters and makes them face very different experiences and expectations according to the kind of school they go to. This was also lately pointed out by UNICEF Belgium¹⁸⁵, based on discussions with young people. School education in Belgium hurts and excludes children who are already socially vulnerable, who make up as many as one out of five children in Belgium nowadays. They are often left aside and feel excluded from the moment they start in school, and this is due to a structural deficit in what schools offer children.

As shown by a recent study in Brussels, these exclusion processes have crucial impacts on dropout risk :

« dropout risk is linked to the way the school system works. First of all, the way pupils are distributed within schools and classes, via the process of repeating school years or the reorientation to alternate school branches have an incidence on school dropout risk. Secondly,

See also D. Jacobs et A. Rea, *Gaspillage de talents. Les écarts de performances dans l’enseignement secondaire entre élèves issus de l’immigration et les autres d’après l’étude PISA 2009*, Bruxelles, Fondation Roi Baudouin, 2011.

¹⁸⁴And that costs 422 millions euros per year in the french community, according to *Le Soir*, 21 février 2014, p. 6.

¹⁸⁵Unicef Belgium, *Egalité des chances à l’école? Voilà ce qu’ils en pensent*, Overpelt, Vaes, 2013.

the way teachers supervise pupils and interact with them can either reduce or enhance the dropout risk. It is very likely that these elements of school context have an effect on school dropout through their incidence both on pupils' motivation and involvement and on how and why pupils get together (school mates who drop out, who take drugs)¹⁸⁶ ».

Many scientific studies also show a statistical link between school dropout and delinquency¹⁸⁷.

For both strain theory¹⁸⁸ and social control theory¹⁸⁹, the relationship a young person cultivates with the school, her involvement in school, play an important role in her becoming involved or not in delinquency.

These various elements prove that an ambitious and efficient answer to the problem of school dropout is needed.

2. This worrying situation has been taken in charge since 1998 by the French speaking Community with the « positive discriminations » decree¹⁹⁰.

The decree reorganises the allocation of resources between schools following the principle « more to the ones who have less ». It also provides an article that creates a new experimental type of structure dedicated to youngsters in school dropout (art 30). It makes it possible to redirect a youngster through one of these structures as a specific measure of Child care or of the Juvenile Court (art 31).

School reintegration services can host excluded pupils or re-oriented pupils during daytime for a six month period, as an alternative to compulsory education.

The objective is to bring the Young person back to a school structure or a vocational training

¹⁸⁶B. Galland, V. Hospel, *Etat des lieux du risque de décrochage scolaire en Région bruxelloise*, Forum belge pour la prévention et la sécurité urbaine, UCL, Région de Bruxelles-Capitale, décembre 2011, p. 49.

In the Bruxelles-Capitale Region, 2007 Security Plan integrated, for every 19 districts of the region, a « watch and struggle against school dropout cell ». Based on the informations given by these cells, a local diagnosis on the school dropout factors was established for the Bruxelles-Capitale Region.

¹⁸⁷Fagan J.A. and Pabon E., 'Contributions of delinquency and substance use to school dropout', *Youth and Society*, 21, 1990, pp. 306–354; Jarjoura G.R., 'Does dropping out of school enhance delinquent involvement? Results from a large-scale national probability sample', *Criminology*, 31, 1993, pp. 149–172; Sweeten G., Bushway S.D. and Paternoster R., 'Does dropping out of school mean dropping into delinquency?', *Criminology*, 47 (1), 2009, pp. 47–90.

¹⁸⁸Elliott D.S. and Voss H.L., *Delinquency and Dropout*. Lexington, Lexington Books, 1974.

¹⁸⁹Hirschi T., *Causes of Delinquency*, Berkeley, University of California Press, 1969.

¹⁹⁰June 30 1998 Decree on equal chances for all pupils to social emancipation, especially through positive discriminations.

system and for its life to come back to its « normal course ».

A 2004 decree¹⁹¹ reinforces the SAS system : it puts up 12 structures of the type on the French Community territory and gives them mission to « give a social, educational and teaching help » to dropped out minors.

« By social, educational and teaching help, one must understand any form of help or action that allows to make these minors' conditions of development and learning better when they are jeopardised either by the child's behaviour or by difficulties met by his parents or the persons having parental care over him in order to realise their parental obligations » (art 19).

Obviously, these missions are related to the ones of Youth Care. SAS are indeed financed 50% by the Youth Care budget, and 50% by Education.

The decree also sets up the way of financing SAS and their obligations. Every structure is given 5 full-time educators. The maximal authorised number of youngsters to be hosted for a six months period is 20 and the global budget is approximately 350.000 euros per year for each SAS.

3. Organisation

SAS « Parenthèse » was the first one to be opened, within the frame of the decree, on the French Community territory. Its director, Maurice Cornil¹⁹² is the initiator of the first project of the type. He is also a very careful evaluator of the functioning and evolution of the SASs¹⁹³..

In accordance with the decree, *Parenthèse* functions on the bases of a specific teaching project and welcomes youngsters on voluntary bases.

The project comes as an answer to several statements made about dropped out pupils. Following M. Cornil, youngsters who are hosted at the SAS share two main characteristics :

- The scholar difficulties of these students are only a symptom of a larger personal problematic. Confidence towards the adult is strongly shaken. Their educational history is an accumulation of failures.

¹⁹¹May 12 2004 Decree on different struggle measures against school dropout, exclusion and violence in school.

¹⁹² See the abstract of his interview in Annex.

¹⁹³See M. Cornil, « Espace de resocialisation pour jeunes en décrochage scolaire », *Le point sur la recherche en éducation*, n°18, décembre 2000.

- Paradoxically, these young people are in demand for a scholar type structure (schedules, rules, classrooms), but one that would leave a place for the expression of their personal problems and their free speech.

The SAS's action is thus much more than bringing back the pupil to a scholar structure. It is a deep work to restore the child's self confidence and to allow him to think of the future.

To bring a social, educational and teaching help means to collaborate with different actors following the problematics. The SAS has active partnerships with different sectors : justice, youth care, health, psychological care and social care, and of course, education.

The reception and provision of care, the definitions of goals and the help asked to other services vary in function of the youngster's problems. The SAS's action develops along a personal project and an individualised teaching plan (art 33 of the decree).

4. Practices

Self-worth of the child is thus the center of SAS's action. The assumption is that to recognise a status of actor to the youngster within the frame of the SAS will stimulate his positive social insertion.

The SAS's objective is triple : integrate the child in group teaching activities, allow him to build and develop a personal project and thereby recover confidence, in himself and in the adult, in order to finally get reintegrated in a scholar structure.

Parenthèse insists on the importance of giving the youngster the credit of his capacity for discernment : he is always met alone first, his parents will be associated in a second time, but following the same first meeting. The institution's goals, the work to be done, the collective life rules and the details of the activities are largely explained to the child and his parents. A convention is signed between the educational team, the youth and his parents, convention that describes in details the missions proposed to each co-signer. Finally, the child is invited to write a letter of intention, in order to freely express his expectations.

Helping the young person also implies to use a teaching content that is defined by the compulsory education institution, through « competencies to be developed ». The SAS puts up a frame that includes rules, schedules, collective workshops and assessment times and by doing so creates a space that is experienced by the children « as if » SAS were schools.

The educational project exists prior to the group. Youth must adhere to the following extent: mornings, training activities are organised : "science and technology", "management-reading", "media", "language and communication", "text", "reading assistance-tales","collective expression space » workshops. These activities are mandatory for all young people. In the afternoon, activities that meet the aspirations of the youth and their individual project are organised in cooperation with them. The only required conditions for these activities are that they respond to a structuring dynamic that could be useful to the young person -which will be discussed with him- and that they follow an explicit schedule.

A space must thus be organised: a space for everyone's speech, but also a space where adults and youngsters' statuses are not systematically distinguished. The distinction between educators and educated is even more mitigated by a proximity concern, reflected in the using of « tutoiement » towards the adults (meaning they may address adults with the personal pronoun « tu » instead of « vous » which is normally used for adults that are not part of the family or close friends) and the fact that everybody is called by its first name.

This desired and established proximity tends to generate an attachment from the youngsters to the adults, to the places but also between the children, by giving them the feeling of belonging to a group which members all have in common a break-up experience and a will to « be » in the SAS.

The regulation is limited and doesn't function as a tool for a power to operate from the ones on the others, but more as a reference code that allows to triangulate a relation. Educators and educated know the rules, and the interactions in times of transgressions refer to rules, to committed actions, and not to the individuals as such. « It is not you that is judged, but your actions and words, within limited occurrences ».

For example, in all cases, there is no penalty in the SAS. When a problem arises, it is fixed in the exchange between the team and, in general, all young people. If the proposed activities do not meet the interests of a young after he was admitted, he is not removed from the SAS. In consultation with him, other forms of training are proposed, that best match his needs. This positive philosophy wants to meet the inclusion expectations of the youth, inclusion in the SAS, group inclusion, inclusion of their project in their current and future experience.

Educative strategies of the SASs aim at generating an attachment from the youngsters to the SAS institution and to the adult educators who carry it. This attachment – or affective

involvement- is the main educational lever that allows to hope in a conversion from the child regarding school and adults in general.

All the SAS professionals are subject to a code of conduct¹⁹⁴ set up by the authorities, that mainly guarantees the confidentiality of any information delivered by the children, whatever its matter, and the obligation for the professional to get the consent of the youngster for any action related to him. This code of conduct favors the free speech of the youth.

Workshops are organised to develop self-expression, imagination and competencies of the youngsters, putting them to form through different methods. Writing workshops, image production, films, documentaries, art workshops... the aim of the work is to tell each other their own story, through their experience, dreams or imagination. Social interaction is at stake, but also self-reconstruction.

Personalised exercises come in addition, following personal difficulties and the targets defined by the child and the educators' team : for instance to respect a schedule, reestablish a family relationship, or define a project for a future education or training.

5. Evaluation

On the basis of several years of practice, of a research report¹⁹⁵ and of systematic evaluation interviews of the young people coming out of the SAS, different positive elements can be pointed at :

- From the youth point of view, the SAS is a scheme identified as a unique occasion for self-reassurance. The institutional frame, as it is organised, gives them several occasions to « test » a new relationship to adults and other youngsters. Confidence¹⁹⁶, in oneself and in the others may arise and grow along interactions within the structure, and is described as a major output of a stay in the SAS .

This reassertion of the young person's value has for crucial consequence to modify the general attitude of the youngsters : « hate » or « rage » over the way they have been treated along scholarship decreases with the discovery of alternate ways of acting and interacting.

¹⁹⁴The Youth care code of conduct, established by the French Community decree of March 4 1991 on youth care.

¹⁹⁵M. Cornil, *Espaces de resocialisation pour jeunes en décrochage scolaire*, Recherche action en éducation, rapport de recherche, Ministère de la Communauté française, 2000.

¹⁹⁶The influence of the institutional scheme on the « ethos » of the youngsters is verified through other relatively similar experiences. On an educator training for young delinquent adults, see Isabelle Coutant, « From street to job : integrating juvenile delinquents », *Etnografica*, february 2010, 14 (1), pp 71-95.

Appeasement is of course a first essential step before they can outline future projects and re-take the lead in improving their situation. It is also most likely the first step away from delinquency.

- The SAS appears as an alternative to school, more appropriate to certain audiences. It can thus also be used as a pedagogic laboratory and tests some practices that could be exported to regular schools, helping them to become spaces more open to diversity.

The pedagogic relations proposed by the SAS are characterised by the space they live to the intimate expression of the child. This pedagogy is founded on the idea that the main problem of these youngsters is not compliance to scholar rules and constraints but the difficult passage to adulthood. SASs focus their work on the « issue of adolescence », which means being at constructing ones' own identity and personal journey, instead of focusing on discipline issues. It seems that, at such a delicate moment of life, it is more beneficial to the youngsters in trouble for scholar institution to play the role of a protective space for the individual than to appear as a supplementary threat.

- The school reintegration system appears as an original prevention tool. Halfway between scholar life and social life, it touches the youngster at the deepest of his life experience and allows him to think of what is happening to him.

Based on the observation that adolescence is a moment of « links' metamorphosis » (M.Cornil), SASs are unique spaces where to help and protect these metamorphosis.

The prevention work has not only a « pacifying » aspect, intended to protect society. Prevention is also about giving a place to the youth and trying to avoid a break between the youth world and the adults world.

The set up of a space that is organised by co-construction rules instead of imposition is an interesting complement to regular scholar institutions. SAS's prevent violence by preventing social exclusion of young people that are the less adapted to school life and by promoting discussion and negotiation mechanisms instead of violence (whether it comes from the minor or the institution).

- Finally, it should be noted that SASs are, from a strictly accounting point of vue, much less expensive than special education or the hosting of dropped out youngsters by medico-psychological institutions. With a different type of supervisory staff and organisation, SASs

manage on one hand to act on youngsters' behaviour and on the other to reintegrate them to the « regular » educational system.

A. Municipal platform for an integrated approach of prevention

The BRAVVO example

1. Since 2004, Brussels city has put up an original prevention platform under the form of a non-profit organisation (asbl Bravvo). It holds and manages all the city budgets dedicated to prevention policies (in a broad sense) and the total workforce in charge of these policies. Under the direct responsibility of the town council's politicians and of the policy-makers in social care (social action public centre), the platform is directed by the prevention officer mandated within the PSSP (strategic security and prevention plan).

Bravvo's activities, as well as its funding, are mixed, at the cutting edge of social policies and security policies. The platform aims at improving urban security, struggling against social exclusion and developing the quality of life in town.

Bravvo must implement an « integrated » prevention policy, which means a set of actions that make a link between situational crime prevention and a more social prevention.

Further more, a special organ called « general coordination » is there to ensure coherence between actions and the correct use of resources. General coordination also manages the partnerships with local stakeholders, in accordance with the PSSP's goals. As the platform ensures that all the projects, fundings and actors get integrated in one single policy, its role is particularly crucial in integrating federal plans and regional plans for prevention.

A "Finance Service" is responsible for the smooth running of the financial tasks including its administrative and contractual aspects. The diversity of sources of funding and subsidies makes the financial management of the association complex. The "Finance Service" follows various procedures in the procurement of goods and services that are necessary for the association's running. It maintains accounting and gather the supporting documents for the payment of state and region subsidies. The cell also provides control on the budgets' management by implementing monitoring tools.

Funding sources are multiple. The most important part of them comes from the PSSP, from the Regional Prevention Plan, the Big Cities Program, the "European Summits" Fund, the

district contracts . You should also add the "employment aid" provided by the federal level that allows the financing of « townguards ».

Bravvo now has more than 240 workers

2. Description

Bravvo conducts its activities of integrated prevention along the following principal axes of intervention :

Social and civic prevention

This line of action starts from an assessment:the Brussels population gets younger and younger. Lots of these young people are in a particularly vulnerable situation and often without supervision.

These young people of Brussels are confronted to important socioeconomic difficulties and thus to a lack of means to participate in blooming activities. They also very often act in reference to different codes and values than the ones of older generations.

This situation stresses the conflicts of generation, the appearance of violence and the feeling of insecurity. In front of this situation, a platform of educational care was set up by Bravvo, mainly in districts that are socially and economically discriminated. The platform is based on three tools : street workers, youth centres and a community center.

Street work

The mission of the street workers in charge of mentoring this youth consists of:

- Facilitating, by games, the learning of the respect for others and for solidarity (education in citizenship)
- Proposing activities of preventive and educational information to young people and/or their parents
- Revealing the capacities of the youth and making their operation possible.
- Setting up collective or community projects which prevent the emergence of social problems and violence.

Their mission is thus to realise an educational work with young people, in particular young people in trouble, to allow them to join a circuit of socialisation and to recreate a social link between them and the rest of the population. By means of streetwork, one can touch the young people not frequenting the traditional child care facilities.

Concretely, the street workers work firstly with the girls and boys from 12 to 20 years old.

Their action aims at the blooming, the education in citizenship and the empowerment and socialisation of the young person. To this end, they propose, all year round (on Wednesday and Saturday afternoons) and during school holidays various workshops (street-football, hip-hop dancing, boxing, etc).

They direct and also accompany the young towards the various structures and competent partners to meet their demands (youth centres, mediation services, AMO, CPAS, Actiris, training centers, Infor Jeunes, etc).

They encourage the various initiatives of the young people to improve the cohabitation and the life in the districts (participation of young people in neighbourhood parties, in the « Cleanliness Day »).

By means of street work, they ensure a presence in the district in order to touch their target audience and maintain a relation of confidence with them, thus creating a space for the speech of the largest number of young people.

Youth centres

A network of youth centres managed by Bravvo ensures the mentoring of young people from 12 to 18 years old through educational projects that aim at their emancipation.

The mission of the facilitators of these centres is fivefold : prevention ;struggle against the rise of violence and the feeling of insecurity which results from it ; the blooming of young people ; the education in citizenship and finally the fight against exclusion.

There are 5 youth centres in order to cover the major part of the territory of the City of Brussels.

Other facilitators are also detached in other partner associations' centres or sport centres.

The community centre

As a project of Bravvo, in charge of prevention projects on the territory of the City of Brussels, the community centre Oasis wants to recreate a social link between households in social houses of the northern district of the City.

By its actions (secondhand trades, reading corners, collective projects) the community centre Oasis allows to facilitate a better social cohesion via activities, meetings and intergenerational and intercultural exchanges.

Besides, it organises specific activities for:

Children from 6 to 12 years old: aid at homework, a painting workshop, cultural visits,...

Young people from 12 to 18 years old: sports workshop, working workshop around subjects related to the neighbourhood: development of the garden, realisation of a fresco,...

Adults: literacy classes,...

Prevention through presence in the neighbourhoods

This service sets up and coordinates the town guards. Town guards or civic guards are thus new jobs that aim at fighting incivilities and try to make people live together in harmony through the reappropriation of the public space by everyone.

The law of May 15 2007 about civic guards is applied since January 9 2009. The goal of this law is to gather all stewards, park guards and prevention agents under the name of 'town guard', with a same mission and uniform. However, the City of Brussels did not wait for the law of 15 May 2007 to make a commitment in this unification. Indeed, since 2004, with the creation of the association Bravvo, the City encouraged the grouping of the agents.

The « town guard », as defined by the law, is a municipal agent that has mission to increase the safety feeling of the citizens and to prevent public nuisance and crime. This mission includes raising public awareness in safety and crime prevention in the public space, around schools and during events organised by the municipality.

Brussels City has clearly delimited its town guards functions from the ones of the local police. The Brussels town guards cannot make a report on someone. Their work only completes that of the local police. The local police exercises the repression and Bravvo assumes an important

part of the preventive work. In this context, no prevention agent of Bravvo is authorised to make notes of infractions of the general police regulations.

Conflicts prevention

This working axis of Bravvo wants to maintain, or to restore, a harmonious cohabitation in Brussels and to avoid the degradation of interpersonal relations.

The mediation projects implement communication mechanisms and mechanisms that are made to restore the social bonds among citizens. The role of the mediator is to help the protagonists to solve the conflicts.

Local mediation

The team of local mediation proposes a mediation if a Brussels inhabitant meets a conflict with a neighbour, a friend or within a couple or family. The multidisciplinary team is decentralised and stays at the disposal of the people from Brussels, whatever district they live in.

It was noticed that the judicial authorities (police and Public prosecutor's department) annually receive a large number of files relative to infractions with little importance. The local mediation intervenes in these conflicts and acts as a new mode of resolution for the conflicts.

They proceed by the search for solution in a clear and confidential frame, which guarantees the mutual respect through dialogue. An impartial professional, who does not judge and who does not take a stand, helps to restore the links between parts and to find a gentleman agreement which should have for result a pacification of the relations.

Social mediation

The mission of social mediators is to inform the public, to create a social link and a positive dynamics in districts, to facilitate the relations between the citizens and the institutions, to anticipate problematic situations and to propose solutions to the local power.

The social mediators are six and concentrate each on a district. They can either have an individual approach or a collective one. On an individual level, they are brought to inform and to help the citizens in the search of solutions for their daily difficulties. They receive individual

demands and direct people to the most adequate specialised services (housing, job search, trainings). On a collective level, they introduce or support projects facilitating the active citizenship of the population (neighbourhood parties, « Cleanliness Day »). They facilitate the contact and the dialogue between the municipality and the local population.

School mediation

The school mediators are integrated into the schools of the City of Brussels who practice affirmative action (« positive discrimination »). They fight against school dropout.

The school mediator acts as a relay between the school, the parents and the outer partners susceptible to bring a help to the young person. He can intervene on three levels, through prevention, concertation and conciliation.

He listens to the youngsters battling against difficulties and helps them on their personal tracks. He sets up new projects related to keeping a young person at school and reducing the various forms of violence.

Prevention by the quality of life

These projects want to improve the living conditions of the inhabitants such as the housing conditions and the development of public spaces.

« District contracts » represent the main tool of districts revitalisation. They are led on a precise perimeter, mostly weakened districts that need requalification of the public place and housing, for a duration of 4 years. The coordinators of district contracts are integrated into Bravvo since the middle of 2005. Mediators of cleanliness are also under contract at Bravvo. Field work incites to relevant collaborations, for example with the social mediators of Bravvo (animations co-organised by both services, promotion of the contract's activities, etc).

Projects ensure a bound between physical renovation (renovation of housing, embellishment of the physical space) and social projects (support, strengthening of the social ties).

An effort has also been made by the City in therequalification of its social housing's vicinities as well as the improvement of the lighting on all the territory. The works are financed by the Region (security and prevention contracts) and Bravvo assures the administrative

interface. In lighting, an accent is henceforth put on the reporting by the agents of Bravvo, who choose sites which could turn out priority for the renewal of the lighting.

Prevention by alternative measures and sentences.

Even if these measures and sentences are not part of primary prevention, they still belong to the prevention domain as they aim at preventing the risk of recurrence. Besides, they are not measures of repression but of repair.

Bravvo put up 2 processes for alternative measures and sentences. They aim at a diversification of the penalties or procedures of repair answering delinquency or incivilities and a better adaptation of the answer to these facts.

The Supervisory service of alternative judicial measures (SEMJA)

This service operates the alternative sentences and judicial measures. It also manages the first care services and the orientation of the person towards the social services of accompaniment and socio-professional reintegration.

Practically, they proceed to an examination of the social situation of the citizen to increase his chances of reintegration and collaborate with a partners' network in social and occupational insertion.

Mediation in administrative fines

The Bravvo services (SEMJA, legal assistance service, local mediation) can in each case propose the most adapted alternative to the payment of a fine: conciliation between the author and the victim, a working service, training,...

3 side projects must be added to all these mechanisms :

A public peace manager

This new function was put up by the city in order to contribute to the quality of life in the city by proposing active solutions for areas concerned with cases of nuisance and incivilities.

The job was created after a commun reflection of Bravvo and its partners (police, municipal services, associations). The reflection was based on the « local security diagnosis », on

meetings with the inhabitants and on observations made by field workers and partners. The initial statement was that incivilities¹⁹⁷ and nuisance are the key problems in large centers of housing, activities and leisure such as Brussels.

The manager acts as a mediator for all services and people dealing with nuisance : police, government, prevention services, shop keepers, residents committees, associations and citizens. His action is focused on red-light districts, areas that are a mixt of housing and trade, and « party » districts.

In that work, the manager of public peace gets the assistance of a police officer. Together they combine preventive and repressive work against 'uncivil behaviour', and work for « living well in the city », under the joint authority of the Mayor.

The manager of public peace also collaborates with the municipal secretary who can easely mobilise the different municipal services.

A Service against school dropout

The prevention platform against dropout situations, called Nota Bene, is a fulcrum that organises the work between educational networks and other partners (prevention, school mediation, police contact point, school reintegration platform, ...) .

NB tries to have a comprehensive approach to the problem of early school leaving . It brings together all stakeholders (schools in the territory of the City of Brussels, psycho -medico-social center, SAJ, « family and youth » police cell, associations) to analyse problems , make an inventory of available resources and identify the best practices.

It also offers information sessions on the school system for young people and professionals.

Finally, this service can also perform individual monitoring and regulate school situations of dropped out young people.

A legal aid service

A lawyer helps Brussels people to resolve their legal problems outside the legal sphere. It offers a free ad hoc service for any citizen wishing to assert their rights.

¹⁹⁷ Incivilities or 'uncivil behaviour' may include insults, small vandalism, illegal dumping. Nuisance may include the problematic occupation of public space, disturbance of the peace, public drunkenness,...

The lawyer also provides specific information on the rights of the citizen, practical advice on the steps to take, practical help when the situation requires it (sending mail to prevent or resolve the dispute and tracking the file); guidance to other more specialised administrative or legal services if necessary.

3. Evaluation

Bravvo is an initiative that is quite unique and original in Belgium. More than just a prevention tool , it is an instrument of " urban policy " that acts on both the causes and the symptoms of urban crime .

As a tool for global and integrated prevention, Bravvo has been subject to continuous assessment¹⁹⁸. The magnitude of the project will allow to implement reflexion, evaluation and cross training policies, aimed at constantly improving the functioning of the organisation. These policies have identified a series of forces and "good practices" in many aspects of the work done in recent years.

We will first present the "good practices " initiated at the field intervention level, in a second time we will identify some forces that are proper to the entire system.

"Best Practices"

- *General attention to worker training, internal communication and formalisation of practices.*

Bravvo has implemented a policy of training addressed to all workers, both individually (more than 12,000 hours of training in 2011) or transverse (Interservices) .

Bravvo also systematises the contacts between the different teams, thereby strengthening cohesion, information exchange, cross-cutting approach. Inter -disciplinary meetings, organised every six weeks in six target neighborhoods, form the heart of the exchange policy. Given the complexity of the themes that the agents face (wandering people, occupation of public space, acts of delinquency, substance abuse indices , etc.), these meetings enable the development of new projects, the relay of issues and observations, internally and to specialised services , and finally, openness to partners and initiation of workers to new practices .

In each of its areas of focus, Bravvo sets up spaces for reflection on the work . For example,

¹⁹⁸Much of the assessment evidences presented here are from *Focus on BRAVVO , 2011 , accessible at http://www.bravvo.be/IMG/pdf/RA_2012_Bravvo-1.pdf*

the " social and civic prevention" axis has established general assemblies of workers, workshops and team time outs to think about the job issues, the main objectives and about methodologies in supporting young people.

This helped realise animation guidance documents, redefine the hospitality function within the centers, decide to hire an academic advisor for the academic support activities, decide to make more visible the participation and achievements of young people by organising exhibitions and theatrical performances in several venues in Brussels, etc. In the same vein, the " Conflict Prevention" axis is also working at the dialogue between partners and the formalisation of the mediator's specific practices.

- The development of a comprehensive and integrated approach

Bravvo surchs to increase partnerships with other actors present on the territory of the City. For example by being active in "social coordinations " that include civil society actors by districts or theme (mental health, social work, ...), by signing collaboration agreements with major stakeholders of the Brussels landscape such as the transport company (STIB) , by working closely with the local police or the City services .

Bravvo also makes best practice exchanges with other municipalities in the region or with Quebec.

- The development and strengthening of the coordination function

The implementation of a coherent and comprehensive prevention policy requires the articulation of many local interventions. To ensure that consistency calls for the establishment of a centre for data collection, reflection and projects and for an effective incentive framework. The continued strengthening of the coordination function has been a priority in recent years. All the functions of coordination and some front-line services have been gathered in one building that is visible and accessible in a sensitive area of the city center (Anneessens District). A " stress ecology " cell was created, devoted to monitoring workers experiencing difficulties in their mission. A " communication " cell was put up to make actions more visible and provide greater transparency regarding budgetary and administrative aspects.

- The ongoing effort to inform and raise awareness among target audiences

This policy is more and more successful. A strong identity of Bravvo (including in terms of visual recognition : logo, uniform of the town guards) allows a wide recognition from the

public. A significant increase of direct public appeal to different workers has thus been observed, and an increasing number of case files are turned over to Bravvo by the partners.

- The use of systematic participation of target audiences

The attention to public participation, particularly of young people, through the organisation of exhibitions or performances, participation in trainings or student jobs hiring is a guarantee of success for the initiated projects.

Transverse forces

- In the Belgian context, the great strength of Bravvo is to be a structure that can sustain existing projects despite regular changes in subsidy programs, institutional uncertainties or changes in priorities of the subsidising authorities. Bravvo is guaranteed to develop long-term consistent policies by aggregating various means in a common policy that is approved by the local political authorities.

- Bravvo placing itself at the intersection of social action in neighborhoods, socio-cultural action, political participation and strengthening of the dialogue, is able to develop innovative functions in the field of prevention (manager of public tranquility, social mediator ...). This unique position allows to create new functions, new jobs that meet needs but wouldn't be imaginable in a specialised vision of the social action.

- The strong link between a diagnosis phase, data collection, project implementation and their evaluation. Bravvo is very careful to professionalise social intervention, to constantly build projects based on field observations and assess their effects also on the basis of observations. This process needs to be strengthened in future years through better harvesting of field observations and their formalisation via computerisation, better monitoring of the evolution of the treatment of problems identified in the field and finally through the creation of a Bravvo Observatory (diagnosis, evaluation and methodologies) .

F. Evaluation mechanism for early juvenile crime prevention programs

The issue of evaluation of programs for the prevention of juvenile delinquency is not really taken into account in French speaking Belgium. This lack of attention is part of the general lack of data about the phenomenon of juvenile delinquency¹⁹⁹. Since the gathering of statistics on the crimes committed is only very recent, it is not surprising that the measurement of the effects of prevention policies is not yet a priority.

This disadvantage is compounded by the fact that there is no unified program for the prevention of juvenile delinquency. As is the Belgian political tradition, the splintering of the policies corresponds to the multiplication of levels of authority and to the administrative complexity. The few figures available are rather on the number of cases managed by the youth assistance and protection systems. It may also include the obligations of certain services depending on the Youth Assistance, such as support services in an open environment (AMO) to relay the voice of youth and field observations to their directors or initiate "general prevention" projects.

But this can not in any way constitute a comprehensive and qualitative evaluation of the so numerous systems in place.

Some more global tools, such as "security contracts" have received systematic and constructed evaluations (from the federal government). But these assessments contained two gaps regarding the effects on juvenile delinquency: first, they were never impact assessments of the implemented policies but rather "summative" evaluations of all the actions taken within the financing granted²⁰⁰, that is to say, control evaluations of the use of financial resources. Secondly, they did not integrate a component dedicated to effects on juvenile delinquency as such. Finally, the moment of the evaluation was understood as the way to set out the status of the current situation, to establish a diagnosis rather than the opportunity to reflect on the effectiveness of carried-out policies.

The Belgian situation therefore imposes to return to each local assessment process, such as

¹⁹⁹ For example, Belgium has only recorded data on juvenile delinquency since 2011. Before that, it was common in Belgium, talking about offender acts committed by minors, to use the words "statistical gap".
Voir Vanneste CH. *et alii*, *La statistique nouvelle des parquets de la jeunesse*, Academia Press, Gent, 2008.

²⁰⁰ Voir Smeets S., « L'évaluation des politiques de sécurité et de prévention en Belgique » in Robert Ph., *L'évaluation des politiques de sécurité et de prévention de la délinquance en Europe*, 2010, L'Harmattan, Paris, pp. 47-68.

those produced by Bravo, to get information on what might constitute a comprehensive policy for the prevention of juvenile delinquency.

At the local level, it is also noted that the administrative obligation to an activity report every year prevents longer term evaluations and reflection on the evaluation standards.

Together with Smeets, while looking at the stock of assessments conducted so far in Belgium, we can only "see that no assessments has been made to measure the impact of programs and tools under the two main objectives of prevention and safety policies (reduction of crime and fear of crime reduction). "

G. Conclusion and Recommendations

After this overview of the situation in French-speaking Belgium, several observations can be installed. They can be considered both as the findings of this report and as the basis on which conduct further reflection.

1. The first question that remains open is what is meant by the term prevention. According to the used classifications, offensive or defensive prevention, primary, secondary or tertiary (relapse prevention), it will be talked about very different practices and objectives. The question then is "what to prevent" (D. Defraene)? Concrete acts? Cohabitation problems? Exclusion dynamics?
2. We know that much delinquency acts performed by young people are momentary delinquency acts that are associated with adolescence. We can not prevent adolescence. But prevention can intervene when some youngsters commit more frequent and harder acts. To achieve this, public policies should act both on neighbourhood dynamics, peer relationships and failure at school. We must work on positive socialisation, give young people in difficulty faith in the future and provide them with achievable "possible".
3. Meanwhile, it is important to implement "general" prevention policies, in other words policies that address the roots of the experienced difficulties, which means the economic inequalities and the frustrations they generate²⁰¹. This obviously raises the question of the level at which these policies should be led. If the local level is the best level to establish accurate diagnosis and to provide solutions that

²⁰¹ J. Fastrés et J. Blairon, *La prévention. Un concept en déperdition ?*, Bruxelles, Luc Pire, 2002,

are as close as possible to the specificities of the target audience, the questions of the redistribution of resources and of the improving of the quality of life call for policies taken at a higher level. .

4. In this sense, the establishment of an effective prevention policy begins with the definition of a youth policy which allows to formulate more general and cross-cutting objectives (education, health, support, leisure, ...).
5. However, on the local level, effective prevention policies begin with openness to other possibilities whatsoever in terms of recreation, education, meetings. Provide access to things that would otherwise be inaccessible (S. Smeets) is a step in the right direction.
6. The first place for juvenile delinquency prevention is nevertheless the school²⁰². This institution continues to operate as a "social elevator". It is with school failure that most of the exclusion processes begin.
7. Note also that prevention does not mean "pacification", something positive can always come out of conflict and disagreement (M. Cornil). In this sense, the issue of prevention opens on the issues of inclusiveness and of the existence of a space for debate. Prevention policies must absolutely avoid reinforcing punishment and exclusion - creating isolated areas or policies, restricted to certain public - but rather encourage discussion and negotiation.
8. Finally, in view of the Belgian situation, it seems essential to provide assessment tools to see the effects of policies on problematic situations and not only on target populations, the solution to a problem does not always come from an action on a population but from a work on a social relationship.

²⁰² See J. Moriau and S. Van Praet, "The institution hidden behind correlations : Interrogating the link between school failure and delinquency" in D. Sorvatzioti *et alii*, *Critical Views on Crime, Policy and Social Control*, Nicosia, University of Nicosia Press, 2014, pp. 74-90.

Nations: **England and Wales**

Author: **Daniel Breger**

Introduction

“The underlying factors that increase the risk of offending clearly need to be addressed as early as possible. There is significant national evidence that early intervention is effective, and is the best way to prevent offending and to improve other outcomes for children”²⁰³

There are strong moral, criminological, and financial reasons to pursue strategies that limit young people’s contact with the criminal justice at the earliest possible stage. Indeed, numerous international studies have shown that the greater a young person’s contact with the courts, the greater his or her risk of re-offending. Criminologists have sought to explain this correlation through various theories, ranging from the negative effect of association with other criminal elements and the disruption incarceration causes to children’s education and family lives, to the self-fulfilling nature of ‘labelling’ individuals as criminals.²⁰⁴ For example, the 2010 Edinburgh Study of Youth Transitions and Crime found that “the deeper young people who were identified as the usual suspects penetrated the youth justice system, the more likely it was that their pattern of desistance from involvement in serious offending was inhibited.”²⁰⁵

From a cost-savings standpoint, many would argue that there are strong financial incentives to promote effective diversion measures and early prevention strategies. With youth custody amounting for 65% of youth justice expenditure in England in Wales in 2011/12 (a figure of

²⁰³ Justice Committee’s report on ‘Youth Justice, Seventh Report of Session 2012-13’, published 14 March 2013 (hereafter referred to as the “Justice Committee Report 2013”) at para 30, citing evidence of Wendy Poynton, Head of Leicester Young Offender Service (‘YOS’).

²⁰⁴ McAra L and McVie S, “Youth justice? The impact of system contact on patterns of desistance from offending”, *European Journal of Criminology*, 4:3, 2007, pp315–45; Farrington D, “The effects of public labelling”, *British Journal of Criminology*, 17:2, 1977)

²⁰⁵ McAra L, McVie S (2010). *Youth Crime and Justice: Key Messages from the Edinburgh Study of Youth Transitions and Crime*. *Criminology and Criminal Justice*, 10: 211-230.

£245.5million)²⁰⁶ and almost 80 per cent of the yearly average cost of first-time entrants to the justice system there are arguably considerable cash savings to be made. Indeed in 2009 the Audit Commission estimated that over £113 million per year could be saved if one in ten young offenders was directed towards effective support.²⁰⁷

²⁰⁶ Youth Justice Board annual report and accounts 2012/13

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/246506/0520.pdf.

²⁰⁷ Audit Commission (2009), 'Tired of hanging around: Using sport and leisure activities to prevent anti-social behaviour by young people'.

CHAPTER 1: OVERVIEW OF YOUTH SYSTEMS

1. Background Summary²⁰⁸

The criminal justice system in England and Wales did not distinguish between adult and juvenile offenders until the early twentieth century, when the Children Act's 1908 established the principle of dealing with juvenile offenders separately from adult offenders. In the same year the Crime Prevention Act 1908 also set up the first young offender's institution. Later, the Children and Young Persons Act 1933 introduced a statutory principle that courts must have particular regard to the welfare of the child and in 1963 the age of criminal responsibility was raised from eight to ten years old.

Between 1989 and 1991 the systems for dealing with children in need of care and those charged with criminal offences were split, with the creation of youth courts. During the 1990s the numbers of young people entering the criminal justice system, and particularly the number sentenced to custody, rose substantially.

In 1996 the Audit Commission published '*Misspent Youth: Young People and Crime*', which found that there was no integrated youth justice system in England and Wales and highlighted a number of deficiencies. This prompted a fundamental change to the structures and framework for responding to offending by under-18s, most notably through the Crime and Disorder Act 1998 ('the CDA 1998'). This Act defined the principal aim of the youth justice system as 'to prevent offending by children and young persons'. It placed a duty on every local authority to establish and fund a multi-agency youth offending team for their area (YOT), to coordinate youth justice provision. At national level, a Youth Justice Board (YJB) was established to monitor and advise the Secretary of State in relation to the youth justice system; monitor steps taken to prevent offending by young people; identify, spread, and make grants to develop good practice; and enter into agreements for the provision of secure accommodation for the detention of under-18s in custody. The CDA 1998, and subsequent legislation, also made significant changes to the types of sentences and out-of-court disposals available for young

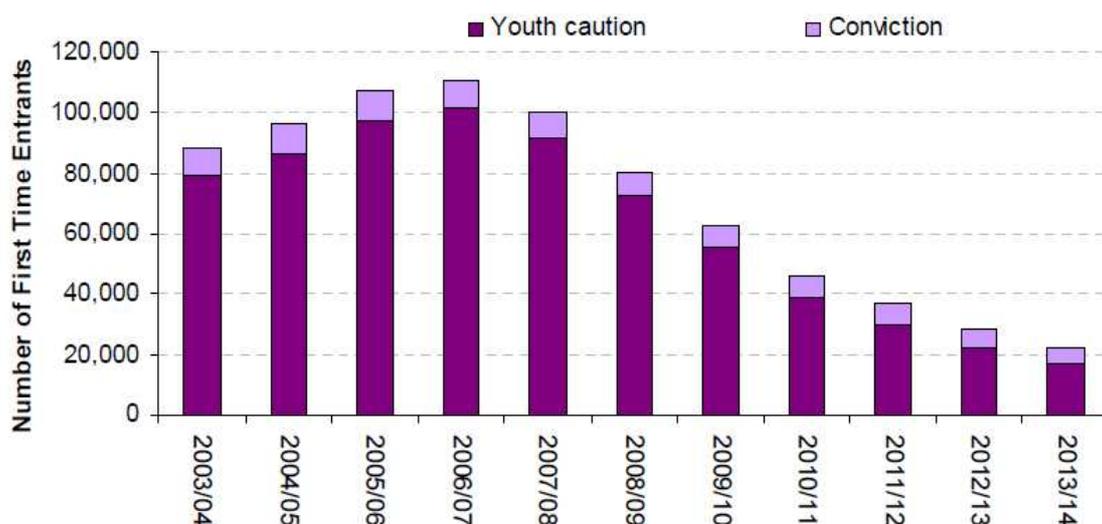
²⁰⁸ This summary is largely taken from the Justice Committee Report 2013 at para 4, p.7.

offenders. More recently, England and Wales has seen a renewed enthusiasm for diversion and early prevention strategies.²⁰⁹

2. Data and trends

Over the past ten years there has been a significant decline in then number of young people coming into contact with the youth justice system. In 2013/14 there were 22,393 first time entrants to the Youth Justice System, which was down 20% on the previous year, and 75% lower than in 2003/4.²¹⁰ The average number of young people in custody in 2013/14 was 1,216, a 21% reduction on the previous year and 56% less than the average in 2003/4.²¹¹

Trends in first time entrants, 2003/04 to 2013/14



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Fewer young people are also being convicted of offences, with the number of youths sentenced at court down by 23% on the previous year to 33,902 in 2013/14 (a 65% decrease since 2003/4).²¹³ This decline has apparently had a greater impact on the white population than ethnic minorities. For example, studies have shown that young black people are more likely to receive

²⁰⁹ Justice Committee Report at p8.

²¹⁰ Youth Justice Statistics 2013/14, Youth Justice Board Executive Summary, 29 January 2015 at p.3 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399380/youth-justice-stats-exec-summary-2.pdf.

²¹¹ Youth Justice Statistics 2013/14 Executive Summary at p.4.

²¹² Youth Justice Statistics 2013/14 Executive Summary at p.3.

²¹³ Youth Justice Statistics 2013/14, Executive Summary at p.4.

additional days in custody following breaches of prison rules than their white counterparts.²¹⁴ It has been argued that this overall decrease is due to a combination of reasons, most notably a reduction in offending by young people, a renewed government commitment to diversion strategies, and changes in police targets.²¹⁵ In particular, there is a growing body of evidence that “diverting children from formal criminal justice processes is ‘a protective factor against serious and prolonged reoffending’.”²¹⁶

However, whilst the number of children entering the youth justice system has declined, conversely the average number of previous convictions and likelihood of reoffending has increased among young people entering the system (the overall (binary) re-offending rate for young people was 36.1 % in 2013).²¹⁷ This ‘thicker soup’, as it has been described, means that there is now a greater concentration of children in the system with a higher level offending behaviour.²¹⁸

²¹⁴ Youth Justice Committee Report 2013 at para 54.

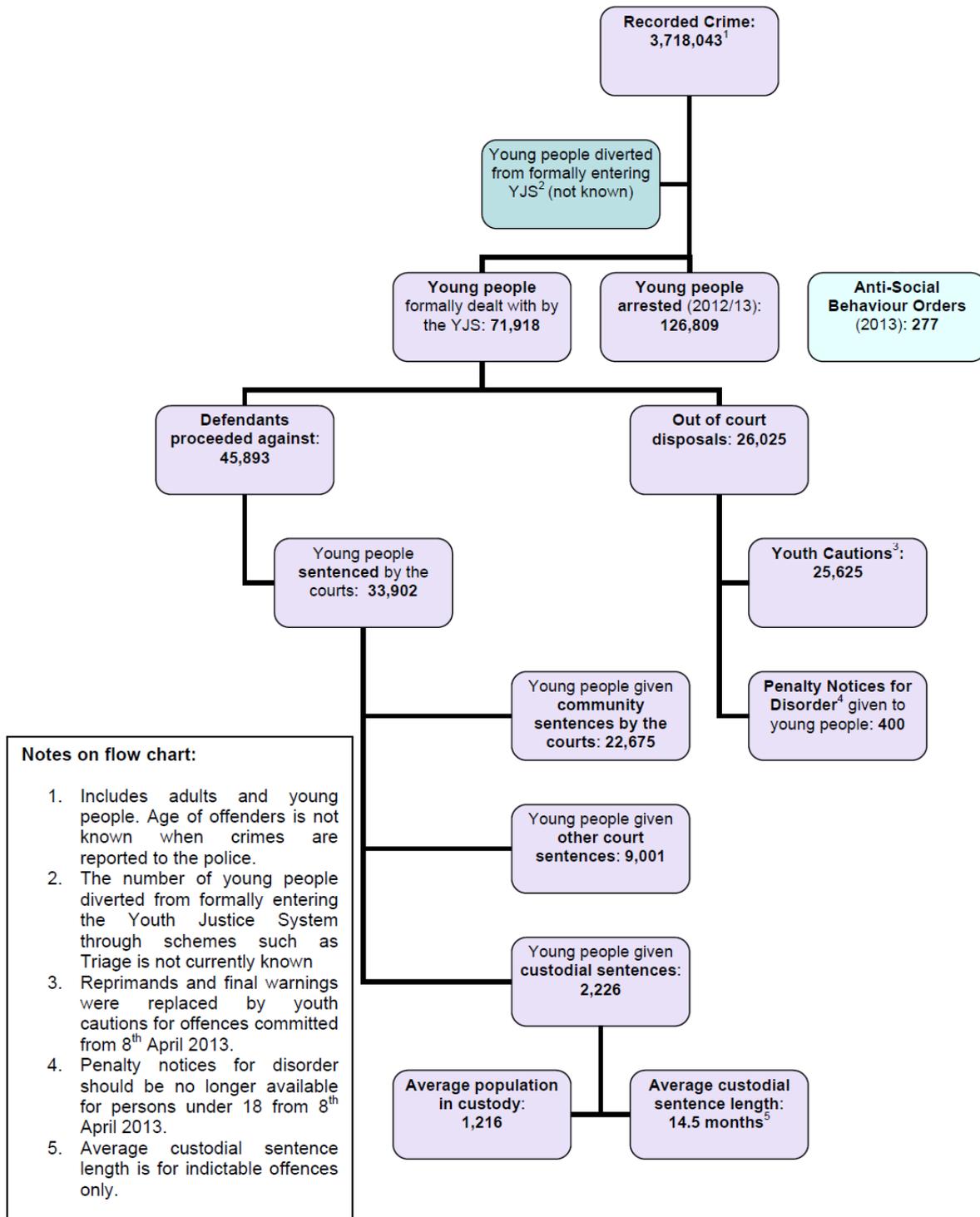
²¹⁵ Youth Justice Committee Report 2013 at p.1

²¹⁶ Youth Justice Committee Report 2013 at p8.

²¹⁷ Youth Justice Committee Report 2013 at p6.

²¹⁸ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013.

Flows through the Youth Justice System, 2013/14



(Source: Youth Justice Statistics 2013/14, Executive Summary)

A Youth Justice System

1. Broad Principles of the Youth Justice System

As mentioned above, the Children and Young Persons Act 1933 emphasises that the welfare of the child is of paramount importance. Section 44 sets this duty of care out as followed:

“Every court in dealing with a child or young person who is brought before it, either as an offender or otherwise, shall have regards to the welfare of the child or young person, and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training”.

In a criminal justice context, the primary aim of the youth justice system in England and Wales is to prevent youth offending or re-offending (Crime and Disorder Act 1998 s. 37(1)). Further, section 142A of the Criminal Justice Act (CJA) 2003 (inserted by the Crime and Immigration Act 2008) puts on statutory footing the particular factors a court must take into account when sentencing and offender aged under 18 year olds. This requires courts to have specific regard to:

- (a) the principal aim of the youth justice system (which is to prevent offending (or re-offending) by persons aged under 18);
- (b) in accordance with section 44 of the Children and Young Persons Act 1933, the welfare of the offender; and
- (c) the purposes of sentencing, namely:
 - *the prevention of reoffending*
 - *Punishment*
 - *Reform and rehabilitation*
 - *Protection of the public, and*

- *Reparation by offenders to person affected by their offences*

Lastly, having ratified the United Nation Convention on the Rights of the Child the UK (and therefore England and Wales) is duty bound to treat the use of custody for under 18 year olds as a last resort.

2. Main bodies/institutions dealing with Juvenile crime prevention

Youth Offending Teams (YOTs) lie at the heart of addressing youth offending in England and Wales. Established by the CDA 1998 to coordinate the provision of youth justice services, these are local authority partnerships made up of representative from social services, health, education, probation and the police. There are currently 158 YOTs in England Wales covering every local authority with responsibility for education and social serves.²¹⁹

Since 2013/14 Police and Crime Commissioners have also been given a role in early prevention since funding for youth crime and substance misuse prevention was transferred to them.²²⁰ There are also linkages with care providers as well as numerous charitable organisations working in the field of youth justice. The Government’s Ending Gang and Youth Violence programme is a good example of the way that joined up services work together. It is designed to support local areas to respond in the most effective way to their particular challenges, looking beyond enforcement to early intervention, prevention and routes out of violent lifestyles. This support is offered through a network of over 80 people from a range of professional backgrounds, including health, education and the voluntary and community sector. All these people have practical experience of dealing with gangs and youth violence.²²¹

3. The right of children and young people in conflict with the law (recent reforms)

In England and Wales, the most significant recent reforms to youth justice were made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). In particular, this has dramatically increased sentencer discretion in respect of young people in conflict with the law.

²²² Whereas previously an escalating system of court disposals existed for young offenders,

²¹⁹ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013

²²⁰ Justice Committee Report 2013 at p.13

²²¹ Government’s response to the Justice Committee’s First Report of Session 2014-2015 on ‘Crime Reduction Policies’ (the ‘Government’s response 2014’), September 2014, at p.11.

²²² Justice Committee Report 2013 at para 35.

LASPO introducing a ‘flattened’ system of out of court options (namely community resolutions, youth cautions and youth conditional cautions). Furthermore, unlike under the old system, the severity of the offence and previous disposals are no longer an automatic bar to the use of an out of court disposal in the case of a young person. This new framework “is designed to promote flexibility, encourage joint design making between police and YOTs, and to facilitate both reparation and diversion to services to address issues underlying offending.”²²³

The LASPO has also introduced provisions regarding alternatives to custodial remands, the use of bail, and how to deliver care to children on remand and looked after children involved in youth justice. Measures designed to reduce the cost of ‘unnecessary remands’ include applying a threshold test where young people must be considered to have ‘a real prospect of receiving a custodial sentence upon conviction’ and by passing a greater share of financial responsibility to local authorities.²²⁴ In this way, local authorities are incentivised “to invest in alternative strategies for this group of young people” as reductions in use result in financial gain.²²⁵

4. Diversion measures

In 2011/12 approximately a third of all youth disposals were handled prior to court, albeit this varied considerably from region to region. For example, out of court disposals made up less than 10 per cent of total youth disposals in 15 London YOT areas but amounted to over 60 per cent of disposals in Lancashire and Pembrokeshire. The average for England Wales in 2011/12 was 33.4%.²²⁶

Many argue that diversion is attractive not only as an effective means of rehabilitation, but also in terms of the cost savings when set against the financial outlay for custody.

²²³ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013 and Youth Justice Board (2013), ‘Youth Out of Court Disposal: Guide for Police and Youth offending services’

²²⁴ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013

²²⁵ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013 and Youth Justice Board (2012) ‘Implementation of the LASPO Act 2012: Key Stakeholder Information’.

²²⁶ Ministry of Justice, Youth Statistics 2011/12 www.justice.gov.uk/statistics/youth-justice/statistics.

Figure 4: Indicative cost estimates for typical disposals for young offenders

Final Warning	£200–£1,200
Referral Order	£2,200–£4,000
Youth Rehabilitation Order	£1,900–£4,100
YRO with Intensive Supervision and Surveillance	£7,800–£9,300
Detention and Training Order (typically 3 months in custody, 3 in community)	£20,300–£50,500

Data source: National Audit Office

Diversion measures in England and Wales can be divided into two types:

- (1) diversion from the criminal justice system via inform warnings, welfare based and restorative responses (which do not attract a criminal record; and
- (2) through community resolutions, youth cautions, and conditional cautions (which are citable on enhanced criminal records checks).²²⁷

While both of these types of diversion require that the young person admits committing the offence in question, only a caution or conviction actually qualifies as a first time entry into the system. Cautions are given by the police and do not need to be authorised by the CPS (unless the offence is indictable only).²²⁸ It has been suggested that only the first category of out of the system diversion is truly diversionary as these do not appear on criminal record disclosures. Recent developments in diversionary practice within this category include establishment of the *Triage* diversion scheme, which puts youth offending team workers in police custody suites and the piloting and planned expansion of *Youth Justice Liaison and Diversion Schemes* intended to identify and offer support to vulnerable young people (discussed in more detail in Part II below). Further, the *Youth Justice Reinvestment Pathfinder Initiative* attempts to reduce custody numbers through giving local authorities the ability to develop diversion with funding

²²⁷ It is proposed that all these disposals will be brought under the umbrella of ‘community resolutions’ - this new framework is currently being piloted.

²²⁸ Justice Committee Report 2013 at p8.

allocated from the central custody budget, arguably reflecting governmental belief in the possibility of savings through up-front investment.²²⁹

There is a broad consensus opinion amongst youth justice practitioners that diversionary practices have been effective in reducing in the number of first time entrants into the criminal justice system.²³⁰ In this regard it has been noted that:

“In England and Wales, as elsewhere, use of diversion and custody rates appear to be connected – with higher usage of custody found in areas with lower usage of pre-court disposals and vice-versa. For 2011/12, the top five and bottom five users of custody by region exhibited this.¹⁵ Each of the areas with the highest rates of custody usage used pre-court disposals (including police reprimands, final warnings and conditional cautions) at a lower percentage than the national average. Conversely, areas with the lowest custody rates all used pre-court disposals at higher than the national average. These numbers do not necessarily reflect the underlying seriousness of offending, nor variation in local contexts. However, preventing cases from making it to court necessarily lowers the number of candidates for custodial sentences while increasing the opportunity for young people to turn away from crime.”²³¹

Notwithstanding the perceived success such of diversion measures, some have expressed concern that diversion measures may in fact draw certain children into the justice system that otherwise would not have found their way into it, given that there is a lower threshold for diversion than that for reprimand or prosecution through the courts. There is also a worry that too many young people ‘slip through the net’ and end up in court unnecessarily.²³²

²²⁹ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013.

²³⁰ Justice Committee Report 2013 at p.9.

²³¹ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013 and Allen R (2011). Last Resort?: Exploring the Reduction in Child Imprisonment 2008-11. Prison Reform Trust.

²³² Justice Committee Report 2013 at p10.

B. Youth Care System from the scope of juvenile crime prevention

1. Description of the child protection system

Observers have noted that that young people in the criminal justice system are “disproportionally likely to have high level welfare needs”.²³³ Indeed recent research has shown that, amongst 15-18 year olds in custody, 30% of young men and 44% of young women had spent time in care.²³⁴ Further, 39% of children in custody have been on the child protection register and/or have experienced abuse or neglect.²³⁵ YOTs and children’s services in England and Wales therefore serve ‘a similar and overlapping population’.²³⁶

In the past few years, however, there has been a reduction in the proportion of children in care receiving pre-court disposals or convictions; from 7.9 per cent in 2010 to 6.2 per cent in 2013. Nevertheless, the proportion of children in care within the justice system itself has increased: “in 2010 they were two and a half times more likely to be sanctioned for an offence, which rose to over three and a half times in 2012”.²³⁷ One of the main reasons for this appears to be the over-reliance from care homes on police intervention, meaning that children are reported for behaviour that they otherwise would not have been were they in a family setting. There is concern that “staff in local authority and residential units have often been quick to call for police intervention to help them manage challenging behaviour, without understanding that this is likely to trigger a criminal investigation and an appearance before the youth court.”²³⁸ Steps have been taken to address this problem, such as with the issuing of a CPS guideline in 2007 to prevent unnecessary prosecutions and there are currently ongoing discussion about a draft guidance which aims to give police more discretion in dealing with these kinds of incidents.²³⁹

²³³ Justice Committee Report 2013 at p18.

²³⁴ HM Inspectorate of Prisons/Youth Justice Board, *Children and Young People in Custody 2011/12: An analysis of the experiences of 15–18 year olds in prison*, 2012.

²³⁵ Justice Committee Report 2013 p15 (Jacobson et al, 2010: 51)

²³⁶ Independent Parliamentarians’ Inquiry into the Operation and Effectiveness of the Youth Court, Lord Carlile of Berriew CBE QC, June 2014 <http://www.icpr.org.uk/media/37698/YOUTH%20COURT%20REPORT%20-%20final%20version%20DK.pdf>

²³⁷ Justice Committee Report 2013 at p12.

²³⁸ Justice Committee Report 2013 at p12.

²³⁹ Justice Committee Report 2013 at p13.

2. Monitoring mechanisms

Since the Children Act 1989 divided the juvenile court into two separate entities dealing with family and youth justice, links between the crime and welfare systems has remained somewhat tenuous. Commentators have suggested that this restricts the ability of the criminal justice system to help monitor the needs of young people:²⁴⁰

“...the youth court, envisaged purely as a criminal court, has no means of calling for a wider enquiry into the child’s circumstances, or of transferring proceedings to the family court. The needs of some children are being overlooked by the responsible authorities as pressure on public spending mounts and some authorities choose to focus, principally, on meeting the needs of younger children, and those to whom a safeguarding duty is owed.”²⁴¹

However, the Government has emphasised that youth offending teams can and should refer cases to Children’s Services where there may be welfare issues.²⁴²

3. Criteria for placement or supervision

Section 9 of the Children and Young Persons Act 1969 places a duty on local authorities to carry out investigations into the circumstances of child defendants and also vests the court with the power to request they do so, although this provision is rarely used.²⁴³ In any event, as a result of the LAPSO all children remanded into custody before being sentenced now automatically receive ‘looked after’ status. Furthermore, children appearing in court may be provided with a foster care placement whilst they are on remand (remand fostering), as part of a Supervision Order or Youth Rehabilitation Order (intensive fostering) or post-custody (for example, while on license from a Detention and Training order.); However, commentators note that constraints on children’s services, brought about by growing numbers of child protection

²⁴⁰ Justice Committee Report 2013 at p25.

²⁴¹ Justice Committee Report 2013 at p19.

²⁴² Government Response 2014 at p.10.

²⁴³ Justice Committee Report 2013 at p19.

referrals, cases, children in care and reducing budgets has translated into high thresholds for accessing children's services support.²⁴⁴

4. Promising Practices

In one initiative, children have access to 'Family Group Conferences' (FGCs) which, in line with theories of restorative and problem-solving justice, bring together the child, their family, and the victim to express their views and endeavour to address the offending behaviour.²⁴⁵ There are mixed reactions to these FGCs – academic research from New Zealand suggests that young people find it difficult to engage and understand what is going on, whilst practitioners wax lyrical about their effectiveness."²⁴⁶ Within family focused prevention, the following programmes were found to be particularly effective:

Behavioural parent training (BPT) which teaches parents to be consistent in reinforcing helpful behaviour and punishing or ignoring hostile or uncooperative behaviour.

Best practice: BPT is more effective in smaller (more manageable) class sizes, and when aimed at parents of older young children (approximately aged 10 and above).

Multi-systemic therapy (MST) which is an intensive, individualised, home-based therapeutic intervention for high risk juveniles. Depending on the young person's needs MST could include child skills training, parenting training, measures aimed at reducing a young person's association with deviant peers, and measures for improving academic performance and attachment to school.

Best practice: There is evidence of increased effectiveness when there is strong adherence to the original programme design.

Family Functional Therapy (FFT) is a clinic-based intervention that includes three therapeutic stages: first, an engagement and motivation phase in which reframing

²⁴⁴ Crossley, A (2012) Rules of Engagement: Changing the Heart of Youth Justice. London (Centre for Social Justice) at p39.

²⁴⁵ Justice Report 2013 at p19.

²⁴⁶ Justice Report 2013 at p20.

techniques are used to reduce maladaptive perceptions, beliefs and emotions within the family. This then creates the context for a second phase employing behavioural change techniques. Finally there is a ‘generalisations’ phase in which families are taught to apply the learnt skills in various contexts (the school, the justice system, the community).

Best practice: Programme effects were only evident where there was strong adherence to the original design.

Multi-Dimensional Treatment Foster Care (MTFC). Young people are placed in short-term foster homes where they receive individual therapy and behavioural coaching similar to child skills training. At the same time their parents (or guardians) receive weekly family therapy in which they are taught effective parenting and family management techniques.²⁴⁷

²⁴⁷ Justice Report 2013 at p190.

C. Education system

There a great deal of evidence that a large proportion of children within the youth justice system have problems associated with their educational needs. Most notably, between 65% and 78% of children in custody have had a period of non-attendance at school and one third of young people in custody have identified special educational needs.²⁴⁸ Indeed, until 2010 the Department for Education had joint responsibility for the Youth Justice Board, indicating the close ties between the YJS and education.

In this regard, there is a strong body of evidence to show that early intervention with very young children, by schools, children's/social services and healthcare providers, can be successful in reducing persistent childhood behavioural problems, which may eventually lead to offending, and that investment in early intervention can be cost-effective in the long run. Neurological evidence shows that the first years of a child's life are essential to the development of their brain and, especially, their social and emotional capabilities and there is a growing body of evidence that people's life outcomes are heavily predicated on their experiences during this period. Examples of successful initiatives include parenting support, pre-school education, school tutoring, behaviour and 'life skills' strategies, family therapy, treatment foster care, constructive leisure opportunities, and mentoring programmes.

Encouragingly, there is a desire on the part of the government to “make big changes with the way we deal with children who are offenders, with a much greater focus on education in a secure environment.”²⁴⁹ The Government recognises that low levels of educational engagement and attainment are also linked to an increased risk of offending and the Ministry of Justice and Department for Education are therefore working closely on the introduction of the Secure College pathfinder under the Transforming Youth Custody programme. Secure Colleges will be a new generation of secure educational establishments which intends to put education at the heart of youth custody and thereby contribute to reducing reoffending.²⁵⁰

²⁴⁸ Gyateng T and others (2013) Needs and Interventions. London: Youth Justice Board. at p 39.

²⁴⁹ Speech made by the Secretary of State for Justice to the Centre of Social Justice on 20 November 2012, <http://www.justice.gov.uk/news/speeches/chris-grayling/speech-to-the-centre-of-social-justice>.

²⁵⁰ Government's response 2014 at p10.

Effective school based programmes tend to be those aimed at changing the school environment as opposed to interventions that focus on changing the individual alone. This includes:

Child skills training which aims to teach children social, emotional, and cognitive competence by addressing appropriate effective problem solving, anger management and emotion language.

The reorganisation of grades or classes to group together high-risk or disruptive pupils for periods of the school day, while teaching them with alternative curriculum material and using cognitive behavioural techniques.

Classroom or instruction management interventions emphasising interactive instructional methods using cognitive behavioural techniques.

School discipline and management strategies, particularly those which draw on teams of staff and members of the local community to change the decision-making process or authority structures of the school in order to enhance its general capacity.

Within the community, both mentoring and after school recreation programmes were identified as promising:

Mentoring typically involves a non-professional drawn from the community spending time with an at risk young person in a non-judgmental, supportive capacity whilst also acting as a role model.

Best practice: Mentoring is more effective when applied as part of a programme of interventions, where meetings are at least once a week and five or more hours in duration with an emphasis on emotional support, and where the mentor is motivated by professional advancement.

After school recreation offers young people the opportunity to engage in and learn skills in a range of activities including non-academic ones.

*Best practice: Only effective if the programme is highly structured and includes proper supervision.*²⁵¹

Ultimately, although there are few explicit school-based programmes primarily aimed at reducing youth crime and antisocial behaviour in the UK, the strategies that are employed represent a whole-school approach to tackling behaviour and discipline, aimed at affecting change to the school environment through authority structures and decision-making processes.

251 Department for Education report, 'Prevention and reduction: a review of strategies for intervening early to prevent or reduce youth crime and anti-social behaviour' (2011) at p.5
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182548/DFE-RR111.pdf

D. Health system

There is extensive evidence that “children in the criminal just system have higher than average mental health difficulties...as well as significant learning difficulties and substance abuse problems.”²⁵² For example:

- 60% of children who offend have a communication disability.
- Around 30% of children who have ‘persistent offending histories’ in custody have IQs of less than 70, signifying a learning disability.
- Between 65% and 75% of children in custody have a traumatic brain injury.
- 17% of incarcerated children have a diagnosed emotional or mental health condition, 20% have self-harmed and 11% have attempted suicide.
- 18% of 13–18 year olds in custody had depression, 10% anxiety, 9% post-traumatic stress and 5% psychotic symptoms.²⁵³

However, it has been noted that “young people are generally referred to prevention schemes by schools and the police, and less frequently by health workers, using the onset referral and assessment framework.”²⁵⁴

1. Early screening of mental health and intellectual disabilities

The Asset Risk Assessment is the main tool used by YOTs to determine the level and type of supervision given to young people coming in contact with criminal justice system. The tool looks at the following 12 factors in particular:

- family and personal relationships;
- education, training and employment;
- neighbourhood;
- lifestyle;

²⁵² Justice Committee Report at p.12.

²⁵³ MOJ report, Ministry of Justice/Youth Justice Board, *Developing the Secure Estate for Children and Young People in England and Wales – Plans until 2015*, March 2012, para 82.

²⁵⁴ Joint Criminal Justice Committee inspection, *A joint inspection of youth crime prevention 2010* (Justice Committee Report at p.11).

- substance use;
- physical
- health;
- emotional and mental health;
- perception of self and others;
- thinking and behaviour;
- attitudes to offending; and
- motivation to change

Although some have criticised the varying quality and scope of the Asset tool²⁵⁵ steps have recently been taken to improve this system. The introduction of a new tool, ‘Asset Plus’, should help to plug this gap as well as address criticisms that assessments are often out of date (as Asset Plus will continually be updated). In addition the Comprehensive Health Assessment tool (CHAT), jointly funded by the Department of Health, hopes to improve identification of the needs of young people. This tool incorporates a health screening within the first two hours of arrival into custody, following by detailed assessment of physical, mental health, and substance misuse issues.²⁵⁶ This should ‘begin to improve the systemic health assessment of all young people entering the youth justice system.’²⁵⁷

2. Prevention of drugs consumption and support for addicted children

There is evidence that a third of children in young offender institutions (YOIs) had a problem with drugs when they first arrived.²⁵⁸ There are certain measures in place that address these needs, such as the government’s commitment to developing and commissioning additional enhanced units within under-18 YOIs. These units have specially trained staff along with more easily accessible mental health and drugs and alcohol services.²⁵⁹

²⁵⁵ Justice Committee Report 2013 at para 117.

²⁵⁶ Justice Committee Report 2013 at para 118.

²⁵⁷ Justice Committee Report 2013 at p24.

²⁵⁸ MOJ report, Ministry of Justice/Youth Justice Board, *Developing the Secure Estate for Children and Young People in England and Wales – Plans until 2015*, March 2012, para 82

²⁵⁹ Justice Committee Report 2013 at para 83.

3. General health mechanisms and support for vulnerable families and children

Commentators have noted the importance of the family environment in turning young people away from crime and therefore children's "criminality is unlikely to be effectively address in isolation from family considerations."²⁶⁰ Family buy-in is clearly important to ensure crime prevention strategies stand the best chance of long-term success after the intervention itself has come to an end.

One particular measure that has shown encouraging results, both internationally in the UK is multi-systemic therapy (MST).²⁶¹ MST aims to reduce reoffending and young people coming into contact with the criminal justice system in the first place by pursuing the their goals of keeping children (1) out of custody , (2) out of care, and (3) in school. In order to achieve this, parents are empowered to create a family setting in which clear rules are set about breaking bad behaviour, positive rewards are offered for successful attempts to change, links are broken with negative peer groups, and pro-social activities are encouraged. Evaluation of one such programme run by the Brandon Centre in London found positive outcomes, such as a greater reduction in reoffending for those in the MST group compared with a control group, a decrease in violent offences – 8% compared with 34%.²⁶²

Ultimately, the Brandon Centre found that "MST appears to reduce the need appears to reduce the need for other youth justice services, to reduce criminal activity and thus the costs associated with offending, and to be cost-saving in comparison to treatment as usual in the youth offending service: You will spend £2420 on MST but you will save £2237 on other services and £2406 on crime reduction: you will recoup what you spent and save an additional £2223 per participant over 3 years."²⁶³

The Troubled Families agenda has been described as "another way of joining up that early intervention agenda." The Troubled Families Programme was allocated £448 million over three years to target the 120,000 most troubled families. Leicestershire County Council described the emerging model as based on a family support worker but with "a team around

²⁶⁰ Justice Committee Report 2013 at p.12, para 112.

²⁶¹ Justice Committee Report 2013 at p.12, para 113.

²⁶²The evaluation covered a period of 4–5 years. Up to 220 persistent young offenders and their parent/carers were randomly allocated either to a group receiving MST with Youth Offending Team services as usual or to a group receiving services as usual without MST (Justice Committee Report 2013 at para 114).

²⁶³ Justice Committee Report 2013 at para 114.

the family”, with more effective integration of key services aimed at reducing duplication.⁷⁶ There is significant cross-over between the target groups for YOT prevention work and the Troubled Families agenda and a number of YOT managers have moved into Troubled Families lead posts. The National Audit Office concluded in January 2013 that: Early indications are that the ‘Troubled Families’ initiative and community budget pilots have catalysed local authorities and other local bodies to work more collaboratively across traditional service boundaries.²⁶⁴

There are also numerous charitable organisations offering support for young people with substance misuse issues.

²⁶⁴ Justice Committee Report 2013 at p.31.

CHAPTER 2 : JUVENILE CRIME PREVENTION STRATEGIES

1. Bodies and training

Magistrates and District Judges in youth proceedings must undergo specialist youth training, yet there are no such formal requirements for defence practitioners or Crown Court judges (although it may form part of their general training programmes). In terms of YOTs, there is an expectation that secondees are rotated every few years to refresh their skills. However, YOT may face challenges relating to their localised structure. Although the national Youth Justice Board provides support and guidance, YOTs have historically reported a lack of sufficient support in applying evidence-based practice to their particular local circumstances. The Independent Commission on Youth Crime and Anti-Social Behaviour reported that “adequate mechanisms do not yet exist for spreading best preventative practice and ‘scaling-up’ the most promising initiatives.”²⁶⁵

2. Juvenile Crime prevention strategy budget

Around two-thirds of YOT funding is provided for by local agencies, with the remainder coming from local government. Youth Offending Teams have not escaped the impact of recent financial constraints, experiencing considerable budget cuts. From 2010/11 to 2011/12, the overall level of funding available to YOTs fell from £373m to £330m (down 12%), the lowest level of funding for YOTs since 2006/7. The Youth Justice Board provides about 35% of YOT funding; the rest comes from partnership agencies (of which local authorities provide around 75%, with the rest coming from police, probation and health). Furthermore, funding for prevention programming (21 % of Youth Justice Board funding in 201/11) is no longer ring-fenced.²⁶⁶

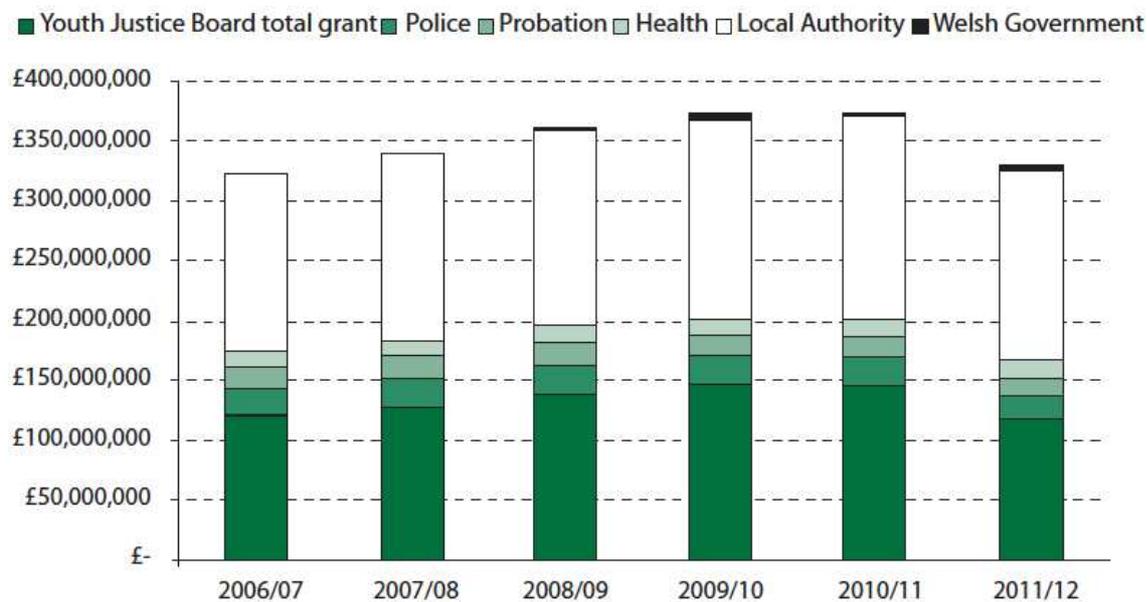
Services outside the criminal justice system have also experience significant cuts - Children’s services were cut by 13% in 2011/12,⁵⁷ and the National Council for Voluntary Youth Services and Clinks drew our attention to the impact of cuts on the voluntary and community sector, which is “in an increasingly fragile state as a result of funding cuts and a simultaneous

²⁶⁵ The Police Foundation (2010). Time for a fresh start: The report of the Independent Commission on Youth Crime and Antisocial Behaviour

²⁶⁶ Ministry of Justice Youth Justice Statistics (2011/12). Accessed at: <http://www.justice.gov.uk/statistics/youth-justice/statistics> and HC report p 12

increase in demand for its services.” A survey carried out by Clinks in 2011 found that over 80% of organisations had experienced a reduction in income.

Figure 2: Total YOT funding over time, 2006/07–2011/12



Data Source: Youth Justice Board/Ministry of Justice Statistics Bulletin, Youth justice statistics 2011/12, England and Wales, 31 January 2013, Chart B.1

3. Promising Practices in Early Prevention

(1) Triage

The Triage scheme intends to assess and divert young people held in police stations following commission of low-level offences. Through involving the YOT at an earlier point than in a standard process, police are advised of factors relevant to the decision to charge (including unmet welfare needs or other underlying problems). Young people who engage with interventions, typically including a restorative justice element, have their cases closed without a criminal record. An evaluation found promising stakeholder perceptions of the scheme, but reported insufficient data to establish effectiveness as consistent measurement was not included in pilot areas. Triage currently operates in 69 localities.²⁶⁷

²⁶⁷ Alternatives to custody for young offenders – developing intensive and remand fostering programmes, Christos Christophides, British Association of Fostering (2012)

The Ministry of Justice cited promising early findings from Triage initiatives, which bring YOT workers into police custody suites to assess young people and ensure information is shared between children's or social services and the police, to help inform charging decisions and ensure that appropriate support is provided by agencies outside the criminal justice system.²⁶⁸

(2) Youth Justice Liaison and Diversion (YJLD)

YJLD aims to identify under 18-year-olds with mental health issues, learning disabilities, speech and communication problems, or other vulnerabilities as early as possible in the youth justice system and to divert them to supportive services outside the system or ensure that their needs are known and addressed within the system. An evaluation of the pilot schemes reported significant reductions in time to reoffending and improvements in mental health outcomes. YJLD operates in 36 pathfinder sites. The government has committed to make liaison and diversion services available nationally for all ages from 2014. For both of these schemes, there is no national model – operational details, importantly including the nature of the partnership between police and YOTs, are determined locally.³⁴ While they appear to be promising, more outcomes evidence will be necessary to encourage and shape their development across the country. Meanwhile they may already be serving to advance a consensus that, where a young person's offending is caused by underlying unmet needs, it can be more effective to address these needs than to take the case forward.

(3) Youth Justice Pathfinders (YJP)

The YJB is exploring means of further reducing the use of custody via the Youth Justice Reinvestment Pathfinders schemes, which commenced at the end of 2011 in Birmingham, North-East London, West London and West Yorkshire, to explore robust and credible alternatives to custody, thereby reducing its use. Under the scheme, the YJB invests a proportion of the central custody budget in local authority schemes, on the basis that those authorities reduce their use of custody by an agreed amount over a two-year period. Submissions to our inquiry were positive about the aims and designs of the schemes. For example, the Howard League praised the fact that they draw together agencies locally from both within and without the criminal justice tramlines. By their nature, they focus on the most difficult children in the system, which mitigates the risk of cherry-picking inherent to some of the payment by results models in the adult system.

²⁶⁸ Justice Committee Report 2013 at p.8.

4. Evaluation mechanisms for early juvenile crime prevention programs

A recurring criticism is that “adequate mechanisms do not yet exist for spreading best preventative practice and ‘scaling-up’ the most promising initiatives. Indeed, compared to research on adult offenders, there does appear to be a lack of evidence on what works with young people in the justice system. As noted by the National Audit Office in 2010, “very little is known about the relative effectiveness of interventions. Although the youth justice system has been operating in its current form for over a decade, and in spite of the variety of approaches, Government stakeholders and academics have published little research recently into which interventions work best and there is almost no information about relative cost practitioners in the youth justice system do not know which interventions have the most impact on reducing reoffending.”²⁶⁹

In a broad ranging meta-analysis examining interventions for reducing youth reoffending, four key characteristics were associated with programme effectiveness:

(1) **The methods used to evaluate early intervention programmes.** Generally this is a forewarning against reliance on poorly designed evaluations which tend to overstate programme effectiveness.

(2) **The Intervention type and mode.** Interventions that embody ‘therapeutic’ philosophies aimed at nurturing a positive change in young people, and in particular those employing cognitive behavioural techniques, are the most effective overall. Those based on strategies of control or coercion – on surveillance, deterrence, and discipline – are far less effective and in some cases can actually make matters worse.

(3) **Quality of programme implementation.** This was so important that a less effective but well implemented programme could out-perform a more effective programme that was poorly implemented.

(4) **The characteristics of the juveniles being treated.** Interventions targeted at individuals already manifesting problematic behaviours or demonstrating many of the risk factors

²⁶⁹ National Audit Office, *The youth justice system in England and Wales: Reducing offending by young people.*

associated with the development of offending behaviour are more effective than universally applied programmes.²⁷⁰

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²⁷⁰ Department for Education report, 'Prevention and reduction: a review of strategies for intervening early to prevent or reduce youth crime and anti-social behaviour' (2011) at p.3

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182548/DFE-RR111.pdf

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Country: **Estonia**

Authors: **Jako Salla and Judit Strömpl**

1. Introduction

Estonia is a small country of 45,227 km² on the coast of the Baltic Sea that regained its independence from the Soviet Union on August 20, 1991 after 50 years of Soviet occupation. After two decades of independence, Estonia has become a national state with all the characteristic attributes. Estonia is a parliamentary republic with an autonomous political, economic and socio-cultural system.

At the beginning of 2014, Estonia's population stood at 1.32 million people (Estonian Statistics 2014). According to the latest census data, the number of children under 18 years of age makes up 15% of the general population (Estonian Statistics, 31.05.2012). In the period between the two census campaigns (2000-2011), the population of Estonia decreased by 5.5%. Compared to the last census in 2000, the proportion of children in the population decreased from 18% to 15.6%. According to the predictions, both the population and the proportion of children will continue to decrease and so, similarly to many other European countries, Estonia is a country with an aging population.

For children, there are many risks for taking up criminal activities. The most significant are the child's rejection by their own parents, the unfair treatment of the child or family, rejection in the community, and the psychological, social, economic etc problems for the child or family. It is therefore believed that the most effective crime prevention method is to create conditions where every child and their family feels safe, i.e. their welfare is guaranteed at least on the minimum level. In the following we will provide an overview on what is the current state of early prevention in the contexts welfare in Estonia. We will also look into spheres of education and juvenile justice.

1.1 Responsibility for children's welfare

The main responsibility for children's welfare lies with their parents, yet both the state and local administrations are committed to help parents in this task with various support benefits and services. The state offers financial support from maternity and parental benefits – the latter can be requested by either mother or father – to family benefits. Family benefits from the state are divided into one-time and monthly payments. One-time payments are the maternity benefit,

adoption benefit, and the independent life start allowance for youths who have grown up without parental care in foster care or a school for children with special needs. Monthly benefits are the child benefit, child care allowance, single parent child benefit, conscript's or alternative service member child benefit, foster care or family child benefit, and the support for a parent with seven or more children (Sinisaar *et al* 2013:131). Family benefits consider the number of children in a family and increase after the birth of a third child or multiple births. According to the Estonian National Social Insurance Board, state family benefits in 2012 were paid to a total of 160,419 families and 252,255 children (ibid:132).

The state also supports a family in raising a child with disability. According to the National Social Insurance Board, there were 9,983 children under the age of 18 with a valid degree of disability as of January 1, 2013 of whom 9,214 were 15 years of age or younger and 769 were aged 16-17. The proportion of disabled children under the age of 18 was 4.2% of all children under the age of 18 and the total proportion of disabled persons in the population was 7.2% (Sinisaar *et al* 2013:138).

In addition to the financial benefits, parents of children up to the age of 14 have the right to receive 3-6 days of annual paid leave depending on the number and age of children and up to 10 days of unpaid leave.

In case of a child's sickness, the parent has the right to take a certificate for care leave and receive up to 80% of the pay as care benefit. A child under the age of 19 is guaranteed health insurance and free dental care.

The state pays the social tax for parents who raise children under the age of 3 and the state also carries the burden of social tax if the family raises at least 7 children under the age of 19 and at least one child is under the age of 8. The tax break also applies to parents of disabled children.

The goal of the local administration is to support families with low income who receive subsistence benefit from the state budget. Estonia has 15 counties and 215 local administrations (30 cities and 185 rural municipalities). The local administration is also responsible for financing the services designed for families and children; kindergartens and most schools of general education are the local administrations' responsibility as well. The local administrations support at-risk families additionally through their own support schemes such as by paying separate installments of local benefits for the start of the school year or compensating expenses related to medicines or spectacles or supporting the hobbies and camp stay for children from families in financial difficulties etc.

In conclusion, children's poverty is seen as one of the main problems in causing risk behaviour and crime in adolescence and later life. The current system of benefits is heavily geared towards the first two years after birth. After that, the state support diminishes considerably and relies on universal benefits rather than supporting those in need. The problem seems not to be the ignorance or lack of political will but the lack of finances.

1.2 Education system, compulsory school age

The Estonian education system is threefold: recommended pre-school education, compulsory basic school education, secondary or upper secondary education (non-obligatory), higher education. Children in Estonia are obligated to attend basic education that means studying between the ages 7-17. The Estonian education system declares its focus to be on the child that is expressed primarily through the requirement of being able to attend a school near the child's home. The Basic Schools and Upper Secondary Schools Act prescribes attention to the child's educational special needs and the adaptation of the curriculum or assessment system to the specific child's educational special needs.

Ilves reports (2013) that there are 532 schools in total. Slightly more than a half of them are basic schools. In the last five years, the number of schools has decreased by 34. The main reason for this is that the birth rate has been in decline for several years, which means a decrease in the number of children of school age. Apart from regular schools there are also schools for children with special educational needs in Estonia, i.e. schools for children with visual, hearing and speech impairments, children with physical disabilities and with multiple disabilities, children with intellectual disabilities, children with emotional and behavioural disorders, and children who need special treatment due to behavioural problems. Similarly to primary education, general education also follows the principles of inclusive education and, where possible, children are given the opportunity to study in a regular school close to home (ibid).

In the academic year 2012/2013, the number of students in Estonian general education schools was almost 141,000. Compared to 2008, the number of students had decreased by nearly 14,000. The decrease in the number of students concerns mainly the final grades of basic school and the gymnasium level. The number of students in primary school is showing a slight increase again, as more children are starting school due to the small increase in births. (ibid)

The system of universal education should be considered to be well organized and easily approachable in Estonia. There is less criticism on the quality and on what is taught in school and more on the methods that are used – they are considered old fashioned. The declining

number of children has caused shutdown of many small schools in Estonian rural areas and there have been many debates on the importance of preserving schools that are close to home versus the issue of quality of teaching that is delivered there.

An issue that has been tackled with concerns the problem of children who are supposed to go to school but actually don't. As the topic has been stated as a priority also in a political agenda and an effort has been made, the number of „lost children“ has considerably diminished. One might say that the schools have become more inclusive in this aspect. In terms of early prevention, this has been a reasonable policy with good results.

1.3 Population, minorities, demographic situation

As mentioned before, the total population of Estonia has shown a decreasing trend for the last decade or so. This is caused by relatively high emigration and negative population growth. After Estonia's accession to the European Union many residents have seized on the opportunity to study and work abroad. In Estonia, this process has generally been seen as positive since the experience of living, studying or working abroad will enrich Estonia's culture in case the people will return at one point to Estonia.

A majority of immigrants to Estonia are its own citizens who have previously moved abroad (in 2009 this figure stood at 45%, see Anniste 2009:64). Citizens of other countries make up 16.3% of Estonia's population (OECD 2013).

1.4 The situation of families

Laes and colleagues report (2013) that 94% of Estonia's children live in a one-family household and most (73%) in a family with two parents. In the last decade, significant changes have affected the family structure. The number of children whose parents are not married has grown (from 16% to 28%). The younger the children, the more of them live with cohabitating parents (42% of children under 3 and 22% of children aged 12-17). 21% of children in Estonia live in a family of one parent. The overwhelming majority of single parents are mothers (19.5% of all families), the proportion of fathers raising the child alone is small (1.5%). A noteworthy fact is that 0.3% (i.e. about 600) children live on their own. The most common family in Estonia is one with two children (33.7%). The number of children per family has not grown significantly during the period between the two census campaigns. According to the 2011 census data, 9% of the children live in foster families; the older the children, the greater the proportion of children living with foster parents (Laes et al 2013).

The living conditions of the children have improved somewhat during the recent years. Compared to the census data from 2000, the proportion of children who live in better conditions – e.g. the family members have one room each – has grown, while the number of children whose homes lack a bathroom or shower has dropped (from 10% to 8%) and the number of children living in criminal neighborhoods has decreased by more than 5%. The situation for children living in poor conditions has improved to an extent. The proportion of children living in relative poverty has dropped from a figure of close to 40% in 2005 to 30% in 2011 (ibid).

The poverty of a family is considered to be a significant risk factor. In 2011, relative poverty affected 41,700 or 17% of all children. The greatest poverty risk is posed for children aged 11-17 (22%). This is the age where families, as a rule, encounter other problems in addition to poverty when, for example, parents divorce and one parent – usually the mother – has to provide for the family on her own. A foster parent and sometimes foster siblings might arrive in the family. The birth of younger siblings can have a negative material impact on Estonian families (ibid). However, in addition to the drop in material welfare, one must also note other problems encountered during teenage years. Besides the already mentioned disintegration of families, there might be relocation to a new home, changes to the stable arrangements in life – for example, in case of unemployment for the parent(s) –, changes to the family structure: all this impacts on the child's welfare and such a drop can be a great risk for developing into deviating socialization and in turn also criminal behavior.

An especially big risk is seen in the situation where a family with a child lives in absolute poverty. 23,000 children (9.5%) lived in absolute poverty in Estonia in 2011. The proportion of teenagers was 12%.

The children of approximately 650 families live alone while their parents work abroad (information from a study to be launched). Earlier studies indicate that children living alone will encounter more frequently the danger of not adhering to the compulsory education duties. However, such studies centered far too much on the school and teacher and gave precious little information on the daily life of children deprived of parental care. This is why the study to be launched hopes to provide more in-depth knowledge on this issue.

1.5 Drugs

Drug-related problems receive serious and periodic attention in Estonia. Unfortunately the knowledge gleaned from study results has not forced Estonian social policy to be more efficient in developing alcohol and drug policies. The state and local administrations primarily

focus on banning the sale of alcohol and tobacco products to people under age, but studies show that accessing forbidden products is not an overly serious challenge for children. The campaigning against alcohol and drugs is temporary and chaotic and its effects need further study.

In 1995 Estonia joined the international survey ESPAD (European School Survey Project on Alcohol and Other Drugs), a comparative study of European students' consumption of alcohol and drugs. This survey is carried out every four years. The 2011 ESPAD data (Kobin et al 2012) showed that approximately three quarters (73%) of the students aged 15-16 had tried smoking. Boys tried it more frequently and earlier: 40% of the boys and 26% of the girls had tried smoking before the age of 12. 19% of the boys and 16% of the girls considered themselves to be daily smokers. Compared to earlier studies, the proportion of regular smokers has gone down among boys but somewhat grown among girls (Pertel et al 2013).

According to the student health behavior survey (Aasvee et al 2012), in the younger age groups 40% of the 11-year olds and 75% of the 13-year olds had tried alcohol. ESPAD reports that when assessing health risks, youths considered regular smoking to be more hazardous to health than daily alcohol consumption or having at least five alcoholic drinks on days off (89%, 72% and 75%, respectively).

The consumption of illegal drugs has grown according to ESPAD data: while 7% had tried some illegal drugs in 1995, this number had grown to already 30% in 2007. However, according to the 2011 data (32%) this has not continued to grow significantly. The most frequent age for trying drugs is between the age 14-15 and is mostly limited to one or two times. The most popular drug among youths is cannabis, other popular drugs are sedatives and sleeping pills – consumed without doctor's orders –, and inhalants, poppers, ecstasy, and amphetamine (Pertel et al 2013).

1.6 Health and safe environment

The UN Convention on the Rights of the Child, and therefore also the Estonian Child Protection Act, puts the child's right to life, health and a safe environment above all else. However, early and unnatural deaths of children are still a problem in Estonia. About a third of the causes of children's deaths in Estonia are injuries, specifically traffic accident injuries, and suicides. Other leading causes are congenital deformities and the illnesses before and after birth that make up 17% and 16%, respectively, of all children's deaths. The most prevalent illnesses diagnosed in children were sicknesses in the respiratory system – 41% of all initial

diagnoses. These are followed by contagious diseases at 11% and injuries at 9% (Pertel et al 2013).

The responsibility for a child's health and safety remains with the parents and family. Studies also show that health problems and injuries occur primarily with children in families that have other problems, meaning that the best protection is provided for children living in a family with both biological parents. 31% of the children in such families consider their health to be excellent, while the indicators among children with a single parent or foster parent are 25% and 26%, respectively. A significant factor was also the child's assessment of relationships in the family and the child's assessment of their own health condition (Aasvee et al 2012, referred to in Pertel et al 2013).

However, today's children spend a large portion of their every day in activities away from home and parents, in their kindergarten and school. The state and local administrations enforce safety standards in children's institutions that are generally under the supervision of the society. The Estonian Health Board, Chancellor of Justice, Labor Inspectorate et al continue to organize regular visits to assess the conditions with respect to the standards. Unfortunately, however, there are still tragic reports of incidents from time to time that have taken place in kindergartens, foster homes and care homes. One must admit today that there is generally little knowledge on how the children's welfare, including psychological welfare, is guaranteed in children's institutions. There is no in-depth analysis on, for example, the causes of school bullying and the existing anti-bullying programs in kindergarten and school are based not so much on a deep analysis of the Estonian situation but the implementation of programs purchased from abroad, yet these might require tailoring to the local conditions.

2. Juvenile delinquency

In Estonia, the age of criminal responsibility is 14 years. It means that children cannot be prosecuted for misdemeanours or criminal offences if they were less than 14 years old at the time of committing the offence. If the offence was committed at age 14 or over, the child can be prosecuted and serve a sentence, although there are still various mitigating provisions in the law.

In Estonia, the age of full criminal responsibility (meaning that the special provisions no longer apply) is 18 years of age, which coincides with the definition of "child" in the Convention on the Rights of the Child. Compared to neighbouring countries, Estonia applies somewhat lower and more rigorous age limits. For example, the age of criminal responsibility is 14 in Latvia

and 15 in Finland, Sweden and Norway. In Lithuania, children can generally be prosecuted from age 16, and from age 14 in case of serious criminal offences (Dünkel and Pruin 2012).

Punishable offences are defined by the Estonian penal law, which has not been subject to any major reforms within the last decade. Therefore, the data on juvenile crime are generally comparable by year. However, it should be remembered that the statistics only reflect the criminal offences which have been reported to the police and for which the offender is known. If the offender is unknown, it is impossible to say whether it was juvenile crime or not. The interpretability of criminal statistics is seriously limited by the fact that people do not report all crimes and the majority of offences against property remain undetected (Salla et al 2013).

Each year, the police identify approximately 1,500 children who have committed a criminal offence. Statistics say that the number of criminal offences committed by children has decreased by more than a third compared to 2008. However, this change has largely been influenced by demographic factors, i.e. the decline in the number of children. The rate per 10,000 children has remained more or less the same over the years (ibid).

2.1 Self reported delinquency

In 2013/2014 the International Self-reported Delinquency Study (ISRD) was conducted in Estonia (Markina and Žarkovski 2014) for the second time. The study's target group was students of the 7th – 9th grade across Estonia. A total of 3,658 children were questioned. 2,863 children from Estonian-speaking schools and 795 children from Russian-speaking schools responded to the questionnaire.

The prevalence rate of offences among children has declined when compared to 2006, but has increased concerning some individual offence types. Compared to 2006 when less than 2% of children stole something from a store or a shopping centre, this rate has increased to 3.4% in 2014. Less girls than boys commit violent offences and serious property offences. The prevalence rate of committing less serious property offences at the same time is not different for boys and girls (ibid).

The prevalence rate of violence-related offences has markedly decreased. In eight years, the proportion of children having participated in group fights has dropped from 7% to 4% and that of children carrying a cut-and-thrust weapon has also decreased. While 10% of children in 2006 responded that they carry a weapon-like item (a knife, a chain, a baseball bat, etc.), that proportion has dropped to 6% in 2014 (ibid).

Russian children commit offences more frequently than Estonian children. There are differences in almost all offence types studied, except sales and handling of narcotics where there are no statistically significant differences between Russian and Estonian juveniles (ibid).

In 2014, every 5th child of 13-16 years of age has been victimised by theft. The proportion of being victimised by theft has increased from 19% in 2006 to 22% in 2014. 7% of children reported that they have been hit or injured severely enough in the past year to require medical assistance. This proportion has increased when compared to the previous study: in 2006, less than 5% reported that they have been attacked (ibid).

16% of children have experienced bullying online, via e-mail or texting; 6% of children have experienced threats of violence or use of violence against them on the basis of their religion, language, skin tone, social status or other hate crimes during the year preceding the study. More girls than boys are victimised by cyber-bullying and theft. 19% of girls and 12% of boys questioned in the study reported being victimised by cyber-bullying. 23% of girls and 20% of boys have been victimised by theft. In absolutely all offences studied, Russian children are victimised more frequently than Estonian children. Russian children are victimised two times more often by cyber-bullying and three times more often by an assault (ibid).

As a rule, being victimised is not reported to the police. Most frequently, the police are notified if a child is victimised by theft or robbery. The police learn of every 5th incident among the two latter, while 4 out of 5 incidents remain hidden. The least known are incidents of hate crimes (10%) and cyber-bullying (7%). More boys than girls being victimised are reported to the police. The police receive reports of Russian children being victimised more frequently than reports of Estonian children being victimised, except robbery incidents. Becoming victimised by robbery is reported to the police two times more frequently in the case of Estonian children (25%) than in the case of Russian children (12%) (ibid).

Most often, children are victimised by crime at school or in vicinity thereof. Children have reported that 48% of hate crimes, 44% of attacks and 22% of robberies that they have experienced took place in the school building or the school yard. 22% of children have been victimised by school bullying, 17% have bullied others. The proportion of bullies is three times higher among those children who have been victimised by school bullying, compared to those who have never experienced school bullying. More girls than boys are victims of school bullying and rather more boys than girls are bullies. Most frequently, children tell their friends (27%) or parents (25%) about being victimised by school bullying; 24% of children never tell anyone about their worries with bullying (ibid).

Markina and Žarkovski (ibid) reported also that parents' awareness of the child's activities is a significant protective factor for victimization. This means knowing with which friends, where and how the child spends their free time. Children coming from families with good relations between children and parents, where parents support their children emotionally and monitor their activities and where children inform their parents about their life, are less often subject to offences. With all other circumstances characterising the relations within the family being equal, the most important protective factor is the parents' awareness of the child's activities. A risk factor of children committing offences is tensions and conflicts in the family. 12% of children who participated in the study reported living in a family where the parents have alcohol or narcotics problems. 11% of Estonian children reported their parents having drug addiction problems, while 16% of Russian children did so. Alcohol and narcotics problems of parents are a risk factor of children committing offences. Violent conflicts in the family are also a risk factor of children committing offences (ibid).

Corporal punishment and physical abuse of a child increases the risk of the child committing an offence. During the year preceding the study, 15% of juveniles had been corporally punished by their parents and 4% had been physically abused. Among the girls who responded to this study's questionnaire, 5.6% were physically abused during the past year (3.1% among the boys) and 18% of the girls (13% of the boys) were subjected to corporal punishment. Corporal punishment is used more often against Russian juveniles; 21% of them were subjected to corporal punishment during the year preceding the study, while that proportion was 14% among Estonian juveniles. 3.5% of Estonian and 7.6% of Russian juveniles reported being abused (ibid).

A total of 17% of minors reported that one or both of their parents work abroad. The most frequent situation is that the father works abroad (14% of the respondents); 2% of the minors reported that their mother works abroad and 1% reported that both of their parents work abroad. While 15% of Estonian juveniles have one or both parents working abroad, that proportion is 24% among Russian juveniles. Juveniles living alone or with remote relatives or acquaintances taking care of them are more at risk of committing offences. The risk of minors committing offences increases somewhat if their father starts working abroad (from 18% to 20%) but it increases significantly if their mother does so. Where the parents have started working abroad, the children are more at risk of committing offences and risk behaviour if they live alone or if remote relatives or acquaintances take care of them, compared to the situation where grandparents of older siblings take care of the child (ibid).

2.2 Juveniles in contact with law enforcement

According to Salla and colleagues (2013) and pursuant to the Guidelines for Development of Criminal Policy, a fast judicial process in criminal matters involving juvenile offenders helps to reduce the probability of future offences and also limits the potential negative consequences of the whole process for minors. The pre-trial proceedings of juvenile criminal matters should generally last no more than one month. According to statistics, the average duration of pre-trial proceedings in case of children suspected of a criminal offence has decreased two times over six years – from more than five months to 2.5 months. The average duration of proceedings has also become shorter; the duration of proceedings is now also more even across the country. The shorter duration of proceedings is due to the fact that certain investigators and prosecutors have specialised in juvenile cases, which contributes to greater competence (ibid).

In addition to the procedural speed, which helps to protect the rights of children who have committed offences, another important principle of the Convention is the use of extra-judicial measures in case of children who have committed criminal offences. These measures primarily refer to social and educational programmes that ensure better treatment and well-being of children. In the Estonian legal system, juvenile committees serve as an alternative to court (ibid).

According to the Estonian Education Information System, 2,029 children were referred to juvenile committees in 2012 – this is 1.5% of all children in Estonia. Most of the children referred to juvenile committee are not criminally liable, but most of them have committed unlawful acts, primarily misdemeanours. The task of the juvenile committee is to find the sanction that best suits the needs of a particular child (ibid). In the last four years, the number of children referred to juvenile committees has been in constant decline. The main reasons for that are the decreasing birth rate and falling number of juvenile matters. Compared to 2008, the number of children referred to juvenile committees has decreased by 29% (ibid).

2.3 Juveniles in closed establishments

At the end of 2012, there were 36 children imprisoned in Estonia. 16 of them had been convicted and 20 were in custody. In eight years, the number of incarcerated children has fallen more than two times. Most of the children in prison are aged 16 or 17, and there are clearly more boys among the detainees (ibid).

Most of the children serving their sentence in prison have been convicted of offences against property, followed by those convicted of crimes of violence. The majority of thefts are

committed by boys – this includes shoplifting, apartment break-ins and thefts of personal effects in the street. In case of children incarcerated for crimes of violence, approximately half have been convicted of physical abuse of their peers and also about a half have committed an aggravated breach of public order (ibid).

The number of children in reform schools and in penal institutions has decreased: there were 143 students in reform schools in 2005, compared to only 67 in 2012, meaning a 53% decrease. There are currently two reform schools in Estonia (in Kaagvere and in Tapa). The decrease in the number of incarcerated children is in line with relevant UN recommendations and the Convention on the Rights of the Child. Nevertheless, the number of children in prison is still too big and further efforts are required to reduce it (ibid).

3. Early prevention in child protection system

The UN Convention on the Rights of the Child was the first international act ratified by the Estonian Republic soon after emancipation from the Soviet Union in September 1991. Also the first national legal act of the first Estonian parliament was the Child Protection Act (CPA). CPA defines the rights and obligations of children and parents and regulates child protection, which is first of all connected with possible harm and abuse of children in a family. The CPA was later much criticized because of its declarative character and low functional capacity. The implementation of the act became entangled in the lack of supportive regulations.

A new CPA is currently in the works. In 2011 the government approved the *Strategy for Children and Families for 2012–2020* (hereafter Strategy), which, compared with the previous strategic documents, pays more attention to simultaneously improving the skills of the parents and developing the systems for noticing and helping the children in need. The Strategy emphasizes the importance of ensuring secure and friendly living environments for all families living in Estonia regardless of their nationality, religion, language, or place of residence.

The everyday work in social work practice is regulated besides the CPA, as well as the Social Welfare Act (1995), the National Family Support Act, the Parental Benefit Act, and the Family Act. Every family living in Estonia with legal status (citizenship, residence permit, asylum-seeking or refugee status) has an equal right to receive universal child support benefits stated in the National Family Support Act and the Parental Benefit Act. Universal benefits are paid on the state level.

The Parental Benefit Act is designed to contribute to the successful intertwining of parents' work and family life. The benefit itself provides parents with their average salary from the

preceding calendar year for the time that they temporarily take off work to care for their children; unemployed parents receive parental benefits in the sum of a minimum amount (in 2013 it was 290 Euros). Any parent, adoptive parent, stepparent, guardian, or foster parent who is rearing a child and who is a permanent resident of Estonia or a foreigner living in Estonia on the basis of a temporary residence permit has the right to receive the parental benefit. State support of families inrearing their children is limited to the listed financial benefits. (Linno ja Strömpl 2014)

3.1 Child protection system in Estonia

Estonia is divided into 15 counties, and it is the county governments that are responsible for adoption, evaluation, and supervision of social services provided by local authorities and consulting local governments in child protection. There are 215 local municipalities in Estonia. They vary by size and number of inhabitants, from 99 persons in Piirissaare to 419,707 persons in Tallinn, the capital city of Estonia. Regardless of differences, all local municipalities hold the same responsibility of helping people and ensuring their welfare. The coordination of child welfare work of cities and rural municipalities and also direct assistance of those in need is performed by child protection workers, but the task can also be entrusted to social workers, youth workers, or education specialists. This indicates that in Estonia there is no uniform perception of child welfare work by local governments yet. According to the annual reports of the Ministry of Social Affairs and to the recent audit carried out by the National Audit Office, only 38% of local governments employ a child welfare official. One-fifth of children in Estonia live in local government units that do not employ a child protection worker. Although according to the Child Welfare Concept prepared in 2005 there should be one child welfare official for every 1,000 children, there were approximately 1,491 children for every child welfare official in Estonia in 2010.

Services for children and families are provided mainly through institutions in municipal ownership or nonprofit organizations, whereas local governments are often more in the role of service buyers than providers. Services are divided into in-home and out-of-home services. The aim of the in-home services is to enhance families' capability to take care of their children and to avoid placement into substitute care. Some in-home services are assigned to the parents, for example, support-person services, different educational programs for raising parental capability, counseling services, participation in family center activities to avoid exclusion from community life, and so on. Some of the in-home services are aimed at the children, such as day care centers, counseling, rehabilitation, and so forth. As usual, services are selected according

to the problems the families face; preventive services are lacking. Despite the possibilities that local governments have, the help does not reach children at the right time (i.e., in the early stages of problem). Usually local governments predominantly provide assistance in cases where a problem has become so serious that the parent or guardian has decided to ask for help from the system. Such kind of waiting for clients' activeness in seeking help demonstrates that prevention and early intervention is not the issue of local government child protection practice, which also means that many of the children in need can be left without any help while their guardians are not active in seeking help. One reason why immigrant families are left out of child protection practice could be that they are not active seekers of help due to insufficient language skill and lack of appropriate and understandable information.

Local governments' child protection officials' activity first of all focuses on protecting children from abusive parents. They have the power and jurisdiction to separate a child from parents if the circumstances at home are dangerous to the life and health of the child. Child protection workers are required to present an application for the decision concerning child's separation in court of law. The child protection worker has to find a placement for the child among available opportunities. There is a well-organized institutional care system in Estonia. A foster family system also exists, but the number of children who are placed into the foster families has diminished over the years. Besides that, local government's child protection workers have to continue working with the family to assure child's and parents' reunification. Information about children and families—service users of child welfare—is insufficient. For years the national statistics registered only children taken into out-of-home care (i.e., separated from parents).

3.2 Ombudsman of children

Since March 19, 2011 the Chancellor of Justice fulfills the role of the Ombudsman for Children in Estonia. His underlying task is to protect and promote the fundamental rights of children. The Office of the Chancellor of Justice has created the Department of Children's Rights with 5 employees. The main tasks of the Ombudsman are to resolve complaints related to children's rights in their relations with the individuals and authorities that perform public functions; to verify whether the legal acts related to children's rights are in conformity with the constitution and laws; to familiarize the society with children's rights; to impartially point out any existing child protection problems in the society; to organize studies related to children's rights; to help start discussions on the topics important for Estonian children and youngsters in the society. An important task for the Ombudsman for Children is also to conduct inspection

visits to children's institutions, regardless of whether these are national, local administration or private organizations. Inspection visits are conducted once every three years. The results of the visits are a publicly accessible report with recommendations on child-friendliness, i.e. the goal of the inspection visits is to develop and improve the situation and to make the activities of the institutions more compliant with children's rights.

During the visits the children are familiarized with their fundamental rights and informed about where they can turn when they feel their human rights are being infringed upon. The Ombudsman for Children also accepts letters of complaint from children or related to them and will resolve the issues, if possible. Unfortunately, practice has shown that Estonian children – particularly children at greater risk or in worse conditions – do not know much about their rights or the opportunities to stand for their rights. They do not know who to write/present letters of complaint and are often afraid to file complaints under their own name, making solving the problem impossible. The Ombudsman for Children receives an average of 8-10 letters a year where the majority comes from students in regular schools and discusses a student-teacher conflict in assessing school papers.

Experience has shown that inspection visits will also empower children in special schools and problems will be reported more readily. However, this knowledge and courage will fade in time. It might make sense for the Ombudsman for Children to have more interaction with children in special institutions but also to remind the staff of these institutions of the existence of such an ombudsman and thereby the existence of children's rights.

4. Policy related to juvenile delinquency

The prevention of juvenile crime is one of the central issues of criminal policy in Estonia: in the Guidelines for Development of Criminal Policy until 2018 (adopted by the Parliament), prevention of juvenile crime is defined as one of the priorities, in addition to the reduction of recurrent crime.

Meanwhile, the specific measures outlined in these Guidelines are mostly related to the course of action in case of offences committed by children, and not so much to the prevention of such offences in general. The only exceptions are the clauses concerning the school environment and alcohol. As for the school environment, the main focus of the proposed measures is on encouraging completion of compulsory school attendance, and dealing with school bullying and other problems affecting students' mental and physical safety. The goal of alcohol policy is to reduce alcohol consumption among children, which will presumably lead to reduced levels of violence among children.

The Development Plan for Reducing Violence, approved by the Government, also concerns juvenile crime. According to the goals defined in this plan, alcohol consumption should be reduced, on the one hand, and parental skills should be improved, on the other hand. The document also covers school bullying, violence in children's institutions, and noticing and helping a child who has fallen victim to violence.

Policy documents have paid a lot of attention to the prevention of domestic violence and sexual abuse, and real measures have been implemented in this area. The main focus of the Guidelines for Development of Criminal Policy until 2018 is on reducing the victimisation of minors in the cyber environment and on the provision of treatment for sex offenders. As for domestic violence, the main focus is on the development of an early detection system and on improved cooperation between different institutions. In order to reduce domestic violence, the Development Plan for Reducing Violence proposes the following measures: prevention and awareness campaigns targeting the public and main risk groups; provision of support and protection to victims of domestic violence; and dealing with abusive people.

There are currently no clearly defined policy priorities in terms of using secure facilities for children. The Guidelines for Development of Criminal Policy state that, in case of children in reform schools, measures must be found to reduce recidivism. The main problem is the lack of appropriate support for children who leave reform schools and return home, which means that the majority of these children commit new offences within a short time. In order to reduce the number of children ending up in secure facilities, the Development Plan for Reducing Violence prescribes the implementation of a social programme to help children who have committed criminal offences.

Procedural time limits were established in policy documents already years ago and there has been significant progress in that regard. In the future, restorative justice should be implemented to a greater extent in misdemeanour and criminal proceedings. We should also consider the introduction of the "young adult" concept, which is used in several other countries and recommended by international guidelines – and then define the special conditions for young adults, comparable to the special conditions applied to children.

As one can see, early prevention has not been well established in crime policy documents in Estonia. At the same time the initiatives to do more and with better quality have become more apparent. For example in 2013 the evidence based school bullying program KIVA was initiated in Estonia. Presumably the state will take more responsibility in developing primary prevention programs systematically all over Estonia.

5. Summary

In conclusion one can say that the efforts of Estonian state and municipalities in fostering the welfare of children and early prevention of crime have been in right direction. There has been more emphasis in adopting universal measures such as benefits and services and less focus on targeting possible criminogenic needs.

In a last decade, there has also been an increase in policymakers' readiness to adopt analytical strategies in policymaking and evaluation. The system has become more open to critical opinions. This is likely to benefit also the quality and scope of early prevention policies.

In terms of best practices in early prevention we provided an example of government's support to families in the first years after the child is born: there are both legal safeguards for the parents and long period of benefits. In the field of education, we found the example of school dropouts and inclusive education. In the field on juvenile delinquency, adoption on evidence based prevention programs that are both family and school based is promising although there is a concern about the sustainability of the projects.

In the area of juvenile delinquency Estonia stands out with high rates of children in closed establishments. Although this is a measure of latter prevention strategies, it shows that primary prevention is lacking. Juvenile delinquency does not attract public interest and there is a need to approach the issue in a more coherent way. Today, one can argue, the health, education, criminal justice and child welfare institutions do not do enough cooperation and work on prevention is developed and carried out largely independently.

Early prevention of crime is not an independent policy area in Estonia. Several institutions deal with the topic but the policy lacks a responsible owner. However we remain optimistic, prevention of crime is a work in progress that will never be finished.

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Section I – Setting the context

The Italian systems from the perspective of juvenile delinquency prevention

Both early and secondary prevention are devolved to all the public and private actors who operate in the juvenile justice, care and protection systems. However, as there is not a centralized intervention, the way in which activities from the perspective of delinquency prevention are implemented changes regionally and locally. Art. 114 of the Constitution provides that Italy is a republic divided into Regions, Provinces and Municipalities ('Comuni'). Regions and the other local entities have been given different forms of autonomy (legislative, administrative, and financial), regulated by the Constitution and all the agreements made between State and local entities on specific matters²⁷¹.

Italy is also characterized by historical differences between three macro-areas: North, Centre and South, with particular distance between North and South on many aspects, including wealth, financial investments, and consequently crime data and trends. These differences are recurrent also in the actual efficacy of the systems and programs aimed at preventing children from delinquency.

In order to better understand how juvenile delinquency prevention systems work in Italy, it is important to briefly analyse recent data that describes contextual elements to be taken into account, like the socio-economic situation, distribution of wealth, investment of public resources, youth crime data and trends. The present section will then describe the different components involved in juvenile delinquency prevention: juvenile justice and the systems for care, protection, education and health.

Recent socio-economic situation in Italy

The 2008 financial crisis has had considerably negative socio-economic consequences. According to the National Statistics Institute, between 2011 and 2012, 24,9% of the families lives in conditions of economic disadvantage with a strong concentration in Southern Italy

²⁷¹Italian Constitution – Part II, Title 5, Organisation of the Republic:
http://www.governo.it/Governo/Costituzione/2_titolo5.html

where these families are the 41% of resident families (17.2% in the North-west, 13.5% North-East, 21.6 Centre). The worst situation is registered in Sicily (49,3%) and in Calabria (39%)²⁷². Data shows a similar situation about the distribution of income. Sicily registers the lowest average salary of 21.000 euros, which is more than 28% less than the Italian average. On the opposite side, we find some Northern regions - Lombardy, Emilia Romagna, Trentino Alto-Adige, and the autonomous province of Bolzano. The highest internal income inequality is instead registered in Southern Italy -Campania, Sicily and Basilicata- and in the central Region of Lazio²⁷³.

In line with this data, 58% of children aged 14 in Italy in 2013 declared to be unsatisfied of their economic situation. In the North, the percentage of satisfied children is higher (about 46%) than in the Centre (41.3) and the South (30.9), with the least satisfied in Sicily²⁷⁴.

Data regarding the public expenditure for welfare shows that Italy registered an expenditure of 30% of the Gross Domestic Product (GDP) in 2012, which collocates the country above the European average. It is worth noting that, in 2012, the 95.8% of this expenditure was for social protection and more than half of this was devoted to elderly people (52,3%). Only the 4,8% is for family/maternity and childhood, 3.2% for unemployment and 0.3% for other forms of social exclusion²⁷⁵. The situation changes when it comes to the expenditure of the local entities (municipalities) for social assistance, which is a crucial part of the welfare system. In Italy, in fact, social assistance is under the authority and competence of municipalities, which manage social services and interventions, while programming is usually under the responsibility of Regions²⁷⁶. In 2010, the expenditure of municipalities for social assistance was 0.46% of the GDP. It mainly addressed families with children (about 40%), people with disabilities and elderly people. Programs for the contrast of poverty and social exclusion registered 7.9% of the social expenditure of municipalities, and 6% was devoted to contrast other forms of marginalization (migrant people and people who make use of drugs). Again, data shows a

²⁷²Italian National Statistics Institute (ISTAT), National Statistics on Poverty 2011-2012: http://noi-italia.istat.it/index.php?id=7&L=0&user_100ind_pi1%5Bid_pagina%5D=105&cHash=f9da21e3d1b20b7e00161ab74a4b77cc

²⁷³Italian National Statistics Institute (ISTAT), Income Inequality 2011-2012: http://noi-italia.istat.it/index.php?id=7&L=0&user_100ind_pi1%5Bid_pagina%5D=106&cHash=29ac81a438d2d4e9ea76d6a161f87bb0

²⁷⁴Italian National Statistics Institute (ISTAT), Level of satisfaction about the economic situation: http://noi-italia.istat.it/index.php?id=7&L=0&user_100ind_pi1%5Bid_pagina%5D=108&cHash=b69b0835df15757e50f8aef0ac32c67e

²⁷⁵Italian National Statistics Institute (ISTAT), Social Protection Expenditure: http://noi-italia.istat.it/index.php?id=7&L=0&user_100ind_pi1%5Bid_pagina%5D=109&cHash=ae971c063501bd71e1fac615b94212f0

²⁷⁶Leggequadrosull'assistenza', Law n. 328 del 2000.

significant difference among regions. The lowest local social expenditure is registered in Calabria, the highest in Trentino, with all the Southern Regions below the national average²⁷⁷.

Youth crime data and trends

From the interviews conducted in the context of the present research – particularly stressed by the Head for the enforcement of judiciary measures-Juvenile Justice Department – emerged the strong decrease of children and youths who entered the justice system in the last years, in particular who are subjected to detention measures. In 2013, among about 16.000 reports of offences per day, only around 400 children entered a juvenile facility.

The following table presents the Juvenile Justice Departments’ data regarding the entrance of children in the justice system in 2013:

Table 1. Children entries in the justice system in 2013 – Penal area. Source: Juvenile Justice Department²⁷⁸

	ENTRIES	DAILY AVERAGE PRESENCE
First Care Centres (CPA)	2.020	18
Juvenile Facilities (IPM)	1.201	452
Communities	1.879	56 (ministerial communities) 878 (private communities)
Social services (USSM)	20.648	

Looking at the juvenile crime trends, there is a prevalence of offences against property, with 182 among the 284 entered in the CPA²⁷⁹ in 2014, followed by offences related to drugs (45)

²⁷⁷ Italian National Statistics Institute (ISTAT), Social assistance expenditure by Municipalities: http://noi-italia.istat.it/index.php?id=7&L=0&user_100ind_pi%5Bid_pagina%5D=110&cHash=2355f816784917d2ae256557973a5db0

²⁷⁸ Juvenile Justice Department – Statistics Service (2014), Juvenile Justice Services 2014 Report, available at:

http://www.giustiziaminorile.it/statistica/dati_statistici/DatiAggiornati/dati_aggiornati.pdf

and against persons (31)²⁸⁰. Experts interviewed by the author report an increasing of offences related to drugs in the last years and a persistent difference among the three macro-areas. In Northern Italy, offences against property show the highest rates with an over-representation of migrant children within the justice system. In the Centre, offences are of the same type but Roma children are rather over-represented. In Southern Italy, offences against property remains the highest portion but with a higher presence of offences related to drugs and against persons as well, which is explicable by juvenile recruitment from organized crime; in the Southern macro-area, juveniles involved are mainly of Italian origin. Nevertheless, offences related to organized crime started to spread also beyond Southern Italy, with a higher presence of Camorra (originally from Campania) and 'Ndrangheta (originally from Calabria) families and business in Northern and Central Italy.

1.1 Juvenile Justice system

The Italian juvenile justice system is the result of a cultural and academic process of recognition of child rights protection at international level that dates back around the beginning of the 20th century. This process led to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules, 1985), related to children involved in the justice system, and to the United Nations Children Rights Convention in 1989. Following this international development, and thanks to the contributions of the new criminological theories on juvenile delinquency blossomed between the '50s and '70s²⁸¹, Italy started to domesticate the international conventions and standards on child protection and to add this priority in the political agenda. The decree D.P.R. 448/1988, Regulations on the criminal proceeding involving children ('Disposizione sul processo penale a carico di imputati minorenni') introduced

²⁷⁹As we will see with more details later in this section, CPAs are the first contact between arrested children and the justice system. They receive juveniles under arrest until the validation hearing. IPMs are instead the detention facilities for juveniles who committed an offence before 14 years, until 21 years old

²⁸⁰See note 8

²⁸¹Criminological theories from the '50s that start considering the society, its role in generating juvenile delinquency, the learning process of delinquency itself and the risk of stigmatization brought by the juvenile justice after the commission of an offence. More in details, the Labeling theory by E. Lemert [1951], the Strain theory by R.K. Merton [1957, Subculture theories by Cohen [1955], Cloward and Ohlin [1960],], the Differential association theory by E.H. Sutherland and D.R. Cressey [1978] as well as the introduction of concepts like "relative deprivation" and "criminal career" [Shoemaker, D.J., Theories of delinquency: an examination of explanations of delinquent behaviour, 2009, Oxford University Press].

new criminal law procedures specifically addressing children and different from the ones provided for adults²⁸².

The other peculiarity of the Italian system is the presence of a dedicated juvenile court ('Tribunale per iMinorenni'), established in 1934 with administrative, civil and criminal jurisdiction. At first, it was composed by two magistrates and one male expert in children's issues, being he a social worker, psychologist, criminologist with proven expertise on children's issues and named 'giudice onorario'. In 1956, these professionals became two and the law established that they have to be a female and a male. Since then, two magistrates and two professional experts compose the Court²⁸³

1.1.1 Broad principles of the Juvenile Justice system

For the first time, law D.P.R. 448/1988 put the child offender into a key position in all the phases of his/her own proceeding. The Justice System intends not only to ascertain the individual responsibilities for the occurred offence, but to protect the child and provide him/her with an individualized programme of rehabilitation and reintegration, keeping into account his/her specific needs and resources at the same time²⁸⁴. This essential approach was also remarked in the interviews to experts: the guiding principle of the Italian juvenile justice system is that it is 'child-centred'. The child is the focus of any intervention, and the main and constant objective of the proceeding is his/her reintegration in the family/community and his/her development without interruptions.

Among others, the juvenile justice system builds mainly upon the principle of the minimum harmfulness of the proceeding and the residual use of detention²⁸⁵.

²⁸²Decree of the President of the Republic on the Approval of the Criminal Procedure Involving Juvenile Defendants, D.P.R. 448/1988 ('Disposizione sul processo penale a carico di imputati minorenni'), available at: <http://www.legislationline.org/documents/id/5129>

²⁸³Law 27.12.1956, n. 1441 (gu n. 002 del 03/01/1957) on 'Participation of women to justice administration in Courts of Assizes and Juvenile Courts' ('Partecipazione delle donne all'amministrazione della giustizia nelle Corti di Assise e nei Tribunali per i minorenni'), available at <http://guidaaiservizi.comune.mesagne.br.it/guidaservizi/salvafile.cfm?nomefile=89862F37-3048-2913-EC4E00EAF118458.pdf&nome=Testo%20Legge%201441/1956>

²⁸⁴ This strong attention to the child personality comes out at art.9 D.P.R. 448/88, art. 13, and again art. 19, 28 and 29.

²⁸⁵ More details on the guiding principles of the Juvenile Justice System in Italy are available on the Ministry of Justice website,

Main guiding principles in the Italian Juvenile Justice system:

- **Minimum harmfulness of the proceeding** ('minima offensività del processo'). The main objective of juvenile justice operators is to avoid marginalization and social exclusion with the child's entrance in the justice system: to use diversion and alternative measures as much as possible.
- **Residual use of detention** ('residualitàdelladetenzione'). Detention has to be the last and residual option to apply (*extrema ratio*).
- **Penal responsibility** ('imputabilità'). Art.97 of the Italian Penal Code states that a child below 14 does never have penal responsibility. Furthermore, art. 98states that for children among 14 and 17, the "ability to understand and take action"(capacità di intendere e di volere) has always to be ascertained.
- **Suitability principle** ('adeguatezza').The proceeding must tailor on each child individual and his/her educational needs, since it aims to the child reintegration in the community.
- **De-stigmatizing** ('destigmatizzazione'). The Italian law guarantees privacy protection and anonymity of the child, to avoid further marginalization.
- **Self-limitation** ('auto-selettività'). The educational needs of every child have the priority on the proceeding which has to limit itself.
- **Unavailability of the procedure and of the outcome of the proceeding** ('indisponibilità delrito e dell'esito del processo'). If the child did not appear spontaneously although s/he had been notified, the court can order the law enforcement operators to find and take him/her to the next hearing; by force, if necessary.

1.1.2 Judiciary and administrative bodies in the Juvenile Justice system

The Italian juvenile justice system is composed by judiciary and administrative bodies²⁸⁶.

The main judiciary body is the Juvenile Court ('Tribunale per iminorenni'), the first instance court,which is a collective body composed by four elementswith proven expertise and experience on children issues. It has the authority in all the penal, civil and administrative proceedings: children who committed crime, cases of re-educational measures, adoption, parental authority, care and protection²⁸⁷. During the proceeding, the judiciary functions are

athttp://www.giustizia.it/giustizia/it/mg_1_12_1.wp?facetNode_1=0_6&facetNode_2=0_6_2&previousPage=mg_1_12&contentId=SPS973590

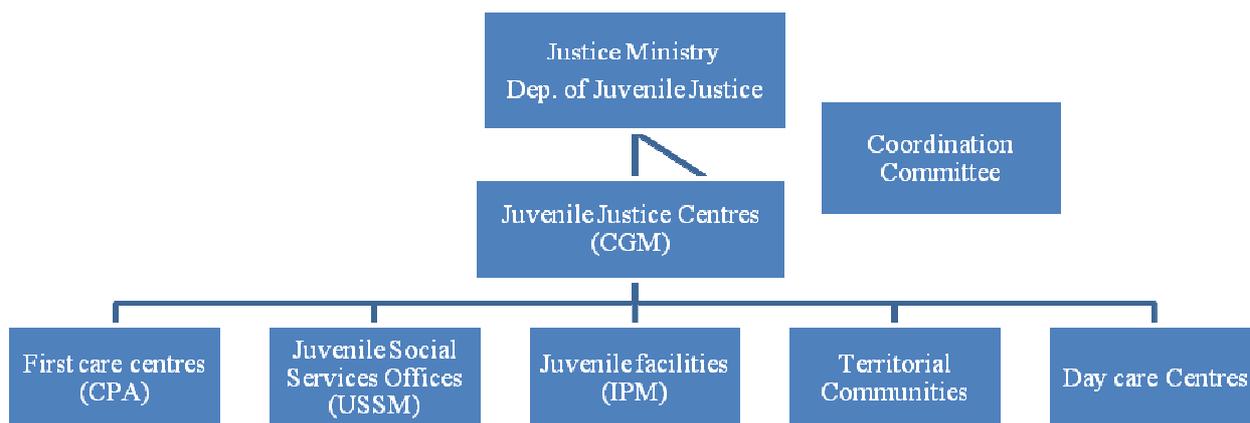
²⁸⁶For more details see on the Juvenile Justice Department, available at <http://www.giustiziaminorile.it/> or on the juvenile court website, at <http://www.tribunaledeiminori.it/>

²⁸⁷In details, the penal competence: the Juvenile Court deals with the cases of people who committed an offence before 18 years old.

care centres ('Centri di prima accoglienza', CPA)²⁹¹, Juvenile Facilities ('Istituti penali minorili', IPM), territorial communities and institutes for semi-liberty measures and with day care services for pre-trial, substitute and alternative measures²⁹².

According to the law DPR 448/1988, the local services cooperate with the regional authorities and the private entities involved, and they are coordinated by the respective CGM, which envisages a specific committee for the coordination of the juvenile justice services and the local support services. Another coordination committee is present at higher level, in the Justice Ministry, for the coordination of the above-mentioned services. Figure 2 shows the administrative bodies in the Italian justice system:

Figure 2. Main administrative bodies of the Juvenile Justice system in Italy



The Department of Juvenile Justice also manages three Training Schools for the staff: Castiglione delle Stiviere (Mantova), Rome and Messina.

needs for his/her development. At the same time, they have to gather all the information from the child family and context, regarding his/her socio-familiar situation, for the court to take the final decision

²⁹¹CPA receive juveniles under arrest until the validation hearing.

²⁹²Communities are residential structures with educative mission and functions. There are three kinds of communities: public or ministerial, which deal with children involved in penal proceedings; private communities, which deal both with children involved in penal proceedings and children 'at risk'; therapeutic communities, for children and youths with drug's addiction problems. All these services, together with the local entities, have to participate to every phase of the penal proceeding that involves a child.

1.1.3 Child Rights in the justice system

There are no recent reforms in the field of juvenile justice and the system is built upon law DPR 448/1988. The only recent introduction is the Charter of rights and duties of children within the Juvenile Justice Services ('La Carta dei diritti e dei doveri dei minorenni che incontrano i Servizi minorili della giustizia'). It has been realized during the project 'CO.S.MI – Social communication and foreigner children in the European justice systems' ('Comunicazione sociale e minoristranierineisistemi di Giustiziaeuropei')²⁹³, co-financed by the European Fund for the Integration of Third Countries 2007-2013 (FEI). This charter aims at explaining to children who enter in contact with the justice services all their rights, responsibilities and aspects of the proceeding (bodies involved, objectives of the system, rules within the institutions and child rights). Consistently with the child's rights to information, the charter is presented in a child-friendly language and all children receive it at their first entrance in the system; the charter is provided in the child's language²⁹⁴.

The rights explained in this charter are essentially in line with the internationally recognized child rights from the UNCRC: the right to be fully informed; to be heard; to legal representation and to be assisted by parents or a legal guardian; the right to privacy; the right to health also within the institutions they would live after a sentence; the right to always profess their religion; the right to education and to not interrupt their educational path and personal development; the right to play and leisure.

The experts interviewed are quite positive that these rights are actually respected within the system, thanks to the legislative framework, the variety of foreseen interventions and the constant search for individualized solutions. Furthermore, all the professionals involved are trained on children issues and their priority is the best interest of the child in his/her specific situation and with his/her specific needs²⁹⁵.

Some constraints that come out from the interviews relate to the presence, within the justice system, of children who lack an outside protection network (family and community). This issue regards especially the large number of foreigner unaccompanied and/or separated children

²⁹³The project has been promoted by the Ministry of Justice, General Direction for the enforcement of judiciary provisions (Direzione Generale per l'Attuazione dei Provvedimenti Giudiziari) and implemented by 'Istituto Psicoanalitico per le Ricerche Sociali (IPRS)' and "Casa San Benedetto – Istituto Don Calabria"

²⁹⁴Charter on rights and duties of juveniles involved in the juvenile justice system ('La Carta dei diritti e dei doveri dei minorenni che incontrano i Servizi minorili della giustizia'), available at http://www.giustizia.it/giustizia/it/mg_2_5_2_5.wp

²⁹⁵The main body with training function is the "Juvenile justice staff training institute", see more at: <http://www.icf-giustizia.it/>; <http://www.giustiziaminorile.it/uffici/icf.html>

who enter the justice system but do not have a support outside. In fact, the operators usually use this network to reintegrate the child and build an individualized project of rehabilitation and education. The common perception is that the system built upon the DPR 448/1988 is not yet tailored on children with social characteristics and life style different from the deviant child idealized 25 years ago, who had a home, a family and a support community on his/her back.

The second constraint raised during the interviews with experts relates to the extreme length of the proceedings, which can have many negative psychological and educational consequences on the child and which brings a detrimental temporal distance between the offence and the action taken to respond.

1.1.4 Diversion measures

Being the child him/herself the core of any proceeding, the main objective for the operators is to assess his/her personality and tailor the solution on his/her specific needs and situation, always using the detention as the last resort solution.

For these reasons, the DPR 448/1988 foresees a variety of diversion measures with children's reintegration and rehabilitation as their main objectives. During the pre-trial investigation phase, the judge can choose among the following custodial measures, beyond the custodial detention: liberty, prescriptions, domiciliary custody and community centre custody²⁹⁶. In all these cases, including the custodial detention, a social worker from the USSM supports the child and his/her family, and also collects information about the child's situation to provide the judge with material for the decision.

After the end of the investigations, during the preliminary hearing ('Udienza preliminare'), the Juvenile Court can decide to stop the proceeding and apply various diversion measures. They are the so-called 'Juvenile penal proceeding resolution's modalities according to the minimum

²⁹⁶In details, Liberty: the child goes back to his/her family, community or to the social workers if s/he does not have a family, because there is no evidence of guilt.

Prescriptions: the child has to commit in some activities (go to school, attend some course, do a social useful activity)

Domiciliary custody: the child has to stay home, a part from commitments related to school, work activities, organized sport activity, trainings

Community centre custody: the judge decides to send the child in a community, where the s/he can be subjected to prescriptions and can leave the structure only for the same reasons as for the domiciliary custody

harmfulness' principle' ('Modalità di definizione del processo penale minorile ispirate al principio della minima offensività') and they are peculiar of the Italian juvenile proceeding:

- **Judicial pardon** ('Perdono giudiziale')²⁹⁷
- **Sentence of no case to answer because of irrelevance of the circumstances** ('Sentenza di non luogo a procedere per irrilevanza del fatto')²⁹⁸
- **Suspension of the proceeding to put the child on trial** ('Sospensione del processo e messa alla prova'). This is the most innovative instrument introduced by the Italian juvenile justice law in 1988. The court decides to suspend the proceeding to start an individualized educational project with the child, lasting maximum 3 years. The project can comprise various objectives and activities: going to school with profit, attending professional trainings, working on a socially useful activity. One of the most powerful instrument that can be used during this period is the penal mediation. Within the educational project, the justice services could envisage for the child a reconciliation path with the victim of the offence and the compensation of the offence. At the end of the project, the court assesses the results: if positive, the offence committed is declared extinguished; if negative, the proceeding continues from the point it has stopped.

The last pool of diversion measures relates to the post-trial solutions. When the court sentences the child to detention, it can decide to divert him/her from the detention, choosing among the

²⁹⁷After the court had ascertained the child penal responsibility and conceded the pardon, the offence is declared extinguished. The purpose is to close the proceeding without a conviction which will be very detrimental for the child, when there is the presumption that the child will not commit other offences, based on the assessment of his/her personality, the social context, the characteristics of the offence committed.

²⁹⁸The court decides to close the proceeding with an exoneration (proscioglimento) based on the assessment that the offence committed was small and occasional and that going on with the proceeding would be very detrimental for the child.

The difference among the judicial pardon and the latter measure is very light but substantial. For the "sentence of no case to answer" two elements need to be present: irrelevance of the circumstances (small offence) and assessment of its being occasional and no interest from the court to proceed. The judicial pardon can instead be applied for more serious offences, can be applied just once and it is indeed a verdict of guilty. Nonetheless, the court assesses that for various conditions there is a positive prognosis for the future behaviour of the child and that the proceeding until that stage has already been educative for him/her. In both cases any effect of the penal conviction are cancelled.

More details on alternative measures are available also at <http://www.altrodiritto.unifi.it/ricerche/minori/imperial/cap2.htm>

alternative measures provided in the Italian Penal Code and the penitentiary law (both valid for adults and children)²⁹⁹:

- **Social services custody** (‘Affidamento al servizio sociale’)³⁰⁰
- **Domestic detention** (‘Detenzione domiciliare’)
- **Semi-liberty and semi-detention** (‘regime di semi-libertà’ and ‘regime di semi-detenzione’, allowing part-time study or work outside the prison)
- **Early liberation** (‘Liberazione anticipata’)
- **Liberation on parole** (‘Liberazione condizionale’)

In all the measures identified so far, social services and community centres spread on the Italian territory have a crucial role to support the child during the whole application of diversion.

1.2 Child protection system

The child protection system in Italy started to be put in place around the ‘70s-‘80s, when the society became more aware and sensitive about child issues and started to pay more attention to their specific needs and dangers inside the family itself. This system originates in fact from the “new” perceived need of the society to protect children from abuse and mistreatment.

On this drive and following important social transformations during those years (increase of elderly people, increase of women in the job market, changes in the family structure, different forms of poverty and marginalization, higher youth unemployment together with higher youth education levels), some legislative introductions realized a regional-local approach of intervention³⁰¹.

Crucial functions of child protection and care are devolved to the Regions and local entities through the creation of public and private structures, which depend on the regions or the municipalities (Comuni) and are strongly interconnected. This process of devolution regards

²⁹⁹Law n.354/1975, “Regulation of penitentiary institutions and on the enforcement of detention measures” (Norme sull’ordinamento penitenziario e sulla esecuzione delle misure privative e limitative della libertà). See more at <http://www.ristretti.it/areestudio/giuridici/op/opitaliano.htm>

³⁰⁰In this case the child is free but followed by the educators and social workers of the U.S.S.M.. S/he keeps living in his/her social and familiar environment and has to comply with specific prescriptions and controls

³⁰¹Among the others, law 833/1978, legislation on family counselling, n.405/1975, legislation on council kindergarten, n. 1044/1971

also the child protection system from the scope of juvenile crime prevention with the DPR 616/1977, art.23. It moves the competence of the judiciary decisions' enforcement of juvenile civil and administrative cases from the Ministry of Justice to the local administrations. The local administrations have to apply dispositions from the juvenile court in cases of children in need of care (in case of abuse, neglect, ...) and of children "at risk", providing them with local services' support: social services, health care, education, residential communities.

1.2.1 How does the child protection system work in Italy?

The law 285/1997 provided the inter-institutional system mentioned above with a new strong support, giving a push to the financial investment in the childhood and adolescence sector³⁰².

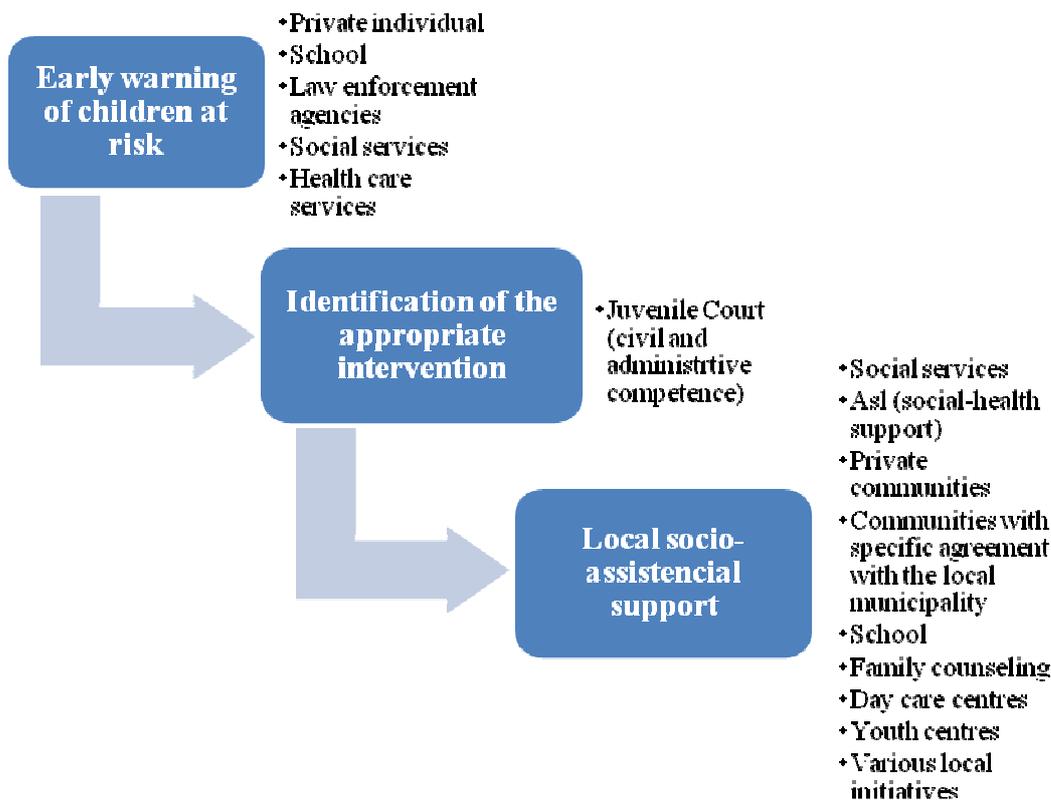
This law reinforced the social and educational services targeting children and adolescents and consolidated a local approach: it is important to involve the child's context and community to make the interventions more participatory and effective.

The three main entities that in Italy compose the child protection system,are theWelfare (social services, health care, schools/education, educational communities, foster care institutions, ...), Family and Justice, which should work strongly interconnected.

Below a diagram showing how the child protection system works in Italy from the perpwtive of delinquency prevention:

³⁰²The same year, the law 451/1997 set up the National Observatory on childhood and the National documentation centre.

Figure 3 – Child protection cycle and actors involved



Anybody can inform the juvenile court about a child/family “at risk” and the court decides whether intervene or not and which kind of intervention to undertake. The decision is enforced by the local services on the territory, which depend on the local municipalities (Comuni). The variety of interventions is very broad and very locally characterized: modalities, resources, specific actors’ roles, activities, budget and also characteristics of the children involved, strongly vary from a region to another, from a municipality to another.

At the same time, indicators to assess if a child and a family is “at risk” are quite various, but some of them emerge from the experts’ interviews: socio-familiar context and issues already known by the social operators and/or the community, drugs’ use, psychiatric problems, migrant origin, recidivism.

The same actors who deal with the intervention have also the functions to identify children/families at risk and to monitor the context. First and foremost, schools have a crucial role in identifying children’s issues and informing the social services and/or the juvenile court. Other structured monitoring instruments are provided by the Statistics service at the Ministry of Justice, and the ‘Informative Juvenile Justice System’ (‘Sistema

informativodellagiustiziaminorile’, SISM). The latter one gathers information about the child and inform the social services, archiving this information for further analysis³⁰³.

The presence of local permanent Observatories on juvenile disadvantage, on drug use and school dispersion are envisaged by the Italian law, ministries of Education and Health, but the actual implementation is still too much related to the local social investments in different regions³⁰⁴.

1.2.2 Recreational activities

A widespread presence of youth centres, associations, foundations, organizations, which provide children and adolescents with various recreational proposals, characterizes the Italian territory. They vary greatly from a geographic area to another, and their presence and activities depend very much on the local municipality that promotes and finances them. For this reason, also the budget allocated for such activities vary regionally and locally, with a higher expenditure registered in Northern Italy in comparison with Southern Italy, consistently with the data on public money and resources allocated for social services in these two macro-regions.

At national level, the Head for the enforcement of judiciary measures, Juvenile Justice Department, in her interview highlighted the crucial role sport activities have, as instrument to teach children how to build balanced relationships with others and to keep them away from deviant activities. On this matter, it is worthy to report the Directive n. 17 February 2007 (Direttiva n.17 Febbraio 2007), ‘More sport at school and life wins’ (‘Più sport a scuola e la vita vince’), which defines in 10 points the national policy for sportive activities in the Italian school³⁰⁵. The Ministry of Public Education, University and Research established a collaboration with the Ministry for the Youth Policies and Sportive Activities for drafting and implementing projects on scholastic sportive activities with the active participation of school

³⁰³Please find more details on the Ministry of Justice website, available at: http://www.giustizia.it/giustizia/it/mg_1_12_1.wp?facetNode_1=4_99&previousPage=mg_1_12&contentId=SPS613309#3.9.1

³⁰⁴Here an example of local observatory on juvenile disadvantage, in Sicily: http://www.distrettosociosanitario39.it/index.php?option=com_content&view=article&id=116:osservatorio-permanente-disagio-giovanile&catid=76:area-minori-servizi&Itemid=102

³⁰⁵Please find more details on the Ministry of Education website, available at http://archivio.pubblica.istruzione.it/normativa/2007/prot17_07.shtml

managers, teachers and parents. The aim is to involve children into physical activities according to their specific needs, age and development, teaching the sport values.

Together with this Directive, the 30th January 2007 the ‘Guidelines on innovative projects for physical and sportive activities in areas at risk’ allocated a budget of 900.000 euro. The aim of this budget was to finance projects that use sport to rehabilitate and re-educate children and adolescents “at risk”, teaching how to build relationships, how to play in team and to live competition in a healthy way.

For this reason, the national scholastic system in Italy offers the activity of the ‘Sportive Scholastic Games’ (Giochi Sportivi Studenteschi, GSS). Children and youths are encouraged to choose among some disciplines the one they are more suitable for, and the school provides them with the structures and after-hours classes. GSS. promote the inclusion of marginalized and at-risk children, integrating the sportive activities with other educative and training proposals³⁰⁶.

Nevertheless, given the little offer on a national level of coordination on this matter, the General Comment of the UN Committee on the Rights of the Child, 18.03.2013 n.17 on art.31 of the CRC, states that in Italy the right to play is not thoroughly granted, despite a strong commitment from institutions and third sector³⁰⁷.

Game rooms or day care centre (Ludoteche) is also a service provided by many local municipalities but not managed nor regulated at national level: it is often subjected to the lack of funds in some municipalities and regions, and they often become private centres with fee³⁰⁸.

Among the local initiatives, we could still mention the ‘Ludobus Association’³⁰⁹, ‘Baskin Sicily’³¹⁰, ‘Arrampicoterapia’ (‘Therapeutic rock climbing’) ³¹¹, ‘Fondazione La Città invisibile’ (The invisible city Foundation)³¹², ‘Centro Don Calabria’ (Don Calabria Centre)³¹³.

³⁰⁶Please find more details on the Ministry of Education website, available at <http://hubmiur.pubblica.istruzione.it/web/istruzione/giochi-sportivi-studenteschi>

³⁰⁷ Please find the General Comment the UN Committee on the Rights of the Child, 18.03.2013 n.17 on art.31 of the CRC, available here in Italian: http://www.gruppocrc.net/IMG/pdf/Cap_6_par_9_Il_diritto_al_gioco.pdf Project on “Città sostenibili delle bambine e dei bambini”, pluri-annual experience on sustainable cities for children with the similar project on “Child-friendly cities and the Association of “Città amiche dell’infanzia e dell’adolescenza” (<http://www.cittasostenibili.minori.it/> ; <http://www.unicef-irc.org/publications/pdf/cfcgb2005.pdf> ; <http://www.camina.it/>); Initiatives that combine play with learning science and technology, like the “Città dei bambini e dei ragazzi” (The city for children and youths) and “Wow”, which are among the biggest structures in Italy devoted to play, science and technology (<http://www.cittadeibambini.net/> ; <http://www.wowscienza.it/>, <http://www.cittadeibambini.net/> ; <http://www.wowscienza.it/>); the “Città della scienza” in Naples (<http://www.cittadellascienza.it/>)

³⁰⁸Ibidem

1.3 Education system

The education system in Italy is under the Ministry of Education, University and Research and it is mainly public. It comprises most public schools together with some private structures³¹⁴. Public schools are entitled to receive funds by the Ministry but they can also be partly funded by municipalities, provinces, regions and other public or private entities. Since 2000, schools have their administrative, didactic and organizational autonomy, even though they remain under the national system³¹⁵. Each school has its own Plan for the educative offer (POF, ‘Piano per l’offertaformativa’).

In Italy, the compulsory schooling is until 15 years (10 years) and the schooling system comprises primary school (‘scuolaelementare’, 5/6 to 10/11 years), secondary school (‘scuola media’, 10/11-13/14 years) and high school (‘liceo’ or ‘istitutoprofessionale’, 13/14-18/19 years), accessible and free for every child.

1.3.1 Levels of attainment and what is available to all

Updated data on education in Italy shows the distance of the country below the European average for many indicators.

³⁰⁹ ‘Ludobus Association’ is a national association with the scope of guarantee the right to play in the more marginalized contexts:

http://www.alipergiocare.org/index.php?option=com_content&task=view&id=14&Itemid=35

³¹⁰ ‘Baskin Sicily’ is an association, which promotes sport and inclusion, playing “Baskin”: it is similar to basket but very innovative and peculiar, involving at the same time children with disabilities (mental and physical) and children without disabilities: http://baskinsicilia.it/?page_id=109

³¹¹ ‘Arrampicoterapia’ was born in 1966 with the scope of rehabilitating and educating children at risk of school dropouts and delinquency and children with disabilities in the suburbs of Naples, teaching them and involving them in rock climbing activities: <http://www.arrampicoterapia.it/dblog/chisiamo.asp>

³¹² ‘Fondazione la città invisibile’ is a music training school for legality: using music to divert children from marginalization and anti-social behaviours in at-risk areas of Catania (Sicily), following the example of Maestro José Abreu in Venezuela: http://www.fondazione lacittainvisibile.it/?page_id=23

³¹³ ‘Don Calabria Centre’ is a multi-functional centre in Verona (Veneto) which provides children and youth with various educative, social, sportive offers: <http://www.centrodoncalabria.it/>

³¹⁴ Among the private structures, there are the schools that provide children with a certificate recognized by the public education system (“Scuoleparitarie”) and other schools that produce a certificate that is not recognized/valid, even though their attendance is indeed valid for compulsory schooling. See more at <http://hubmiur.pubblica.istruzione.it/web/istruzione/dg-ordinamenti/scuola-non-statale>

³¹⁵ Please find more details on the Ministry of Education website, available at <http://hubmiur.pubblica.istruzione.it/web/istruzione/famiglie/autonomia-scolastica>

One of the main indicators of the effective functioning of the educative system is the national public expenditure for education and training. In Italy in 2011 it was 4.2% (5.3% is the European average) and it put the country at the bottom of the European range³¹⁶.

Data on the Italian pupils' performance in 2012 ('Program for international students' assessment', PISA, for Oecd) confirms a lower performance in comparison with the Oecd and the other European countries involved in the survey, even though it shows also some improvements from 2009. There are considerable differences between North and South, where the South is improving but is still below the national average³¹⁷.

Children with special needs

Particularly vulnerable categories of children are protected within the school with specific instruments. There are no special schools but some directives from the Ministry of Education, in cooperation with the Ministry of Health, envisage the need to apply individualized educative plans and programmes for children with special educative needs ('Bisogni educativi speciali', BES), inside the public schools, for the purpose of inclusion³¹⁸. This is guaranteed through guidelines on the scholastic integration of children with disabilities and of children with specific learning disorders ('Disturbi specifici di apprendimento', DSA)³¹⁹ and with the presence of assistant teachers ('insegnanti di sostegno').

Another particular vulnerable category in the Italian scholastic context is the group of foreigner children. In the year 2011/2012 they were the 8.4% of the total of children registered in school and 65% of them was attending a school in Northern Italy. The General Comment of the UN Committee on the Rights of the Child, 18.03.2013 n.17, on the right to education for this specific group of children, recommends Italy to improve inclusion and integration scholastic

³¹⁶ Italian National Statistics Institute (ISTAT), National Statistics on public expenditure for education and training in 2011: http://noi-italia.istat.it/index.php?id=7&L=0&user_100ind_pi1%5Bid_pagina%5D=33&cHash=940c9f597e568c69a9f7978a8e7ab97c

³¹⁷ Italian National Statistics Institute (ISTAT), National Statistics on Pupil's performance in 2012: http://noi-italia.istat.it/index.php?id=7&L=0&user_100ind_pi1%5Bid_pagina%5D=35&cHash=fe3a0f5f4e06b05e15b452773f8d9ab3

³¹⁸ Directive 27.12.2012 on "Instruments of interventions for pupils with Special Educative Needs and territorial organization for inclusion" (Strumenti di intervento per alunni con Bisogni Educativi Speciali e organizzazione territoriale per l'inclusione) and n. 8, 6.03.2013

³¹⁹ Please find more details on the Ministry of Education website, at: <http://hubmiur.pubblica.istruzione.it/web/istruzione/dsa>; <http://hubmiur.pubblica.istruzione.it/web/istruzione/disabilita>

programs for them. Migrant children, especially Roma, sinti or *camminanti* are the most vulnerable group, not just because of the language but too often because of a lack of training for teachers, lack of financial resources for schools and the particular familiar and life-style conditions of these children. The UN Committee advises Italy to invest more money and resources on the implementation of integration programs for children coming from minority groups, and of programs aimed at combating school dropouts and supporting families living in economic disadvantaged conditions, to guarantee the access to education to every child.

For these reasons, special funds are provided to the schools in some areas defined at-risk because of a high presence of migrants' children and a high rate of school dropout³²⁰.

Schooling is also guaranteed to children involved in judicial proceedings. In every stage of the proceeding the operators focus their attention not to interrupt the educative process and development of the child. In all the juvenile facilities in Italy (IPM) the Ministry of Education provides children with a scholastic presidium and ministerial teachers who work with programs tailored on the specific needs of each child, according to his/her development, geographical origin and learning competences.

1.3.2 School dropouts

Updated data released from the Italian Institute for Statistics (ISTAT), shows that in Italy the number of the so-called “early school leavers” is still high and higher than the European average³²¹. In 2012, the rate of school dropouts in Italy was 17.6% with 12.8% as European average. The variance is even bigger for male children, who in Italy are 20.5% of the dropouts while 14.5% in Europe (females, respectively 14.5% and 11%).

The phenomenon is concentrated in Southern Italy, where particular conditions of disadvantage are also more concentrated, together with lack of resources for schools and services for children. In 2012, the early school leavers in Southern Italy were 21.1% with 15.1% in Centre-Northern Italy. The highest incidence is reported in Sardinia, followed by Sicily where 1 child

³²⁰ General Comment of the UN Committee on the Rights of the Child, 18.03.2013 n.17 on the right to education available at:

http://www.gruppocrc.net/IMG/pdf/Cap_6_par_4_Il_diritto_all_istruzione_per_i_minori_stranieri.pdf

³²¹ Italian National Statistics Institute (ISTAT), National Statistics on early school leavers, 2012: http://noi-italia.istat.it/index.php?id=7&L=0&user_100ind_pi1%5Bid_pagina%5D=36&cHash=7da84cc54c6021a3e6fb2574d4dbde88

out of 4 does not continue after secondary school. In addition, some provinces in the North register high rate of school dropouts, explained with a quite active labour market that strongly attracts children.

Responding to that, the Ministry of Education launched program Okun, 2012, within the framework of the ‘Plan of Action – Cohesion for the improvement of collective public services in Southern Italy – Priority: education’ (‘Piano d’azione – Coesione per il miglioramento dei servizi pubblici collettivi al Sud. Priorità istruzione’). This project lasts 2 years (2013-2014) and it aims at preventing and combating school dropout with local development interventions, supporting disadvantaged families and implementing programs for children excluded or at risk of exclusion from the educative and scholastic system in the four regions of Southern Italy mainly interested by this phenomenon (Campania, Apulia, Calabria, Sicily). The evidence shows that school dispersion is strongly related to disadvantaged territorial and family conditions: from this, the need to build stronger local network of support and protection for children and family at risk, reinforcing particularly the schools themselves, which are often not equipped to face different learning needs and difficulties related to disadvantage³²².

Together with the scholastic dispersion, also the low performance discussed above is strongly linked to a low socio-economic status. Pupils coming from poor and marginalized families are more likely to register lower performance than the ones from families with a higher social status. These spreads reproduce within the schools, being the same children with low performance the ones who are less stimulated by parents and teachers themselves, within a school that lacks of the appropriate training and structures to break this vicious circle³²³.

Dropping out and low performance in school, with failed achievement of key-competences, are finally linked to another phenomenon, “NEET” (Neither in employment nor in any education nor training). They are youths from 15 to 19 years who are not registered to any school course, training nor are working. In 2012 in Italy, they were about 2 million with more than a half below 25 years old. The early school leavers are more exposed to the risk of being part of this phenomenon, especially who interrupts his/her educative path at the secondary school.³²⁴

³²²General Comment of the UN Committee on the Rights of the Child, 18.03.2013 n.17 on school dispersion, available at http://www.gruppocrc.net/IMG/pdf/Cap_6_par_6_La_dispersione.pdf

³²³Ibidem

³²⁴Employment in Europe 2010, study from the Employment, social affairs and inclusion DG at the European Commission, available at: <http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=593>

The Ministry of Education set up a national official registry for students (Anagrafe nazionale degli studenti), to monitor scholastic dispersion. Nevertheless, supportive programs and a national strategy against scholastic failing and school dropout are needed: not all the regions and provinces have in fact implemented this monitoring registry and at a national level, it has not been filled in with data from all the schools (public and private).

1.4 Health system

The National Health Service ('Servizio sanitario nazionale', SSN) protects the right to health in Italy: it is a pool of structures and services that provide people with access to health care. It is financed by the State and by private fees in the form of a quota that people in need of health care pay as a contribution (it is called 'health ticket', 'ticket sanitario'). The SSN develops under the Ministry of Health, but it articulates on the Italian territory through regional health services and the so-called 'local health services/companies' (Aziende sanitarie locali, ASL) at province/regional level, with administrative and financial autonomy³²⁵.

The Decree of the Premier (Decreto del presidente del consiglio dei ministri, Dpcm) 1.4.2008 moved the competence on health issues for people inside the Justice System from the Ministry of Justice to the SSN. This introduction aimed at further guaranteeing equal access to health also for people in penitentiary institutions³²⁶. The local health services/companies have, among the other, the function to protect and provide children and youths in the Juvenile Services with medical assistance, including psychiatric and psychological one, in the residential structures and/or rehabilitation/therapeutic communities.

Under the Department of Public health and Innovation, the Directorate General for prevention, performs – among others – functions related to health promotion, addressing particularly vulnerable categories of people³²⁷. Nevertheless, also in this case health care priorities are strongly related to the local capacities and resources of programming interventions.

³²⁵Please find more details on the Ministry of Health website, at: http://www.salute.gov.it/portale/salute/p1_3.jsp?lingua=italiano&tema=Tu_e_il_Servizio_Sanitario_Nazionale

³²⁶Dpcm (Decree of the Premier, Decreto del presidente del consiglio dei ministri) 1.4.2008 on 'Detainees' assistance at the public health system', available at: http://www.cittadinolex.kataweb.it/article_view.jsp?idArt=84826

³²⁷Please find more details on the Ministry of Health website, Directorate General for Prevention, at: <http://www.archeo.salute.gov.it/ministero/sezDipartimentiDirezioniEnglish.jsp?label=dedN&id=916&dir=dirPreVN>

In the General Comment of the UN Committee on the Rights of the Child, 2013 on right to health, the approach of the Italian health care system is assessed in relation to different vulnerable categories of children and adolescents and the final picture is of a system that still needs lot of more efforts and investments³²⁸.

In particular, the health care system does not seem to be adjusted to new characteristics of the Italian society, meaning a large number of migrant children, both regular (second generation immigrants) and irregular. For both regular and irregular migrant children it is more difficult to make their health issues visible, because they are often more marginalized, given cultural and family traditions, linguistic barriers and a lack of awareness about their rights. In fact, one of the most evident constraint in Italy is the absence of important campaigns on rights' promotion, to make aware people who do not know the Italian context and need assistance and care. The legislative provisions are already in place but there is a particular need for a homogeneous application in the national territory and the reception of the national provisions at regional and local level with actual programs and interventions addressing more vulnerable categories.

An important step forward has been made with an Agreement among the State and the Regions on the enforcement of laws on the matter of health care and assistance for foreigners and communitarian citizens, with which migrant children on the Italian territory have the obligation to register to the National Health Service (SSN) regardless of their resident permit.

An analogous situation relates to children at risk of poverty and social exclusion, meaning the 32.3% of children in Italy (2011). They are concentrated in Southern Italy, as well as lower education rates, higher unemployment, higher rates of families with only one income or with both parents unemployed. Southern regions are the ones with fewer resources invested in social welfare, including health care. The economic crisis exacerbated the situation and the inequalities of social services delivering at regional and local level, and the need of national homogeneous plans and resources distribution is particularly strong³²⁹.

1.4.1 Early screening of mental health and intellectual disabilities

³²⁸General Comment of the UN Committee on the Rights of the Child, 18.03.2013 n.17 on health and care, available at: <http://www.gruppocrc.net/-salute-e-assistenza->

³²⁹General Comment of the UN Committee on the Rights of the Child, 18.03.2013 n.17 on access to services and health for children and adolescents, available at: http://www.gruppocrc.net/IMG/pdf/Cap_5_par_8_Accesso_ai_servizi.pdf; http://www.gruppocrc.net/IMG/pdf/Cap_5_par_3_Bambini_e_adolescenti.pdf

The Ministry of Education in agreement with the Ministry of Health Care in Italy provides schools with a medical unit, as well as a medical unit is present in all juvenile facilities in Italy, in both cases including psychological and psychiatric assistance.

Related to early screening of learning difficulties, the Italian law 8.10.2010 n.170 recognizes dyslexia, dysgraphia, dysorthographia and dyscalculia as specific learning disorders (DSA), drafting the Guidelines for the arrangement of regional protocols and programs for activities aimed at the early identification of DSA³³⁰.

Within the schools and inside the juvenile facilities children, can ask for psychological assistance, but the lack of human resources (practically, little number of psychologists and child neuro-psychiatrists) facing a large number of requests is often a strong constraint.

During the whole judiciary proceeding (both civil and penal) children are supported by social services that provide them also with psychological support when needed. Once the child enters a CPA or an IPM s/he has the possibility to talk with a psychologist and usually the educators inform the medical unit and/or the psychologist about particular situations. Nevertheless, some interviewed experts note that psychiatric cases are often the most vulnerable inside the justice system, because of insufficient resources and equipped structures. Similarly, in the IPM the psychological support is often limited as opposed to the large number of children, and clinical interventions are sometimes responses to more complex situations which would need more articulated solutions.

In the General Comment of the UN Committee on the Rights of the Child, 2013 about right to health, the need of stronger strategies and more resources for early and prompt disabilities' diagnosis emerges. In particular, disabilities (mental and psychological) are still largely an exclusive burden for the families. Again, it comes out a strong inequality in the distribution of resources at regional and local level and in many cases the investment of regions on services for psychiatric assistance for children and adolescents remains insufficient, as well as the structures that should take care of the treatment and basic needs of this population.

It also seems to be growing the impact of psychiatric and psychological problems related to drugs and alcohol consumption among adolescents, together with anxiety disorders and eating related disorders, but the response, which is deemed to happen at local level, is often

³³⁰Please find more details on the Ministry of Education website, at: http://hubmiur.pubblica.istruzione.it/alfresco/d/d/workspace/SpacesStore/35af7613-c19f-41b0-86fe-781d948f6cd1/focus190413_all1.pdf

inappropriate, because of the lack of resources and professionals. The therapeutic communities are not sufficient to take care of the large numbers of children in need, and they are often located far from their families and contexts, due to the absence of structures in some areas³³¹.

1.4.2 Prevention of drugs consumption and support for children

The law 309/90 (Decree of the President of Republic) delegates to the Ministry of Health the function to gather data on drug consumption in Italy, on related pathologies and on the activities carried out by the Public services on drug addictions ('Servizi pubblici per le tossicodipendenze', SERT), on rehabilitation and treatment of people who make use of drugs.

SERT are public services introduced with law 162/90 and they have functions on early prevention, treatment of drug consumption, rehabilitation and social/work reintegration.

They work in strong collaboration with therapeutic communities, local municipalities and volunteers. There is a Sert for each sanitary district (550 Sert in Italy) and they work with an interdisciplinary team of professionals, specialized on drug consumption issues: doctors, psychologists, social workers, educators, and other support staff. Usually they provide youths with first care interventions and prevention, build individualized therapeutic programs to carry out often in collaboration with the semi-residential or residential communities. Besides the Sert and the communities, which work in strong synergy, the system envisages the presence on the territory of the so-called "mobile streets units", which have the function to identify youths in need and intervene. The biggest constraint is still the lack of resources in some local realities, due to the locally determined system³³².

There are also agreements between the national health system, Sert and justice system on the issue of drug consumption and support to addicted children. Sert centres provide children and youths who have problems with drugs' consumption and are involved in the juvenile justice

³³¹General Comment of the UN Committee on the Rights of the Child, 18.03.2013 n.17 on mental health, and adolescents, health and disability, available at http://www.gruppocrc.net/IMG/pdf/Cap_5_par_6_Salute_mentale.pdf; http://www.gruppocrc.net/IMG/pdf/Cap_5_par_7_Bambini_adolescenti_salute_e_disabilita.pdf

³³²Please find more details on the Ministry of Health website at http://www.salute.gov.it/imgs/C_17_pubblicazioni_713_allegato.pdf; and on the Presidency of the Government, Anti-drug policies Department, (Presidenza del Consiglio dei Ministri), available at: <http://www.politicheantidroga.it/indirizzi-utili/sert-e-comunita-/i-sert.aspx>

system with first care, therapeutic assistance and rehabilitation support during the whole proceeding, inside and outside justice facilities, also meeting and supporting the families.

Section II – Juvenile Delinquency Prevention in Italy

Priorities and strategies

In the following section, the analysis focuses on how the systems described above collaborate and work together for the purpose of juvenile crime prevention. As said at the beginning of the previous section, juvenile crime prevention in Italy is the result of joint actions of all the actors involved in the care and protection system, starting from the families, going into the schools, health care system, social services, youth centres, sport clubs, and so on and so forth.

2.1 Juvenile delinquency prevention system

From the interviews conducted in the context of the present research – from the Department of Juvenile Justice, the law enforcement agencies and from the field (educator, social worker) – juvenile delinquency prevention is indeed a priority in Italy, both primary and secondary prevention. Secondary prevention is more structured and defined than early prevention, and it becomes particularly evident when we look at the justice system, where the main principle is the attention to the child's needs and personality and to the re-educative process to avoid s/he going back to crime.

However, the functioning of the juvenile justice system and so the secondary prevention can largely suffer from lack of resources and investment, with significant differences from a region to another, and the situation becomes worse for primary/early prevention.

The perception from the experts' interviewed is that juvenile delinquency prevention is a priority, but the political will should be supported by more investment and resources for all the actors involved (starting from the families and the schools) and in all the Italian regions. Furthermore, a national integrated action plan on early prevention is needed, along with the already existing agreements between the state and the regions on specific matters, which give to each region the autonomy of programming and implementing. What in fact comes very

clearly from the interviews is that a national and general impulse and directive towards early prevention is present and strong in Italy³³³. This impulse shapes very heterogeneous specific programs and projects in each local reality and each intervention involves all the actors we mentioned before. Hence, the main concern is that the implementation of these programs can strongly depend from budget constraints in some local areas, and there is not a coordination-monitoring body at national level to guarantee a spread commitment on the matter of juvenile delinquency early prevention.

At national level, Training Schools for the staff (Castiglione delle Stiviere – Mantova, Rome and Messina) provide juvenile operators with training on juvenile issues, including juvenile prevention. Each Ministry and institution also provides its operators with training on particular juvenile issues (in the education, health, care and protection systems, and in within the law enforcement agencies). However, from the interviews, the lack of training comes out as one of the main problem, together with (and because of) the lack of resources. Especially the low investment in education in Italy in this historical period causes the absence of specific training for teachers on issues like early diagnosis of learning disorders and psychological issues, and of support for them to identify problematic children/families/situations to report and follow-up. There is also low awareness and knowledge of drugs and issues related to drugs, especially concerning new drugs and despite this is becoming an alarming issues among children and youths (interview from a Sicilian social worker).

Early prevention priorities and strategies

Early prevention comprises all the measures and actions that take place before the child commits an offence, and builds upon a network of social actors who work jointly to create a divertive and non-criminogenic environment for children.

The early prevention system in Italy corresponds to the child protection system, in the extent in which anti-social behaviour/delinquency is perceived as something that the community and the society have to protect the child from.

Early prevention strategies consist of programs of social inclusion, with families and schools, educative and recreational activities, with a particular attention given to sportive activities. These programs need to go together with sensitization campaigns for children on legality culture, mediation, conflict resolution, ethics and issues related to drugs. On the other side,

³³³Also all the systems, mechanisms and agreements among Ministries and among State and local entities – analysed in the previous section – show the push towards that direction.

families, schools and the entire local communities need awareness campaigning on all these issues, including on the importance of early prevention itself, which is too often delegated to 'others'. In this awareness-raising process, mass media and social networks have a strong potential role, proposing positive ethical examples and use their power to reach everybody, especially young people.

All the Ministries and Departments are involved in early prevention's strategies, and particular attention deserves the education system, being the schools the first and foremost places where children's needs appear. From the interviews conducted by the author, a worrying weakness of the schools and education system emerges: schools and teachers should provide children with the first 'intervention' and have a crucial role in early identification of children and families 'at risk'. Nonetheless, they are not accordingly equipped and trained, and the lack of economic resources deprives them of their fundamental function.

A specific mandate on juvenile delinquency early prevention is also appointed to law enforcement agencies ('Polizia di Stato'). Within each provincial Police office ('Questura') in Italy, there is a Juveniles' Unit ('UfficioMinori') which executes this specific mandate. The police officers are periodically trained on issues related to children, violence against children and juvenile delinquency (such as drug issues, bullying, sexual violence, ...). The main strategy through which early prevention is there implemented consists of awareness campaigning in the schools and with the schools, projects on legality and police officers' training. The primary instrument is instead the agreement ('Protocollo d'intesa') between law enforcement agencies and local actors – usually the municipality or the schools at provincial level – and the efficacy of any specific project very often depends on the good collaboration and synergy between the bodies involved.

National attention is also devoted to children victims of abuse and domestic violence: evidence shows that the majority of offenders suffered from violence during their childhood/adolescence, so intervening promptly on abused victims is also considered a delinquency early prevention strategy.

These strategies require strengthening local services and all the *fora* where children and youths can find aimed and joint support.

Among the others, collaboration between the justice system and local services is crucial, even though it can be very weak in some poor realities where there are no resources to guarantee social care and protection. As showed in figure 3 (p.14), anybody can and should report to the

juvenile court a child who is in need of protection because his/her environment and/or because s/he has deviant behaviours. The latter cases, of deviant behaviours (administrative competence of the court) are the ones more linked to early prevention. If somebody reports a child for deviant/anti-social behaviour (which are not yet classified as offences), the court assesses the situation and decides for an intervention: the so-called *ante-delictum* measures that are social services foster care or community custody. For each case, the court appoints the social services on the territory to follow-up the child and his/her family. These social services differentiate from the USSM mentioned in the previous section. The latter one gathers information on the child who commits an offence, on his/her family and social context so to inform the court in taking a decision, and also follows the child during the whole proceeding. The USSM collaborates with the other justice services and with the local social services, which have instead the specific function to intervene and support the child in difficult situations, when s/he has not committed an offence yet but has anti-social behaviours that can lead to delinquency.

Secondary prevention priorities and strategies

One of the juvenile delinquency prevention's priorities in Italy is prevention of recidivism, so secondary prevention. The Italian system works towards this achievement making use of all the different diversion measures provided by the juvenile law and of the social and psychological support guaranteed for children in every stage of the proceeding.

The idea at the basis of this system is that an offence committed by a child/youth must not define the child him/herself as criminal, especially if it is not serious nor repeated. Juvenile offence is a 'deviance' along the adolescent's path, which needs to be re-adjusted with a strong educative and integrative effort from all the adults surrounding the child. This educative process includes child's responsabilization and often the juvenile court makes the child start a mediation with the victim of his/her offence and/or a reparation process. Close institutions are in fact considered as violent places, where youths are exposed to deviant learning processes and not to the crucial taking on responsibility's process.

All the instruments and the principles reported in the previous section aim to prevent recidivism, putting away the child from the justice system as soon as possible.

The Department of juvenile justice shared some data on a recidivism research carried out recently in Italy, with youths who exit the justice system when they were 21 and were followed-up for 10 years. Among the ones who spend their sentence with a diversion measure, recidivism was only 10%. This confirms the importance of keeping juvenile offenders away from detention facilities and leads to the will of the Department to include in the juvenile justice system also youths who commit an offence between 18 to 21 years. These are actually the people who over-populate the adults' prisons in Italy, often sentenced for small crimes or crimes related to drugs. They cannot access diversion measures provided for juveniles, even though the characteristics of their offences, their level of cognitive and emotional development, and the root causes of their deviant act are very similar to the under-age offenders'.

Other priorities identified by the interviewees, consist of:

- Implementation of more modern models of diversion measures, together with the adjustment of the existing ones to relatively 'new' categories of children involved in the justice system (migrant children, psychiatric cases, ...)
- Review of the juvenile justice services with the implementation of a juvenile law which regulates penitentiary treatment for juveniles from the perspective also of juvenile delinquency prevention (at the moment adults and juveniles are subjected to the same detention regulation)

2.2 Role of local communities and budgetary constraints

As previously said, many actors, coming from all the different sectors involved in child protection, manage juvenile delinquency prevention in Italy, in particular early prevention, which has strong local connotations.

Secondary prevention refers mainly to the justice system, a national legal framework is provided and it is more centralized. The role of the local communities is nevertheless very important, given that all the diversion measures and the educative process for the child develop within the community and need support from the local services. The Italian regions' autonomy in some matters implies also that the resources (human resources and budget) allocated for the juvenile justice measures vary from a region to another.

Early prevention is even more locally connoted. Projects on early prevention are in fact local, programmed by regions and managed by provinces or municipalities, and they depend strongly from each local entity's funds and commitment. The crucial network of actors, agencies, institutions that participate to prevent juvenile delinquency at early stage, has to develop within each single local community and therefore needs local funds.

This is the reason why the main concern, expressed by the majority of the operators interviewed, is the serious lack of resources in some areas, especially in Southern Italy, due to a lower investment in social care and assistance. The economic crisis Italy is going through exacerbates the situation in the already most problematic areas. The welfare state is at strain in Italy and so are all the services that provide social care and protection, especially in regions characterized by structural lack of resources. A social worker who works in a central district in Sicily reports a worrying lack of investment and human resources. In that area, social workers have around 100 children to follow-up, which is four times the manageable number of children for each social worker. Reports from schools and civil society to the juvenile court of children at risk are also very few, because people are not aware about the procedure and are not sensitized about early prevention. Furthermore, social services often cannot take care of all the cases reported through civil and administrative procedure, because of the disproportion of cases opposite to the few social workers available.

Private actors without (or with a very little) economic support from the state nor the local entities, now finance many local projects on juvenile delinquency prevention, with no long term sustainability. More attention and more investment and budget should then be allocated not only in the justice system but mostly in schools, family services, family counselling and all the local support services.

Section III

Promising practices in early prevention of juvenile delinquency in Italy

Early prevention of juvenile delinquency has been considered a crucial part of delinquency prevention both at international and at national level, in Italy. The Italian panorama is rich of a great variety of instruments and projects aimed at preventing children and youths from

committing delinquent acts and diverting them from a criminal path, in particular working on social exclusion, school dropout, bullying, children development, education and health.

Within this great variety, focusing on the scope of this study and on the contribution of the experts interviewed, two promising practices have been collected. They refer to different contexts and different issues addressed which specifically characterize the areas/regions targeted. As showed in the previous sections, Italy is historically characterised by significant differences among regions and macro-areas, such as North, Centre and South, in regards to many aspects, including the characteristics of the juvenile delinquency.

On the other hand, it emerges once again that early prevention of juvenile delinquency in Italy does not refer to a centralized and/or national programme. Private and public actors and institutions, with very different ranges of actions, targeting specific groups of children and using specific tools and modalities of interventions, instead implement it through a large variety of projects.

The promising practices which follow later on in this chapter have been selected according to the assessment made by the experts interviewed and to an assessment made by the author, keeping in mind the criteria identified by the United Nations Office on Drugs and Crime (UNODC) and the Interagency Panel on Juvenile Justice (IPJJ). As their document states:

- **Relevance:** the extent to which project's objectives are consistent with the beneficiaries' requirements, country needs and priorities, relevant international standards, global priorities and the policies and objectives of partners and donors
- **Efficiency:** a measurement of how well inputs are converted into outputs
- **Effectiveness:** the extent to which a project or programme attains its objectives and expected accomplishments and delivers the planned outcomes
- **Impact:** the sum of the primary and secondary long-term effects of an intervention, positive or negative, direct or indirect and intended or unintended, on its beneficiaries and other affected parties.
- **Sustainability** is the extent to which the benefits of the project or programme will continue after its completion
- **Transferability:** an attempt to identify the necessary conditions required for the same or a similar programme to produce similar results in a different context. It can also be explained as the lessons learned about those specific aspects of the design and implementation of a programme, the context and circumstances in which the

programme was implemented or even the characteristics of the system in which it took place that made the programme successful³³⁴.

3.1 Juvenile delinquency's early prevention in Italy

Among the large variety of methodologies for early prevention of juvenile delinquency in Italy, some general patterns of interventions have been identified in a study realized within the European Programme “Prevention of and Fight against Crime”, European Commission Directorate General Justice Freedom and Security. Project ‘JUST’ was realized and published in 2011 by Save the Children Italy in partnership with the Italian Ministry of Justice – Department of Juvenile Justice, the Romanian and the Greek Ministry of Justice, Save the Children Romania and Arsis (Greece)³³⁵. It presents the best practices in juvenile recidivism prevention and social reintegration of juveniles who entered already the justice system. Even though this is mostly about secondary prevention, this study identifies three broad methodologies of delinquency prevention, which intervene in three crucial areas for children's development, functioning also as primary prevention: outreach, social and family mediation, and interventions to prevent and contrast school dropouts. The vast majority of programmes and projects implemented in Italy for the aim of early prevention fall into one of these three categories.

Outreach and street education: this method consists of reaching children and youths directly in the streets where they spend most of their time, especially the ones at-risk and coming from disadvantaged families and contexts. Once they have built the first contact with the operators, they will have the possibility to benefit from the informative and educational services, and recreational activities implemented directly in the streets.

Social and family mediation: mediation is a way of solving conflict, with the intervention of a third impartial actor who intervenes between the ones directly involved, in order to find a satisfying solution for both parties. It can be applied in any context, and social and family

³³⁴ United Nations Office on Drugs and Crime Interagency Panel on Juvenile Justice, *Criteria for the Design and Evaluation of Juvenile Justice Reform Programmes*, 2010, pp.13-18, available at http://www.oijj.org/sites/default/files/documental_9320_en.pdf

³³⁵ Save the Children Italy in collaboration with Save the Children Romania, ARSIS-Greece and the Italian Ministry of Justice – Juvenile Justice Department, *JUST – Juvenile Justice. Development of child rights based methods of intervention to prevent juvenile crime and promote reintegration of young offenders. Italy, Greece, Romania. Manual of presentation of methods of intervention*, 2011, available at http://images.savethechildren.it/f/download/01/01_manual_just_methods.pdf

mediation aims at supporting children and youths who live in particularly disadvantaged families (economic support, psychosocial assistance, ...), and at supporting their social integration. This method is in fact very effective with migrant and unaccompanied children.

Interventions to prevent school dropouts: this category comprises all the interventions aimed at improving learning conditions, working on children and teachers' motivation, developing scholastic orientation and professional practical trainings, enhancing and ameliorating the educational proposal for children and youths, investing more resources in both human resources (teachers and their trainings) and structures.

Besides the promising practices presented and described below, from the interviews conducted with the experts some other quite interesting methodologies and modalities of intervention emerged on the matter of delinquency prevention in Italy. They all address children and youths who already committed a crime or/and are at risk of undertaking a criminal career. They are implemented in different contexts and Italian regions with participatory methodologies, focusing on various instruments that can be put in place to avoid social exclusion, to promote legality and to help disadvantaged children and youths at risk of social exclusion to speak up and give a voice to their needs, skills and abilities.

The Director of 'Don Calabria Institute'³³⁶, Alessandro Padovani, in his interview mentioned a couple of programs specifically aimed at early prevention, implemented in Sicily and Veneto (Northeast of Italy).

³³⁶ See note 43. 'Don Calabria' Institute is a multi-functional centre in Verona (Veneto) which provides children and youth with various educative, social, sportive offers: <http://www.centrodoncalabria.it/>

<p align="center">Project ‘The teacher’(‘U’ Mastru’,inSicilian dialect), Sicily³³⁷</p>	<p align="center">Project ‘Writers Street-art. Let’s paint the city’ (‘Writers Street-art. Coloriamo la città’), Veneto³³⁸</p>
<p>When: since 2002-2003</p> <p>Who: Institute ‘Don Calabria’</p> <p>Where:province of Palermo (Termini Imerese)</p> <p>For whom: youths at risk reported by the Juvenile Court of Palermo for small crimes or anti-social behaviours</p> <p>Why: supporting and promoting professionalization and social integration</p> <p>How: vocational training, day-care centres for the youths to meet and develop professional skills</p>	<p>When: 2013, 2014</p> <p>Who: Municipality of Verona and Institute ‘Don Calabria’</p> <p>Where: municipality of Verona</p> <p>For whom:any youth who wants to participate to the contest, youths from schools together with youths reported by the authorities and young artists</p> <p>Why: promoting young writers’ creativity in the appropriate locations, training youths to respect others’ property and improving the conditions of some degraded areas of the city</p> <p>How: contest with prizes for artistic projects and ideas aimed to upgrade some degraded areas and/or structures. Some well-known artists and writers participate also as trainers for peer-education.</p>

Another big interesting project implemented in collaboration with the Sicilian offices of ‘Don Calabria’ Institute has been collected from the interviews: project ‘Prism’ (‘ProgettoPrisma’). It is a very articulated and multi-activities program, implemented in Sicily. In particular, a social operator interviewed, working in one of the associations participating to the project in the province of Caltanissetta, presented the project as quite successful under some aspects, as

³³⁷ Please find more details on the Study Centre of the ‘Don Calabria Institute website at: http://www.centrostudi-odc.it/index.php?option=com_content&view=article&id=74&Itemid=70

³³⁸ The competition announcement is available on the Verona online magazine at <http://www.verona-in.it/2014/01/20/bando-di-concorso-witers-street-art-coloriamo-verona/>

relevance, efficiency, efficacy and impact, but very lacking in terms of sustainability and transferability. The funds were envisaged to come from the Region Sicily but the partner associations had to replace the absent regional funding for the second tranche of the project, so causing the closure of the project and the closure of the activities for some associations involved. There is still an ongoing controversy among the implementing associations and the Sicily Region, but the concrete result is that the project cannot be completed nor even replicated, so failing in guaranteeing efficiency and effectiveness. Furthermore, young beneficiaries who participated cannot complete the whole path, or those ones who completed it cannot continue to participate to the activities, because the lack of funding stops them.

Project ‘Prism’ (‘Progetto Prisma’), Province of Caltanissetta (Sicily)

When: September 2010 – February 2013

Who: Three municipalities (Associate Partners): San Cataldo, Marianopoli and Santa Caterina Villarmosa (Province of Caltanissetta) and three Associations (Associate Partners): ‘TAM TAM La porta del sole’, ‘CeFoCuS’ and ‘L’Arca’. They divided the activities to be implemented according to their population (the municipalities) and their previous experience (the associations). Municipality of San Cataldo was the leader authority, which coordinated the implementation of the activities, being the most populated among the three associated municipalities.

Where: Province of Caltanissetta

For whom: Children and youths reported by the Juvenile Court or by the social services, and any other child and youth who wanted spontaneously to participate to the activities.

Why: upgrading the territory, in the province of Caltanissetta, through juvenile participation, in order to facilitate and support social integration and to prevent deviance and delinquency risks

How: The project implementation was divided into four main ACTIONS:

1. ‘Growing-up together. Youths protagonists of their territory’ (‘Crescere insieme. Giovani protagonisti del territorio’). It is divided into 6 macro-activities aimed at promoting youths’ creativity to support social participation
2. ‘Promoting healthy life-styles and positive behaviours: Educating to legality’

3. 'Healthy life-styles and positive behaviours – Health and wellbeing: life belongs to me'
4. Support to the intergenerational family relationships: family and youths

3.2 Promising practices

Before going through the presentation and description of the selected promising practices, some criteria that have been used for the selection will be here clarified.

As said in the introduction of the present section, at first this selection is the result of the assessment made by the experts interviewed and of an assessment made by the author, keeping in mind some evaluation criteria identified by UNODC: each project's efficacy, efficiency, impact, relevance, sustainability and transferability. In turn, for conducting this assessment some criteria have been used:

- The realisation of proper and grounded analysis of the context and the specific issues to address, prior the design of the project
- The focus on categories of particularly vulnerable children
- The attention to fundamental principles of non-discrimination and children participation
- The implementation of comprehensive programme and differentiation of the activities proposed
- The sustainability of the project is deemed extremely important over all, with continuation of a single project over the years, with the same methodology to testify its success formula

3.2.1 Invisible City Foundation – Life School 'Falcone-Borsellino' ('Fondazione La Città Invisibile – Scuola di vita Falcone-Borsellino')

One of the identified promising practice comes from Sicily, an island situated at the extreme South of Italy. In particular, the context of implementation of this project is Catania, province of Catania and Syracuse, historically characterized by a strong presence of mafia³³⁹.

As confirmed by the President of the Foundation in her interview, poverty rates and crime rates related to organized crime – even juvenile delinquency – flourish because of lack of public services and because of high unemployment (both among juveniles and adults):

- 40% of children drop out the school
- About 25% of the population is illiterate. Very often for disadvantaged children and families the only income is from drug dealing and arms trafficking. Too often children are involved in criminal activities because the criminal law provides more alternative measures for minors and sentencing is usually milder for them than for adults.

According to the analysis at the basis of the mission of the Foundation, the social disadvantage these children experiment influences very much their rules compliance, self-esteem and interpersonal relationships.

Together with a situational analysis of the context, the idea of establishing a music school with children and youths' orchestras in the most disadvantaged neighbourhoods of Catania and its province, came from the well-known and consolidated experience of the so-called "Abreu method". José Antonio Abreu is a Venezuelan orchestra conductor, educator and activist who rescued about 350.000 boys and girls through music and education, offering them a concrete and innovative life and development opportunity. Following this inspiration and modalities of intervention, the 'Invisible City Foundation' ('FondazioneCittàInvisibile')³⁴⁰ established in 2009 and developed various music schools for children in the city of Catania and around the province. They offer free trainings on instruments and free studying material for children to learn how to play and to perform within one of the three orchestra resulted from this project. This method has been transmitted directly from Abreu's followers who supported the school's teachers for about two years.

³³⁹ Catania registers one of the most active and vital realities of mafia in Sicily. It is characterized by the presence of many groups and Catania's mafia families still have a leading role in the mafia's business in Eastern Sicily. It has been dealing over the years with extorsions, drug trafficking and infiltration of public contracts (Annual reports from the National Direction Anti-mafia ('Direzione Nazionale Antimafia', DNA) on the activities carried out by the national prosecutor anti-mafia and on the dynamics and strategies of organized crime of mafia-type).

³⁴⁰ 'Invisible City' is a private entity founded in 2009, which works in synergy with other Institutional partners: Moral involvement of the Senate of the Italian Republic, Regional Sicilian Assembly, Regional Province of Catania. Private support from ANLAI Ass. Artistic Italian Lute Making (Liuteria Artistica Italiana), with donations of instruments for the children. More information are available on the website at <http://www.fondazioneiacittainvisibile.it/>

The name of the project, 'Invisible City', refers to the often invisible disadvantages of many children and youths in particularly marginalised contexts, and to the quite 'invisible' method used to support them and divert them from an even more marginalised and often deviant path: an educational method which aims at the empowerment of every and each individual. Different methodologies are put in place to ease the children and youths' social inclusion and cohesion, with a strong symbolic reference to two Italian modern 'heroes', Giovanni Falcone and Paolo Borsellino, who the music school is dedicated to³⁴¹.

The mission of the Foundation has been, since the beginning, to give support and offer a positive and valuable alternative to children and youths at risk, through education to culture and legality, and through individual empowerment. In doing so, the project involves professional with various backgrounds: music teachers using the 'Abreu' method, life-coaching experts, poets, theatre actors and journalists.

Children and youths at risk who enter in contact with the school are reported by the authorities, social services or any other public or private individual or entity and are introduced to the music training. The training has a practical approach, where teachers first try to communicate the emotional participation and beauty of music in itself and of playing all together, respecting each other voice/sound and timing, through a sharing experience and a strong effort to boost each child self-esteem.

Group music classes are always preceded by life-coach sessions on legality and social cohesion, and by interventions aimed at stimulating children's life skills, such as concentration, memory, creativity, book and writing therapy sessions and various classes, in order to promote a sharing and collaboration perspective among the children and youths involved. The objectives to achieve are:

- Self-esteem improvement
- Rules' compliance and culture of legality
- Ability to build positive relationships with the others

Another innovative aspect of this methodology relies on the quite small budget allocated for this programme: 20.000 euro per year for the music school, for 120 pupils, with an expense of

³⁴¹ Giovanni Falcone and Paolo Borsellino were two Sicilian magistrates killed by mafia in 1992 in Palermo (respectively in May and July 1992), because of their commitment in the fight against Sicilian mafia. In Italy, they had become a very powerful symbol and representation of legality and anti-mafia, among many other victims of mafia killings coming from the law enforcement agencies during the '80s and '90s.

165 euro per child per year. Funds come from fund raising activities (80%) and small public funds (20%).

This educational model has a proved sustainability, especially for short-term (about 1-2 years), and it is transferable in different contexts, at moderate costs, as showed by the positive impact in the Venezuelan experience and in this first Italian application. 'Invisible CityFoundation' has developed many centres in Catania and province, establishing children and youths' orchestras in disadvantaged neighbourhoods and even in the juvenile facility 'Bicocca' in Catania. In addition to that, other similar projects are planned to be implemented other Sicilian cities, such as Palermo and Syracuse.

The main aspect, which deems this to be a good practice and which can be translated in a recommendation, is the use and transmission of Culture's symbolic and effective value for self-esteem, individual development and social interaction. In particular, using and teaching to the children and youths the principles of the music orchestra, where many and very different instruments play together aiming at the same goal and with a harmonious outcome; and adapting them to daily life and social interaction. In order to refer to culture on a broader perspective, guaranteeing other complementary activities is also crucial, being supportive to the cultural development of the child and enriching his/her perspective. For instance museums and theatres visits, walks in the nature, meeting and events with artists, musicians and writers, teaching various and autonomous modalities of expression with collective classes, involving children and youths in marches and demonstrations for legality and human rights, and so on and so forth.

It is crucial also the representation of very positive life-models, in this case the two magistrates Falcone and Borsellino, and the utilisation of extremely encouraging examples in life to create a symbolic framework within which children and youths can find the right motivation and boost to build their own development and life-path.

Invisible City Foundation – Life School ‘Falcone-Borsellino’

General objective: to divert the children and juveniles’ path into school drop out and illicit activities on behalf of organized crime, through a high educative and cultural offer.

Specific objectives:

- To boost children’s self-esteem and to raise their awareness about themselves, committing towards the others, through peer-tutoring with the new incomers and conducting (long-term)
- Creating a group to engage children with group identity feelings and to increase their sense of legality, through their commitment as a group, as an orchestra (mid-term)
- Teaching children how to build positive relationships with the others, with respect, through music classes and through collective classes on legality (short term)

Beneficiaries: children from around 4 to 14 years old from at risk neighbourhoods

Activities: The programme of the Music-Life School ‘Falcone-Borsellino’ develops in 4 step:

- 1) Welcoming and introduction to an instrument, through group practical classes
- 2) Performance of concerts to verify children’s progresses and stimulate them to ameliorate, with guided classes to motivate them
- 3) Organising events involving families and personalities aimed at re-giving value to the social environment where the child lives
- 4) Attendance of a voluntary stage and apprenticeship as tutor to guide the new pupils, together with the adult teachers, supporting the others through difficulties and in gaining motivation

The main constraint remains the self-esteem improvement, which requires still more work. At this purpose, some activities have been implemented lately, such as theatre and psycho-drama.

Outcomes:The music-life school ‘Falcone-Borsellino’ at the “Invisible City Foundation” had trained from 2011 up to date about 530 children and reached 5011 children and youths in diversified cultural and educational activities. The main result is that 120 children nowadays play in the “Child symphonic orchestra Falcone-Borsellino”, and they had performed 54 concerts.

12% of these children completed the tutor-stage. None of them registered problems in school attendance.

Monitoring and evaluation: theM&E of each individual child and youth progress isdevolved upon teachers and is based on some specific indicators, like:

- Behaviour and group discipline
- Attitude towards the others
- Critical awareness

For many of these children the context of origin is seriously compromised and disadvantaged, so it is extremely importantto take it into account their entire path and their starting situation.

3.2.2CivicoZero project

The other promising practice identified from the interviews to the experts in the child protection system in Italy, has been implemented since 2008 in Rome, in particular the centre of the city. The phenomenon analysed and targeted is a significant presence on the territory of migrant children. They are often unaccompanied, come with families who live in very disadvantaged conditions and poverty or are victims of trafficking. Roma children are particularly vulnerable, even when they have been living in Italy for long time. In fact, they often live with their families in very precarious conditions and poverty, struggling to survival and school attendance, against frequent forced evacuations of their houses. These children are often involved in small criminal activities, victims of trafficking and/or exploited for committing more serious crimes.

In 2008, when the project ‘CivicoZero’ dates back, migrant children in the local care centres were 1.049 and also within the Justice System a significant presence of migrant children was reported (at national level, in 2008, 47% of children entering the first care centres – CPA – were migrants).

In the project drafting and planning phase, the other institutional and private agencies working in the child protection system had been consulted and critical vulnerabilities of this children’s population had been discussed, resulting in an updated mapping of the phenomenon. An evaluation of already implemented projects and the local resources had also been made, so to avoid duplications and identify where to specifically intervene.

‘CivicoZero’ is a Save the Children Italy project that started at the end of 2008, after the closure of a previous Save the Children project, ‘Colourful horizons’ (‘Orizzonti a colori’), which specifically addressed migrant children within the juvenile justice system³⁴². The first

³⁴² This project has been implemented with the participation of some Institutional partners: Centre for Juvenile Justice (‘Centro di GiustiziaMinorile) in Lazio, both at central level and at local level with the Juvenile Social Services Offices (USSM), the First care centre (CPA) and the Juvenile Facility (IPM); Municipality of Rome – V

phase of ‘CivicoZero’ lasted one year, until the end of 2009, which the first Save the Children report and this present study refers to³⁴³.

It came out from the previous observation that in Rome a diurnal youths’ centre was missing, in order to provide youths – especially the ones living in the streets or particularly vulnerable/at risk – with support, protection and orientation towards the school and/or work environment. Therefore, a daytime centre for children and youths was established, gathering children of every nationality, with a specific focus on unaccompanied minors who live in the streets. In particular, the project addresses migrant boys and girls (and their families when present) in disadvantaged situations, juveniles within the justice system, at risk of trafficking, abuse and commit crime, to improve their life conditions and their rights. Beneficiaries have been children around the age of 12 to 18 years old, with a specific attention to migrant and unaccompanied children, reported by the Court or by social services as being at risk, or gone spontaneously into the day care centre.

The areas of intervention and beneficiaries of this project are various and multi-dimensional:

- The street: children and youths involved in prostitution, criminal activities and begging. A Mobile Unit – daytime and night-time – provides them with help, street education and orientation, to monitor and reduce the risk
- Penal/criminal area: children and youths in the First care centres for pre-trial detention measures, in the juvenile facilities or in social services’ custody. Various activities are put in place: daytime interventions, social mediation with the families and the communities, peer education, entertainment, linguistic and cultural mediation, legal counselling
- Spontaneous Roma Settlements: children and youths at risk of social exclusion and marginalization. A daytime Mobile Unit intervenes with social mediation activities,

Department Minors and Families: juveniles’ communities in Rome and in the Province; Centre “BorgoRagazzi Don Bosco”, which provides youths with orientation courses to the school and to professions, and the offer of 12 traineeships with work-scholarship; International Centre on Education and Development (CIES), for the service of linguistically-cultural mediation; National Institute for the promotion of health of migran population and contrast of diseases and poverty; Association “VirtusPontemammolo” for the victims of trafficking and prostitution; Specific collaboration have also been established with other associations: Agency ‘Codes’ (‘AgenziaCodici’), for a project’s methodological supervision and potential research-action activities; The office for the Authority on Childhood and Adolescence Rights in Lazio for support in the activities related to the right to participation

³⁴³ The report from the first year of activities (2008-2009) is available on the Save the children Italy website, at http://images.savethechildren.it/IT/f/img_publicazioni/img58_b.pdf

entertainment, peer education, workshops, health education and other various support activities

- Day care centre ‘CivicoZero’: for children and youths, under aged and young adults. Many activities implemented: day-care and basic services; children vulnerabilities’ analysis and referral; information about their rights and gathering information on rights’ violations; protection interventions; educational and recreational activities; workshops; peer activities; legal counselling; work and education counselling; medical screening and health education/counselling

The fundamental principles applied in the Centre were participation, non-discrimination, reciprocal respect and nonviolent self-regulation. Children have directly been involved in the activities’ planning and management, through consultations, peer education and programming new activities

- Local network of services and actors: for children and youths, under aged and young adults. Operational connections with private and institutional services and actors present on the territory and working on child protection, to realize joint and integrated actions, such as educative, recreational and work/school counselling

Professionals with different backgrounds are involved: the project-team is made by educators, a psychologist/educator, three cultural mediators (Egyptian, Afghani and Roma), social operators, legal counsellors, and by a group of peer educators. In addition, operators from the local services are mobilized and collaborate to the implementation of some project’s activities (doctors, operators for vocational trainings, ...).

The aspects that deem this project to be a promising practice are several. At first, the previous analysis of the targeted phenomenon and of the specific needs of the targeted population, in continuity with a previous project, guarantees the sustainability, which is the main problem of many programmes of this kind in Italy. Costs are moderate and funds are private and more reliable/secure, also being Save the children a highly committed and consolidated organisation in child protection.

Finally, the principles at the basis of the programme and variety of activities implemented, like participation, non-discrimination, reciprocal respect, care and peer motivation can beeffectively transferrable in other geographical realities and for other vulnerable children, given the appropriate adjustments.

CivicoZero project

General objective: to achieve juvenile delinquency's prevention through child protection.

Specific objective: to guarantee child protection through an overall presence on the territory, from the streets to the juvenile justice system services, the day-care centre and support for the ones who enter in contact with the social services

Activities: To achieve its scope, the project intervenes on different dimensions, to integrate the work and interventions of the institutional and private agencies already existing on the territory, which deals with child protection. In each of the different dimensions, the project implements different activities:

- The street: children and youths involved in prostitution, criminal activities and begging, with a Mobile Unit, daytime and night-time
- Penal/criminal area: children and youths in the First care centres for pre-trial detention measures, in the juvenile facilities or in social services' custody
- Spontaneous Roma Settlements: children and youths at risk of social exclusion and marginalization, with a daytime Mobile Unit
- Day care centre 'CivicoZero': for children and youths, under aged and young adults.
- Local network of services and actors: for children and youths, under aged and young adults.

Beneficiaries: children of every nationality, with a specific focus on unaccompanied minors who live in the streets, in particular migrant boys and girls (and their families when present) in disadvantaged situations, juveniles within the justice system, at risk of trafficking, of being abused and of committing crime.

Outcomes: data and numbers are available in details in the first report of the activities of the CivicoZero project published online on the Save the Children Italy website.

Among the others, with the 'street-intervention' (outreach activity) in the first year 149 youths among 6 and 18 had been reached. Within the justice system, youths inside the CPAs who entered in contact with the project team were about 200, with half of foreigner origins (former Yugoslavia, Roma, Romanian).

The day-care Centre 'CivicoZero', from February to October 2009, received 534 children (506 males and 28 female), plus 35 entries in the daytime 'help-desk', established in another area of the city

Monitoring and evaluation: All the data from the activities is collected in a 'project database', which gathers qualitative and quantitative information on the mobile units' interventions, CPAs, legal interventions, external interventions, activities internal to the CivicoZero day-care centre. This information is gathered through reporting schedules about each dimension and location.

Budget: 430.000 euro per year plus salaries for two social mediators. All private funding (Save the Children fund rising).

3.3 Monitoring and evaluation mechanisms and practices

The activity of monitoring and evaluation of early prevention of juvenile delinquency practices is not centralized and structured, as neither is the implementation of the practices themselves.

One of the main consequences of the scattered nature of early prevention modalities and interventions is in fact the absence of a national overview and of a monitoring system which ascertains the effectiveness, sustainability and impact of each of the project implemented.

Each project envisages in its implementation process specific monitoring tools, external or internal evaluation modalities, data and information collection in order to have constantly a clear image on the extent of the tackled phenomenon, the extent of beneficiaries' population involved and therefore the impact and efficiency of the project. Nevertheless, a previous situational analysis and monitoring and evaluation activities are not always foreseen and carried out by the projects' applicants and implementing bodies, resulting often in the actual lack of data to show whether a project is working or not and whether the objectives respond to the actual priorities in the specific context.

In Italy, various are the observatories and monitoring mechanisms of the children's situation in the country though, depending on different contexts and referring to different phenomena and vulnerabilities³⁴⁴. One of these Observatories is worthy attention in this study, since it can be

³⁴⁴The main monitoring body in Italy is the Italian National Childhood and Adolescence Documentation and Analysis Centre, through which the National Observatory on Childhood and Adolescence performs its functions. As explained on its English version of the website, "According to [Law no. 285/1997](#), the National Centre shall help the Ministry of Labour and Social Policy achieve the objectives of the law by providing information, services for the promotion of child rights, advice, monitoring activities and technical support. The National Centre is also in charge of the technical and organizational aspects of the National Conference on Childhood and Adolescence, which, pursuant to Law no. 285, shall take place every three years. The National Centre collaborates, exchanges information and carries out joint research projects with the following institutions: Regions and Autonomous Provinces, ISTAT (National Statistics Institute), public administrations and competent bodies dealing with children's issues, institutes and associations working for the protection and development of children and adolescents, European and international bodies, in particular the UNICEF Innocenti Research Centre. The [Ministry of Labour and Social Policy](#) and the [Department for Family Policies of the Prime Minister's Office](#) have signed a specific agreement with the [Istituto degli Innocenti of Florence](#) to carry out the activities of the National Centre.

The tasks of the National Centre are to support and to promote the spreading of information, knowledge, innovation and the implementation of policies in favour of younger citizens, mainly through documentation, analysis, research and monitoring, information, education and training activities". Available at <http://www.minori.it/en>

fully considered as a promising practice in itself in the matter of early prevention of juvenile delinquency.

3.3.1 Local Observatory on bullying ('Osservatorioterritorialesulbullismo', OTB)

The 'Local Observatory on bullying' ('Osservatorioterritorialesulbullismo', OTB), established in the province of Nuoro, Sardinia, the second biggest island in Italy, situated in the Mediterranean sea on the western side of Italy. It has been mentioned by the police commissioner ('vice questore aggiunto') of the Central Operative Service of the Police Law enforcement Agency in Rome, dott. Giacomantonio, as a very inspiring experience³⁴⁵.

The peculiar context in which this Observatory was established is characterised by high rates of juvenile delinquency³⁴⁶ and school drops out, within a cultural framework where the State law opposes a parallel set of laws and rules of conduct established by the agro-pastoral community. This normative framework (so called 'barbaricino-code', 'codice barbaricino'), regulates the communities life in the Province of Nuoro and strongly influences youths education³⁴⁷.

On the other hand, bullying is in fact very often a good indicator and ground-breaking for anti-social/delinquent behaviours during adolescence and crime in adulthood. This phenomenon has specific characteristics in this particular territory – in the province of Nuoro and internal areas of Sardinia – and it presents peculiar features that need to be analysed from a qualitative and quantitative perspective in order to be efficiently faced.

The observatory was established to promote and coordinate all the initiatives to contrast bullying in school and in all the other socialization contexts for children and youths in that area.

³⁴⁵ The central police station (Questura) in Nuoro promoted the establishment of a local observatory on bullying in 2007. The Institutional partners who have been participating to the project are: Province of Nuoro, Province of Ogliastra, Municipality of Nuoro, Health Local Unit of Nuoro, Social cooperative 'Lariso' in Nuoro, Provincial School Office, Provincia Juvenile Justice Office

³⁴⁶ Delinquency rates have been gathered from the databases at the central police station – Ministry of Interior for the province's territory

³⁴⁷ The 'Barbaricino code', also called 'Revenge code', is a typically from Sardinia set of consuetudinary laws based on revenge, where each individual or group who is victim of an injustice is legitimized to look of his/her own resolution. It is considered a conflict resolution instrument but also a moral obligation which people observing this code cannot escape to. Meloni B, (eds), *La criminalità in Sardegna tradizione e modernità*, AM&D, 2007.

The main goal of the Observatory is to facilitate and support with appropriate tools and skills any actor who is willing to face and tackle bullying with responsiveness, professionalism and effectiveness. To achieve this goal, the Observatory offers services for research, counselling, information and training for whoever is willing to know more about bullying in order to contrast it in an effective way: social operators, teachers and parents, but of course also children themselves. A particularly interesting activity to raise awareness among children is the realization of a school diary, 'Diahiò', with instructions on how to recognise bullying and to contrast it, and how to build positive relationships and interactions with the others³⁴⁸.

OTB provides people and local operators with education and training, and any public or private entity on the territory can be part of the Observatory. Therefore, professionals involved have different backgrounds: they are psychologists, sociologists, social workers, teachers, educational operators and law enforcement officers.

The most successful aspects underlined by the Coordinator of the Observatory in the interview were the following:

- Establishing a network of social actors and agencies, to prevent and contrast a multi-dimensions phenomenon like bullying
- Sharing with other institutions and private actors the operational outcomes and findings coming from the research, training and counselling activities
- Having a coordination body which has a leadership role in reading and interpreting a specific phenomenon, to address the action and activities of public and private actors

³⁴⁸ All the initiatives and activities carried out by the Observatory are listed and available with more details on its website, at <http://www.otbnuoro.org/otb/>

Local Observatory on bullying

General objective: to facilitate and support the contrast and prevention of bullying

Specific objectives:

- Qualitative and quantitative research of the phenomenon
- Counselling
- Training

Activities: the OTB collects data and information on the phenomenon through qualitative and quantitative research, and offers technical assistance and training to social operators, teachers, children and their parents. Some other peculiar activities of the OTB are: the realization of a school diary for children ('Diahiò'), a blog, a collection of movies on this topic and useful documentation on the website, some 'useful advice and tips' offered with child-friendly leaflets on the website

Beneficiaries: school's children, parents, teachers, social operators, any private and public actor interested in enhancing knowledge and skills on bullying

Outcomes: During the years, the Observatory carried out three researches on the ground regarding the extent and characteristics of bullying in primary, secondary and high schools. Over 1000 children in the schools have been trained, 200 teachers and hundreds of parents.

Monitoring and evaluation: The executive body of the Observatory has a monthly meeting at the Central police office (Questura) which has, by constitution, a coordination and monitoring role. All the documentation – minutes of the meetings and yearly reports of the activities – are available on the OTP website.

Budget: The Observatory is financed by the constituent members and works with a yearly budget of 11.000 euro average. All the budget is devolved to the education/training and research activities.

3.4 Recommendations

Despite the spread awareness on the crucial importance of juvenile delinquency's early prevention interventions as a child protection commitment the government and all the private and public actors should take charge of, many things have still to be done in Italy to make these interventions effective and sustainable.

Some recommendations already came out in the course of the present study and they are systematically presented here as its conclusion. The weaknesses of the system reported by the experts interviewed and emerged from the study can be translated into recommendations to the Italian Government and to the various actors – private and public – who actually implement programs and projects on the ground.

To the Italian Government

- Centralize and structure the interventions at national level. Currently, projects are too much scattered on the territory and very much localised. This causes a fragmented diffusion of interventions, which too much depend on local funds and local – often even individual – willingness to invest economic and human resources on this matter.
- Establish a national coordination body/system, where there is no overlapping between projects and where a prompt answer to children and families' needs is guaranteed, no more within an “emergency approach” (typically Italian).

To the implementing actors

- Analyse and/or refer to existing national analysis of the specific context and phenomenon of intervention, in order to identify the actual needs and vulnerabilities of the youth beneficiaries.
- Make the child and the youth protagonist, able to recognise and use his/her own skills. Receiving recognition from his/her peers, through a socialization process also with all the youths who live in different and sometimes ‘luckier’ environments, rewards the youth and teaches him/her that there are alternative behavioural and life options.
- Guarantee the principles of non-discrimination, participation, reciprocal

- Support the implementation of sustainable projects. Even where projects have an impact and are deemed sustainable, the frequent turnover in the Italian administrations causes the lack of the conditions for a stable integration of these programs/projects within the local and national planning and activities.
 - Establish a centralised monitoring and evaluation system of the existing programs/projects. The lack of such a system often causes a waste of resources, being funds invested in a large variety of projects without a proper assessment (efficacy, efficiency, relevance, impact, sustainability, transferability). A centralised body should carry out such assessment and support the programs that actually work, promoting the elements that make them sustainable and transferable.
 - Support the programs with situational analysis and scientific research of each specific context, to address specific needs and vulnerabilities. Some projects do not in fact respond to a proper reasoning behind but simply to a generic presence of funds and investments devolved to 'early prevention'.
- respect, legality, care and peer motivation
 - Guarantee to the children and youths a differentiated offer as much as possible, using a child-rights approach which aims at helping them to improve life conditions (in terms of economic poverty) and at the same time maximising their quality of life and opportunities for the future.
 - Confront the children with positive examples and provide them with cultural stimuli, enriching their perspective.
 - Establish a network of social actors and agencies, to prevent and contrast multi-dimensions phenomena and provide children with a large-spectrum support.
 - Share with other institutions and private actors the operational outcomes and findings coming from the implemented activities and pieces of research.
 - Establish a central body for each project, which has a leadership role in coordinating the activities, monitoring and assessing the outcomes, reading and interpreting a specific phenomenon in order to address possible adjustments and revisions.

1. Developing prevention at early stages, an overview of the Latvian system

1.1 Legal status of a minor in the legislation of the Republic of Latvia

Youth Justice System in Latvia consists of three level components: policy development documents in the field – concepts, guidelines, strategies (a); legislation – laws and Regulations of the Cabinet of Ministers (b); institutional framework – agencies, institutions and organisations that implement the requirements of policy development documents and legislation (c). In a wider scope, Youth Justice System includes legal order of several fields with the aim to ensure favourable environment for children’s development. Thus, in a wider meaning this system, which belongs to the common field of the protection of the children’s rights, includes both Juvenile Justice System and delinquency prevention, as well as education, health and welfare components. In order to study this issue in a narrower sense, it is necessary to look at it through the specific objectives of each field and retain the rights of the child as a horizontal component. Analysing the system of justice from youth provision point of view, it has to be taken into consideration that in Latvia Juvenile Justice System is not separated from the system meant for adults (in the understanding of juvenile justice) and the preventive work with juveniles is not regulated in a common legal framework.

In Latvia, the legal status of a minor, a child and an adolescent, is stipulated by three legal acts. The Civil Law of Latvia³⁴⁹ regulates that the minority of persons of both genders continues until they attain the age of eighteen. The law provides for³⁵⁰ that in exceptional circumstances and for especially good cause, when the guardians and closest kin of the minor attest at the court 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, the minor may be declared as

³⁴⁹ The Civil Law, Article 219, <http://likumi.lv/doc.php?id=225418> (last visited on 12.05.2014)

³⁵⁰ Ibid, Article 220.

being of age of majority even before he/she has attained the age of eighteen, but not earlier than before he/she fully attain the age of sixteen. The majority before term can be granted by the Custody court (Orphan's Court) but its decision is subject to being confirmed by the court of appropriate jurisdiction. If the minor marries in accordance with the provisions of the Civil Law, he/she is declared as being of age of majority before attaining the age of eighteen. The Civil Law of Latvia³⁵¹ stipulates that until reaching 18 years of age a child is under the custody of his/her parents. It means that the parents have the rights and duties to care for the child and his/her property and to represent the child in his/her personal and property relations. It is regulated that care for the child means both his/her care and supervision, and the right to determine his/her place of residence. According to the Civil Law, care of the child means ensuring food, clothes, dwelling and health care, tending of the child, his/her education and upbringing – ensuring mental and physical development of the child, as far as possible taking into account his/her individuality, abilities and interests. The law imposes an obligation to the parents to perform also the supervision of the child, namely, care for the safety of the child and the prevention of endangerment from third persons.

The Protection of the Rights of the Child Law³⁵² regulates the framework of the child's rights and freedoms, as well as their protection. The law stipulates methods and principles according to which the child's behaviour is controlled³⁵³ and his/her liability is provided for. Simultaneously, the law specifies the rights, duties and liability of the parents, other persons, as well as state and local municipalities (governments) on the provision of the rights of the child. The Protection of the Rights of the Child Law stipulates the objectives of the protection of the rights of the child³⁵⁴ and the subjects of these rights, namely, the parents or adopters, foster family and guardians of the child (a); education, culture, health care and child care institutions (b); state and local municipality institutions (c); public organisations and other natural or legal persons whose activities are associated with the provision of support and assistance to children (e); employers (f). The aforementioned means that all the listed persons or institutions, as stipulated in this and other regulatory enactments, are endowed with the rights

³⁵¹ Ibid, Article 177.

³⁵² Protection of the Rights of the Child Law, http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Protection_of_the_Rights_of_the_Child.doc (last visited on 12.05.2014).

³⁵³ Ibid, Chapter IX.

³⁵⁴ Ibid, Article 4.

and duties to perform the protection of the rights of the child. For the purpose of the Protection of the Rights of the Child Law³⁵⁵ a child is 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.

Within the framework of the Youth Law³⁵⁶ it has been stipulated that a young person is a person from 13 to 25 years of age. The aim of the Youth Law is to improve the life quality of young people by promoting their initiatives, the virtue of work and patriotism, participation in decision-making and social life, as well as by supporting work with youth in general. The Youth law stipulates the concept of youth policy, its principles and objectives, as well as the competence of state administrative institutions in the field of youth policy. Within the framework of the Youth Law, several objectives have been set for the primary prevention in the level of local municipalities: to establish the Youth Advisory Council which promotes the development and implementation of the municipal work with youth, as well as the youth participation in decision-making (a); and to establish youth centres in the local municipalities with the aim to promote youth initiatives in the particular municipalities, as well as the youth participation in the decision-making and social life (b). The law provides for that the objective of the state and local municipalities is to enhance the young people's virtue of work and patriotism, non-formal education, voluntary work, physical activities and engagement in the cultural life as essential ways of useful utilisation of leisure time; to promote exhaustive development of young people by involving them in the activities of non-formal education, as well as sets the duty for the state and municipal institutions to support useful utilisation of the leisure time of young people by respective adjustment of the necessary environment.

- **Types and forms of the prevention of juvenile delinquency and violation of the children's rights.**

Particular activities that could be associated with *early prevention* are regulated in the Protection of the Rights of the Child Law³⁵⁷. The Law stipulates³⁵⁸ that the preventive work

³⁵⁵ Ibid, Article 3.

³⁵⁶ Youth Law, http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Youth_Law.doc (last visited on 12.05.2014).

³⁵⁷ Protection of the Rights of the Child Law, Chapter IX, http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Protection_of_the_Rights_of_the_Child.doc (last visited on 12.05.2014).

with children has to be carried out by local municipalities in collaboration with the parents of children, education institutions, the State police and the State Probation Service if the child is a probation client, public organisations and other institutions. Local municipality has the duty to perform preventive work with children until they attain 18 years of age in particular cases: if the child has committed an illegal act (offence)³⁵⁹ and is not in detention during the pre-trial investigation period (a); is found guilty of the commission of the criminal offence but the sentence is not connected with deprivation of liberty (b); is released from criminal liability with the prosecutor's injunction on the punishment (c); is released from serving the sentence of deprivation of liberty (d); has committed illegal actions as set out in the Criminal Law but has not attained the age in which he/she can be held criminally liable (e); has committed illegal acts as set out in the legal provisions of the Administrative Violations Code³⁶⁰ more than two times (f); if the child begs, is vagrant or performs other acts which may lead to illegal actions (g). In fact, the legal provisions allow local municipalities to apply prevention measures for every child who performs acts which may lead to illegal actions (the aforementioned point "g").

There is no doubt that one of the key components for the children's welfare is health care. Qualitative and timely determination of health risks and subsequent elimination of these risks is essential also in all types of prevention³⁶¹. In Latvia, children healthcare is regulated in several regulatory enactments – the Law on the Rights of Patients³⁶² stipulates that medical treatment of a minor patient³⁶³ is permissible if his/her lawful representative is informed thereof and has given his/her consent. In the treatment process, the child has the right to be heard and to participate in the decision-making related to the medical treatment according to his/her age and maturity. Medical treatment of a minor patient is permissible only in the cases when his/her consent has been received, except if the patient is not able to pronounce his/her consent due to his/her health condition. In such cases the decision is taken by the doctor

³⁵⁸ Ibid, Article 58.

³⁵⁹ Author's note: in this case, such acts are considered illegal which are to be punished according to the legal provisions of the Criminal Law. The text of the Criminal Law (in Latvian) is available at: <http://likumi.lv/doc.php?id=88966> (last visited on 12.05.2014)

³⁶⁰ Administrative Violations Code, http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Latvian_Administrative_Violations_Code.doc (last visited on 20.05.2014).

³⁶¹ Author's note: in this case, primary, secondary and tertiary prevention is meant.

³⁶² Law on the Rights of Patients, Articles 13 and 14, <http://likumi.lv/doc.php?id=203008> (last visited on 20.05.2014).

³⁶³ Author's note: according to the Law on the Rights of Patients, Article 13, these provisions concern minors who have not attained 14 years of age.

together with the relatives of the minor, the doctor's council or custody court. Every child has the right to receive information from the medical practitioner in a comprehensible manner taking into account his/her age and maturity. A special procedure³⁶⁴ is stipulated for the provision of preventive health care for children and youth in educational institutions. Every educational institution – preschool, primary school and other educational institutions – ensures regular presence of a nurse who is responsible for the control over the compliance with sanitary – hygienic rules, prevention of trauma risks at school, healthy eating control, as well as providing methodology support for teachers promoting healthy lifestyle and health activities. In order to assess early health risks in children, medical practitioners at school perform: preventive medicine inspections for children — hearing and vision screening, scoliosis screening, blood pressure and heart rate control; activities to prevent infectious diseases; once a year education institution organises preventive dental check-up; perform prevention of smoking, alcohol, drug, psychotropic and toxic substance abuse, as well as prevention of sexually transmitted diseases; consultations for parents on the issues of children's health improvement. Healthcare for children in Latvia is free of charge and the system is established as a model that provides regular care³⁶⁵ and that can be structured according to its intensity – a) the most intense medical care level is envisaged for children from their birth till 1 year of age. During the first month of the child's life, the parents have a duty to contact their family doctor (general practitioner) not less than once a week, whereas when the child is one month to one year old, the doctor has to be visited once a month; b) children aged 1 to 2 have to be taken to the family doctor once per half year. During these examinations, vision screening is performed and the child receives the necessary vaccinations, in case of need the neurological recommendations are available; c) parents of the children aged 2 to 6 receive family doctor's consultations once a year, the development of the child and readiness for schooling is examined; d) preventive screenings and consultations for children aged 7 to 18 are provided once a year. If the family doctor identifies a risk for the child's health during these examinations, the child gets sent to check-ups to relevant healthcare specialists (for instance, in cases of acute diseases, mental or neurological disorders).

³⁶⁴ Regulations of the Cabinet of Ministers of the Republic of Latvia No. 279 of July 2, 2002 "Procedure on the Provision of Preventive Health Care and First Aid Availability in Education Institutions", <http://likumi.lv/doc.php?id=64202> (last visited on 20.05.2014).

³⁶⁵ Information on healthcare services for children, <http://ej.uz/fw7j> (last visited on 22.05.2014).

Although very often various *types of prevention* are applied simultaneously in practice, evaluating the organisation of preventive work with children in Latvia from systemic point of view³⁶⁶ it can be theoretically divided into three levels:

1. *First level of prevention* – early prevention is not identified and regulated in legislation³⁶⁷. In practice, it is performed through various forms of cooperation among the subjects of children's rights³⁶⁸, i.e., the parents of children, education institutions, healthcare specialists, local municipality and other institutions. In this level of prevention, the work is carried out in the field of interest related education by regular health check-ups and through the cooperation of all types of educational institutions with parents.

2. *Second level of prevention* – prevention for children already with explicit behavioural disorders or risks. The child may be involved in educational programmes of social adjustment (correction) which are implemented in compliance with the General Education Law³⁶⁹ and the Education Law³⁷⁰. Educational programmes of social adjustment are acquired by persons with deviations in social behaviour and provided by educational institutions of social adjustment³⁷¹ or classes of social adjustment in comprehensive schools. *Social behaviour correction*³⁷² In Latvia is a set of activities which is aimed at the changing of personal characteristics and attitudes and includes mandatory educational activities of social adjustment: individual approach to each student; team work of the educational institution and cooperation with municipal agencies; the implementation of social behaviour correction, values education, and interest related education programmes. The result to be achieved in social behaviour correction: the student is motivated to do work, to learn, his/her system of values is changed and he/she has acquired understanding about a healthy lifestyle. *educational programmes of*

³⁶⁶ Author's note: More about this issue also in J.Zermatten, I.Kronberga "Child-friendly Justice in Latvia: Focusing on Crime Prevention" (2012), <http://www.providus.lv/public/27732.html> (last visited on 15.04.2014).

³⁶⁷ Author's note: According to the Dictionary of Social Work (L.Šiļņeva, Riga, SDSPA Attīstība, 2000), *education programme for early social adjustment* is adapted to be applied methodologically and organisationally to the persons at compulsory education age with deviations in social behaviour who need to improve their knowledge according to the primary education programme and who need social behavioural correction.

³⁶⁸ Protection of the Rights of the Child Law, Article 5, http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Protection_of_the_Rights_of_the_Child.doc (last visited on 12.04.2014).

³⁶⁹ General Education Law, Articles 59 and 60, http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/General_Education_Law.doc (last visited on 20.05.2014).

³⁷⁰ Education Law, Article 43, <http://likumi.lv/doc.php?id=50759> (last visited on 20.05.2014).

³⁷¹ Author's note: there is one such institution in Latvia. The procedure of children's stay there is regulated by the regulations of the Cabinet of Ministers No. 88 of February 1, 2011 "Regulations on the Internal Rules of Procedure for an Educational Institution for Social Correction", <http://likumi.lv/doc.php?id=225269> (last visited on 20.05.2014).

³⁷² Šiļņeva L. Sociālā darba terminoloģijas vārdnīca (*A Dictionary of Social Work*). Riga:SDSPA Attīstība (*Higher school of management and social work "Attistiba"*), 2000. pp.23.

pedagogical adjustment are applied for children with explicit learning or health-related disabilities³⁷³ which can express themselves as inability to follow the process of learning together with other children or truancy. Such programmes are developed for children at the compulsory school age. Such classes may be opened in any school and usually they have 8 to 15 children in a class.

3. *Third level of prevention* – prevention for children who have already committed offences³⁷⁴. In fact, this level of prevention is the most developed at the moment in Latvia. This group includes preventive measures for children who have committed offences but have not been sentenced yet; who have been imposed a sentence not related to isolation from the society; who have been released from criminal liability due to any reason; who have been imposed a sentence of deprivation of liberty; who have committed administrative violations; as well as children who have high risk of antisocial activities and who have entered the notice of the police but have not yet committed illegal acts. Preventive measures which are organised in the prisons of Latvia, including during pre-trial detention, belong to this group.

Looking from the point of view of prevention, Youth Justice System includes various types of actions to apply for persons who have not reached the age of majority. Each type of actions regarding children is stipulated by a regulatory enactment but it is implemented by an institution working in the particular field. All actions in the field of juvenile justice may be divided into³⁷⁵:

- a) Preventive measures;
- b) Reactive measures;
 - a. Reactions to children's behaviour, not related to criminal liability;
 - b. Criminal sanctions and their execution mechanisms.

³⁷³ Author's note: health problems of various types are meant here, for instance, hyperactivity, nervous system disorders, language disorders, addictions.

³⁷⁴ Author's note: this includes cases provided for in the "Protection of the Rights of the Child Law", Article 58, http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Protection_of_the_Rights_of_the_Child.doc (last visited on 20.05.2014).

³⁷⁵ Author's note: see Scheme 1 below.

1.2. Children and youth justice tools from the point of view of prevention (Scheme 1)

Type of action	Preventive measures	Reactive measures	
		Reactions, not related to criminal liability	Criminal sanctions and their execution mechanisms
References			
Regulatory enactment	Protection of the Rights of the Child Law.	Latvian Administrative Violations Code ³⁷⁶ ; Law “On Application of Compulsory Measures of a Correctional Nature to Children” ³⁷⁷ ;	The Criminal Law ³⁷⁸ ; Criminal Procedure Law ³⁷⁹ ; The Sentence Execution Code of Latvia ³⁸⁰ ; State Probation Service Law ³⁸¹ . Prisons Administration Law ³⁸² .
Measures applied to the child or the type of sanctions as provided for in the	1. Regulates the separation of the child from family and extra-familial care of the child (placing in a child care institution); 2. Stipulates the procedure of adoption;	1. <u>Compulsory measure of a correctional nature</u> ³⁸⁸ (CM) – a warning; 2. CM – a duty to apologise to the victims;	1. Deprivation of liberty ³⁹⁰ ; 2. Community service ³⁹¹ ; 3. A fine ³⁹² .

³⁷⁶ Latvian Administrative Violations Code, <http://likumi.lv/doc.php?id=89648> (last visited on 22.05.2014).

³⁷⁷ Law On Application of Compulsory Measures of a Correctional Measures to Children, <http://likumi.lv/doc.php?id=68489> (last visited on 22.05.2014).

³⁷⁸ Criminal Law, <http://likumi.lv/doc.php?id=88966> (last visited on 22.05.2014).

³⁷⁹ Criminal Procedure Law, <http://likumi.lv/doc.php?id=107820> (last visited on 22.05.2014).

³⁸⁰ Sentence Execution Code of Latvia, <http://likumi.lv/doc.php?id=90218> (last visited on 22.05.2014).

³⁸¹ State Probation Service Law, <http://likumi.lv/doc.php?id=82551> (last visited on 22.05.2014).

³⁸² Prisons Administration Law, <http://likumi.lv/doc.php?id=68492> (last visited on 22.05.2014).

regulatory enactment	3. Provides for the care of the child under guardianship; 4. Provides for the status of the educational institution of	3. CM – the placement of the child in the custody of parents, guardians or other persons, who are ready	
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³⁸³ Protection of the Rights of the Child Law, Article 38, parts 1 and 2: “Social correction educational institutions are institutions, in which children with socially deviant behaviour are placed and in which, if necessary, compulsory measures of a medical nature are applied. A child shall be placed in a social correction educational institution if social correction of the behaviour of the child while located at his/her place of residence has not been successful or the child has committed a criminal offence before attaining 14 years of age. A child may be placed in these institutions pursuant to a court order in accordance with the procedures prescribed by the law “On Application of Compulsory Measures of a Correctional Nature to Children”, <http://ej.uz/c1xj>, (last visited on 22.05.2014).

³⁸⁴ Ibid, Article 38, part 3: “A prophylactic institution is a unit of the State Police, where a child who has committed a violation of a law or a child with socially deviant behaviour is placed in the cases specified in the law. A child may be placed in a prophylactic institution for a short term in the cases and according to the procedures specified in the law. The police may place a child in a prophylactic institution in the cases referred to in this law, article 60, part two 60.panta not longer than for five days”, <http://ej.uz/c1xj>, (last visited on 22.05.2014).

³⁸⁵ Ibid, Article 43.1, <http://ej.uz/c1xj>, (last visited on 22.05.2014).

³⁸⁶ Ibid, Articles 51 and 52, <http://ej.uz/c1xj>, (last visited on 22.05.2014).

³⁸⁷ Ibid, Articles 57 and 60. Article 58 of the Law stipulates the category of children with which the local municipality has a duty to perform preventive work and develop a programme for the correction of social behaviour, <http://ej.uz/c1xj>, (last visited on 22.05.2014).

³⁸⁸ Article 4 of the law “On the Application of Compulsory Measures of Correctional Nature to Children” stipulates that compulsory measures of a correctional nature may be applied to children who have committed – a criminal offence and who a court has released from the imposed sentence; an offence provided for in the Criminal Law with regard to which a decision has been taken on the termination of the criminal case and sending of the materials to a court; an offence provided for in the Criminal Law with regard to which a procedurally authorised official has identified that it has been committed by a child who has not attained 14 years of age and with regard to which he/she has taken a decision regarding the refusal to initiate a criminal case and sending of the materials to an examination; offence with regard to which a decision has been taken on sending of the administrative violation case or materials to the administrative commission of the local municipality for the application of compulsory measures of a correctional nature.

³⁸⁹ Author’s note: in accordance with the Latvian Administrative Violations Code, minors shall be held administratively liable from 14 years of age for the commitment of such acts which are forbidden by the provisions of the Administrative Violations Code.

³⁹⁰ Author’s note: Deprivation of liberty for a person who has not yet attained 18 years of age may not exceed 10 years – for especially serious crimes; 5 years — for serious crimes related to violence or threat of violence or have caused serious consequences; 2 years — for other serious crimes. Deprivation of liberty may not be imposed to such persons for criminal violations or less serious crimes. In adding up punishment of deprivation of liberty for several criminal offences, the term of the punishment in total may not exceed twelve years and six months, but after several judgements — 15 years. A minor who has been imposed a sentence of deprivation of liberty has the right to be released from punishment before serving the term when he/she has served half of the initially imposed punishment. In case of conditional release from punishment before serving the term, supervision by the State Probation Service is applied to minors. A fine is applicable only to those minors who have their own income.

³⁹¹ Criminal punishment in the form of community service may be executed in accordance with the Regulations of the Cabinet of Ministers No.119 of February 9, 2010, <http://likumi.lv/doc.php?id=205060> (last visited on 22.05.2014) and the provisions of the Sentence Execution Code of Latvia, <http://likumi.lv/doc.php?id=90218> (last visited on 22.05.2014).

³⁹² Author’s note: A fine applied to a minor may be 1 to 50 times the amount of the minimum monthly wage prescribed in the Republic of Latvia³⁹². If the minor has committed a criminal violation, after serving the punishment he/she shall be deemed to have not been convicted.

	<p>social adjustment³⁸³ and the placement of children in it;</p> <p>5. Stipulates the status of the prophylactic institution of the State Police and the placement of children in it³⁸⁴;</p> <p>6. Stipulates the status of a foster family and the placement of the child in it³⁸⁵;</p> <p>7. Provides for the procedures of the protection of children from illegal activities by other persons³⁸⁶ (children who are victims of violence);</p> <p>8. Stipulates juvenile delinquency prevention in local municipalities³⁸⁷.</p>	<p>to hold liability for the child's behaviour;</p> <p>4. CM – a duty to eliminate by his/her work the consequences of the harm caused;</p> <p>5. CM – a duty to reimburse the harm caused;</p> <p>6. CM – behaviour restrictions for the child;</p> <p>7. CM – community service;</p> <p>8. CM – the placement in an educational establishment for social correction.</p> <p>9. <u>Administrative punishment</u>³⁸⁹ – a warning;</p> <p>10. Administrative fine;</p> <p>11. The confiscation of the administrative violation object or the instrument of commitment.</p>	
<p>Institution responsible for the execution</p>	<p>Custody courts, social services of the local municipalities, social behaviour correction institution, the State Police.</p>	<p>Custody courts, social services of the local municipalities, social behaviour correction institution, the State and municipal police,</p>	<p>State Probation Service, Prison administration, the State Police.</p>

		court, Municipal administrative commissions, State Probation Service.	
Responsible sector	The execution of the legal provisions stipulated in the Protection of the Rights of the Child Law regarding child delinquency prevention issues is under the competence of local municipalities and the Ministry of Welfare. The legislation provides for the particular areas of competences for other ministries and institutions related to the protection of children's rights ³⁹³ .	Ministries of the Interior and Justice, local municipalities of Latvia.	Ministries of the Interior and Justice.
Illustrative statistical data ³⁹⁴	<ul style="list-style-type: none"> ◆ Average number of foster families in Latvia per year – 420³⁹⁵; ◆ Average number of children placed/being in foster care per year – 680; ◆ Number of children under extra-familial care in 	<ul style="list-style-type: none"> ◆ In 2012, 9270 children³⁹⁶ in Latvia were held administratively liable and got administrative penalties imposed against them, whereas in 2011 – 18091 	<ul style="list-style-type: none"> ◆ Total number of prisoners in Latvia at the beginning of 2014 – 5108⁴⁰²; ◆ Number of minors in places of imprisonment in

³⁹³ Ibid, Articles 61 and 69 of the Law, <http://ej.uz/c1xi>, (last visited on 22.05.2014).

³⁹⁴ Provisory number of the population on December 31, 2013 was 2 million 5,2 thousand, estimated by using the information on registered migration. It is less by 18,6 thousand or 0,9% than at the beginning of 2013, more information on <http://www.csb.gov.lv/notikumi/pagajusaja-gada-piedzimusi-20-340-berni-39549.html> (last visited on 22.05.2014).

³⁹⁵ Data from the website of the State Inspectorate for Protection of Children's Rights, <http://www.bti.gov.lv/>, (last visited on 22.05.2014).

³⁹⁶ The guidelines for the prevention of juvenile delinquency and protection of children against crimes 2013 – 2019, <http://ej.uz/924r> (last visited on 22.05.2014).

	<p>2012 – from 1 800 to 2 000.</p>	<p>children;</p> <ul style="list-style-type: none"> ◆ Number of State Police registered administrative violations committed by juveniles in 2013 – 5698³⁹⁷; ◆ In 2013, compulsory measures of a correctional nature (without proceedings) were applied to 182 children³⁹⁸; ◆ From January 1, 2009, till January 1, 2012, according to the data from the Population Register of OCMA³⁹⁹ the number of registered children in the state⁴⁰⁰ has decreased by 21330 	<p>Latvia at the beginning of 2014 – 52⁴⁰³;</p> <ul style="list-style-type: none"> ◆ In 2013, the total number of 563 minors were sentenced for various crimes, including 39 girls; ◆ From all 563 juvenile convicts in 2013, 37 were raised under extra-familial care, 419 worked and learned, whereas 414 had never committed any previous crimes⁴⁰⁴; ◆ In 2013, 183 minors were imposed conditional imprisonment
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³⁹⁷ Vadlīnijas bērnu noziedzības novēršanai ir, bet pamats nedrošs (*There are Guidelines for the Prevention of Juvenile Delinquency but the Base is Still Insecure*); Latvijas Vēstneša portāls par likumu un valsti (*Latvijas Vestnesis webpage on Law and State*), 28.11.2014, <http://www.lvportals.lv/print.php?id=259460> , (last visited on 22.05.2014).

³⁹⁸ According to the data from the Court Information System, https://tis.ta.gov.lv/tisreal?Form=TIS_STAT_O&SessionId=34A2E2A6BAC1EEB46A76286186CE7D3F (last visited on 22.05.2014).

³⁹⁹ Author's note: OCMA – the Office of Citizenship and Migration Affairs of the Republic of Latvia.

⁴⁰⁰ Author's note: more information on http://www.pmlp.gov.lv/lv/statistika/lrd_arhivs.html , (last visited on 15.07.2012.)

⁴⁰¹ The guidelines for the prevention of juvenile delinquency and protection of children against crimes 2013 – 2019, <http://ej.uz/924r> (last visited on 22.05.2014).

⁴⁰² According to the information received from the Prison Administration.

⁴⁰³ According to the information received from the Prison Administration.

⁴⁰⁴ According to the data from the Court Information System, <http://court.jm.gov.lv/> (last visited on 22.05.2014).

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid.

		children (-5,8%), whereas the number of registered minors has decreased even in 23804 (-23,95%) ⁴⁰¹ .	penalty and they were given under the supervision of probation ⁴⁰⁵ ;  In 2013, a real sentence of imprisonment was applied by the court of first instance to 97 minors ⁴⁰⁶ .
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2. Juvenile Crime Prevention Strategies

2.1. Policy development documents adopted by the government of Latvia regarding the protection and prevention of the rights of children and youth.

At the moment, there are three key policy development documents in the field of the protection and prevention of children and youth's rights in Latvia⁴⁰⁷:

- 1) Guidelines on the National family policy for 2011 – 2017⁴⁰⁸ that stipulate the key principles for the establishment of the National family policy to follow developing policy documents in any field dealing with families and children. The guidelines provide analysis and planning of the issues that are directly related to all types of prevention – planning support to parents in the fulfilment of their parental duties; ensuring family-safe environment; providing types of support and assistance for children whose parents have left to work abroad; interventions to prevent domestic violence.

⁴⁰⁷ Author's note: these policy development documents are approved by the government of Latvia. It means that during the time when the policy development document is in force all the adopted legal enactments have to comply with the principles and objectives stipulated in these documents.

⁴⁰⁸ Guidelines on the National family policy for 2011 – 2017, <http://polsis.mk.gov.lv/view.do?id=3583> (last visited on 20.05.2014).

2) Youth Policy Guidelines for 2009 – 2018⁴⁰⁹ set out the objectives of the Youth policy, identify the course of actions to be performed, provide for the main tasks and priority target groups. The guidelines include the list of youth groups subjected to social exclusion risk which is very important in particular in the context of early prevention. The priority group includes youth: from needy and low-income families; who have not acquired basic education; from rural areas; orphans or youth without parental care; young and teenage parents, new families and particularly single-parent and large families; youth already noticed for their actions by the police and offenders, juvenile prisoners and the released from prison, as well as minors and youth who have suffered from violence.

3) The Guidelines for Prevention of Human Trafficking for 2014 – 2020⁴¹⁰ emphasise that the majority of human trafficking victims are young women who are recruited, transported, sold and abused for sexual exploitation, forced labour and marriage of convenience by individual buyers, seuteneurs and human traffickers. Women come at situations of uncontrolled violence, their human rights are violated and they become victims or subjects ensuring enormous income for organised crime groups. Latvians mainly occur at exploitative circumstances in Ireland, the United Kingdom, Germany, the Netherlands, Greece, Belgium, and Sweden. Victims of human trafficking in most cases are young women, single mothers, unemployed people and members of large families and low-income families, children from foster homes and social care institutions, low educated people, and people with debt obligations. Therefore, the prevention of trafficking in human beings is of high importance. It is necessary that young people do not become victims of human trafficking. The aim of the prevention of trafficking in human beings is to concentrate all effort to prevent such crimes. In order to achieve this aim, it is planned to organise informative and educational activities targeted at the people from the highest risk groups.

4) Public Health Strategy for 2011 – 2017⁴¹¹ detects the most significant problems in the field of public health, including healthcare for children. The strategy emphasises that the child's health and development during pregnancy and the first year of life mostly depend on

⁴⁰⁹ Youth Policy Guidelines for 2009 – 2018, <http://polsis.mk.gov.lv/view.do?id=2994> (last visited on 20.05.2014).

⁴¹⁰ The Guidelines for Prevention of Human Trafficking for 2014 – 2020, <http://www.mk.gov.lv/lv/mk/tap/?pid=40287968> (last visited on 20.05.2014).

⁴¹¹ Order of the Cabinet of Ministers No. 504 of October 5, 2011. "On the Public Health Strategy for 2011 – 2017", <http://www.mk.gov.lv/lv/mk/tap/?pid=40219764> (last visited on 22.05.2014).

the mother and father's health status, parents' knowledge of themselves and the child they are expecting, as well as their ability to take care of a child. Though, new parents' knowledge in these issues are poor, for instance, on the negative impact of substances on the health of the pregnant woman and the foetus, on the importance of a timely start of healthcare for the pregnant woman and on preventive measures to avoid child traumatism in early childhood. The lack of this knowledge leads to risks for the child in his/her early development. In order to reduce these risk factors, course of actions has been set to improve the health of children and their parents – orientating of healthcare specialists towards the work in inter-institutional environment; improvement of healthcare for pregnant women and infants – set as priority; reducing of child traumatism; reducing infectious diseases; improvement of accessibility to healthcare services for families with children.

5) The guidelines for the prevention of juvenile delinquency and protection of children against crimes 2013 – 2019⁴¹² (henceforward – the Guidelines) provide for the state policy regarding children and youth delinquency as well as prevention of victimisation for six years. This document analyses the situation with crimes committed by minors and with children who have suffered in crimes and accidents. It has to be mentioned that this policy development document is currently the most visible and used formal⁴¹³ framework for the planning of preventive measures for children in Latvia in general.

2.2. Characteristics and future challenges of juvenile delinquency and prevention of child protection against crimes.

It is essential that the Guidelines⁴¹⁴ set out key objectives and principles of the policy both for juvenile delinquency and the protection of children against crimes. Thus, the next five years prevention policy will be developed with the aim not only to reduce the number of crimes and

⁴¹² The guidelines for the prevention of juvenile delinquency and protection of children against crimes 2013 – 2019, <http://ej.uz/dr5b> (last visited on 20.05.2014).

⁴¹³ Author's note: approved by the order of the Cabinet of Ministers No. 392 on August 21, 2013, <http://polsis.mk.gov.lv/view.do?id=4469> (last visited on 23.05.2014).

⁴¹⁴ The guidelines for the prevention of juvenile delinquency and protection of children against crimes 2013 – 2019, <http://ej.uz/dr5b> (last visited on 20.05.2014).

other violations of regulatory enactments committed by children but also to perform particular preventive measures to avert factors that favour delinquent behaviour, at the same time improving children's safety and ensuring environment favourable for children. These objectives are to be achieved by developing prevention in inter-institutional environment for the work with at-risk children and their parents. The objectives and principles in the Guidelines are closely related to the problems identified in studies in the field of the prevention of the protection of the children's rights. Analysing the dynamics of crimes, it is possible to conclude that the number of children-committed crimes registered in Latvia decreases. Nevertheless, this fact is directly connected with the decrease of the total number of children in the country⁴¹⁵. Among illegal actions committed by children in Latvia the majority are crimes committed in groups, whereas the number of serious crimes from all offences committed by minors is still very high⁴¹⁶. Alcohol abuse is mentioned⁴¹⁷ as one of the key factors why children and youth violate law, injure themselves, are subjected to suicidal risks and violence. Although the children's sickness rate for acute intoxication caused by narcotic, psychotropic substances, alcohol dependence and overuse had decreased in the last ten years, the last two years show increase in number of the children who receive medical treatment in hospitals due to the usage of addictive substances. Specialists admit⁴¹⁸ that recently hospitals have to deal with increasing number of children with mental behavioural disorders who have used psychoactive substances. It is emphasised⁴¹⁹ that in 2012 the number of first-time registered children with acute intoxication caused by narcotic, psychotropic and toxic substances and the diagnosis of harmful use of substances increased rapidly (169) in comparison with 2011 (90 children). In 2012, 122 boys and 47 girls were entered in records with this diagnosis. In total, until 2010 there was a trend of decrease of this disease, but from 2011 the number of first-time registered children increased. In 2012, the number of children with acute intoxication caused by narcotic, psychotropic and toxic substance use and harmful use of substances was the highest in the last seven years. The Guidelines emphasise that in recent years there is a decrease in number of cases in Latvia when children who have committed crimes are imposed compulsory measures of a correctional nature instead of criminal punishment which would keep children away from

⁴¹⁵ Population Register, Statistics of OCMA, Ministry of Interior of the Republic of Latvia, <http://www.pmlp.gov.lv/lv/sakums/statistika/iedzivotaju-registrs/> (last visited on 23.05.2014).

⁴¹⁶ The guidelines for the prevention of juvenile delinquency and protection of children against crimes 2013 – 2019, <http://ej.uz/dr5b> (last visited on 20.05.2014).

⁴¹⁷ Ibid, p.11.

⁴¹⁸ Report on the State of children in Latvia in 2012, http://www.lm.gov.lv/upload/berns_gimene/bernu_tiesibas/akti/lmzino_060114.pdf (last visited on 23.05.2014).

⁴¹⁹ Ibid.

the contact with adult justice mechanisms. In general, a persistent trend of decrease in the number of children suffered from crime is observed. If in 2008 there were 0,44% victimised children from all children registered in Latvia, then in 2011 there were only 0,18% from all the children in Latvia⁴²⁰. At the same time, it has to be noted⁴²¹ that harm is caused to children with increasingly different criminal actions more often than before. More often children become victims of crimes against morality and sexual inviolability. More often such crimes are committed through various web sites or social networks in the internet. Using automatized data processing systems, more and more often materials are distributed where child sexual abuse is portrayed. The Guidelines emphasise that the protection of children against human trafficking becomes more complicated as the organisers of the crime are located outside Latvia and the prevention of those crimes depends directly on the cooperation among specialists from several countries. The number of children who have died or been injured in various traffic accidents in Latvia remains high. In 2011, 429 children were injured and 5 children died from traffic accidents; in 2012, 444 children were injured and 6 children died; in 2013, 484 children were injured and 7 children died from traffic-related accidents⁴²². Three major groups are children who have suffered in collisions of cars and bicycles, as passengers in vehicles and as pedestrians. The Guidelines list the key reasons for the high child traumatism rate in traffic – lack of reflectors for pedestrians and cyclists, non-conformity of the bicycle to the traffic regulations and rules on the road, wrong movement on the road or wrong crossing of a street. The Guidelines emphasise⁴²³ that physically and emotionally violent environment at home and in the family is one of the main common reasons in Latvia why children become victims of various crimes. The scope of violence is very wide – from physical punishment⁴²⁴ and lack of adequate care to sexual abuse. Children under the age of 5 get traumas or injuries as the result of violence, sometimes violence against a child causes the child's death. It can be concluded

⁴²⁰ The guidelines for the prevention of juvenile delinquency and protection of children against crimes 2013 – 2019, <http://ej.uz/dr5b> (last visited on 20.05.2014).

⁴²¹ Ibid, p.16.

⁴²² Statistics of the Road Traffic Safety Directorate, The number of children suffered in traffic accidents from 1995 till 2013, inclusive, http://www.csdd.lv/tools/download.php?file=files/text/1397128745411_CS2014_19.xlsx (last visited on 23.05.2014).

⁴²³ The guidelines for the prevention of juvenile delinquency and protection of children against crimes 2013 – 2019, p. 21, <http://ej.uz/dr5b> (last visited on 20.05.2014).

⁴²⁴ Attitude of citizens towards violence against children – the presentation of the results of the study, L.Prisko: “The majority, approximately half (51,5%) of the respondents hold the opinion that beating children as a form of punishment is sometimes usable, and more than a third (36,9%) of respondents think that physical punishment of a child should not be prohibited by law. Analysing the most common types of punishment used by parents in Latvia, it was identified that more often, slightly more than a fourth (27,5%) of respondents, raising parent's voice is used; almost one fifth (19,6%) uses criticism and approximately one sixth (15,4%) – prohibition to use some things. However, the rate of physical punishment is rather high. Thus, almost one fourth of the respondents admit that they have physically punished their child at least once in their lives”. More on this study in Latvian: <http://ej.uz/kw82> (last visited on 23.05.2014).

from the information given in the Guidelines that a large number of children (approximately 85%) suffer from domestic violence. Half of the children suffered from domestic violence have experienced combined violence, it means that they have been subjected to several types of violence⁴²⁵. Thus, for instance, in 2011, 19909 individuals have suffered from crime in Latvia, out of them 653 were children, 312 from them were aged 1 to 14⁴²⁶. On the basis of the information from the Guidelines, it can be concluded that there is an increase in number of cases when the Custody court removes parental rights only due to suspicions of violence against children. It can be related to the increasing number of cases of parental violence. There is a large number of families where parents cannot ensure proper care and development for the child, thus, for instance, in 2011, there were 2061 such families with 3661 children. Taking this into consideration, the demand for social rehabilitation activities for children in their place of residence or rehabilitation institutions is very high in Latvia – rehabilitation services are provided for more than 2 thousand children each year. Information from the Guidelines indicate that approximately 85% of the children who have received social rehabilitation services have suffered from their parents, the next highest percentage of children have suffered from relatives and the least have suffered from strangers. The Guidelines emphasise that one of the most vulnerable groups is young children. The problem is based on facts revealed in studies⁴²⁷ that show that specialists who work with young children under 3 years of age do not have proper knowledge to identify cases of violence in due time, and the inter-institutional work is not developed to prevent violence (a); specialists have different opinions and understanding about violence. There are specialists who admit the fact of violence only in cases when rehabilitation services are already provided (b); specialists pay more attention to those families which are traditionally considered disadvantageous (for instance, parents use alcohol, are unemployed, do not take care of the child), but they are not able to recognise violence risks and occurring violence in cases when family makes a good impression in society (c); the society is very tolerant against violence, even manifestations of physical violence, and there is so called “culture of non-interference”(d).

⁴²⁵ The guidelines for the prevention of juvenile delinquency and protection of children against crimes 2013 – 2019, p. 26, <http://ej.uz/dr5b> (last visited on 23.05.2014).

⁴²⁶ Report on juvenile delinquency, suffered children, situation in traffic and prevention over 12 months of 2012, <http://ej.uz/dbvu> (last visited on 23.05.2014).

⁴²⁷ Mazu bērnu tiesību aizsardzības sistēmas izvērtējums (*The evaluation of the protection system of the rights of young children*), A.Putniņa, Z.Linde, http://www.centrsdardedze.lv/data/kampanas/Zinojums_NodibDardedze_Apr2012.pdf (last visited on 24.05.2014).

The Guidelines identify the problems that: there is still a lack of information for a wider society on juvenile crime as a social phenomenon and its impact on the general development of the society (a); specialists do not have sufficient knowledge on prevention implementation methods (for instance, risk recognition and intervention) and the inter-institutional nature of prevention (b); prevention of the rights of the child lack systemic components, for instance – one and commonly used data base, skills of managing preventive cases⁴²⁸ and involving children in social behaviour correction programmes (c); insufficient preventive work with children from risk groups, for instance, if the children are vagrant or have been imposed punishment without isolation from the society (d); the involvement of parents in preventive activities organised by educational institutions is poor or parents are not involved at all (e); there is a large number of children registered in the State Police who run away from homes and their parents due to the problems in their families or who avoid contacting their families (f); the number of fire-, water-, traffic-related and other types of injuries and deaths for children is still very high (g). Although the Guidelines have mentioned a list of serious problems in the field of the violation of the children's rights, they do not offer solutions of a systemic nature, instead dividing both the resources and tasks in the field of prevention, which cannot lead to a wholesome solution of the mentioned problems in the near future.

There is no doubt that the main role in the development of any policy belongs to person's understanding, specialist's motivation and skills. Due to that, the main task of the prevention of the violation of children's rights at present in Latvia is to train specialists who work with and for children. On April 8, 2014, new provision in the Protection of the Rights of the Child Law⁴²⁹ came into force which provides for a wide training of all specialists who have any contact with the field of the protection of children's rights in their work. The new legal provision stipulates that special knowledge in the field of the protection of children's rights is necessary for the heads of extra familial care institutions; social workers; custody court specialists; leading specialists in educational institutions and other educators; prison specialists; heads of municipal administrative commissions, children's affairs sub-commissions and pedagogical medical commissions; officers of the municipal police and municipal social service workers who work with children and families; public prosecutors; social pedagogues and psychologists who work with children; judges; state inspectors of the children's rights

⁴²⁸ Author's note: prevention cases are meant here in accordance with the Protection of the Rights of the Child Law, Article 58.

⁴²⁹ Protection of the Rights of the Child Law, Article 5.1, <http://likumi.lv/doc.php?id=49096> (last visited on 24.05.2014).

protection; State Police officers and State Probation Service workers; lawyers and any other individuals who work in the fields related to children. These specialists may start their duties only after completing the training course on the system of the protection of children's rights and legal enactments in the field of the protection of children's rights; implementation of international legal enactments in the protection of children's rights; rights and duties of parents and children; on violence against children and its indicating features, as well as on inter-institutional cooperation for the provision of the protection of children's rights. Besides, specialists acquire skills on how to communicate with children and its basic principles⁴³⁰.

3. Promising practices in early juvenile crime prevention: Latvia

3.1. Towards the system of juvenile crime prevention: moving away from traditional approaches.

From 1991⁴³¹ till approximately 2002, there were very few discussions on prevention issues in Latvia, considering prevention more and in particular as means of averting criminal offences. For many years, there was a view that prevention can be implemented only by the police or a law enforcement agency, whereas the form of prevention implementation is informative campaigns (general prevention) and crime prevention for persons who have already violated the law and therefore have a special legal status⁴³² (special prevention). Thus, prevention within the system served as a repressive measure instead of aversive measure of such situations which could lead to the necessity of application of a repression of criminal legal nature. This approach referred both to people of legal age and minors. A wider discussion on prevention issues was initiated at the time when an institution⁴³³ for the enforcement of sentences without

⁴³⁰ Regulations on the Procedure How Special Knowledge in the Field of the Protection of Children's rights is Acquired, Their Content and Amount, Regulations of the Cabinet of Ministers No.173 of April 1, 2014, <http://likumi.lv/doc.php?id=265516> (last visited on 24.05.2014).

⁴³¹ Author's note: On May 4, 1991, the independence of the Republic of Latvia was restored.

⁴³² Author's note: it means that the person has a status of an administratively punished person, sentenced for a crime, or imposed a compulsory measure of a correctional nature (for children). Special prevention included also individual work methods which were related to the control over the behaviour limitations for the person.

⁴³³ Author's note: The State Probation Service of Latvia; State Probation Service Law, http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/State_Probation_Service_Law.doc (last visited on 25.05.2014).

the person's isolation from the society and the supervision and support for people released from prison was being established in Latvia. In 2004, when Latvia joined the European Union, also the methods of Restorative Justice became topical. A year later – in 2005, the State Probation Service started reconciliation procedures with a mediator in criminal proceedings or mediation between the victim and the offender which promoted a different understanding of prevention within the system of rights protection⁴³⁴.

In 2008, the work in the research⁴³⁵ “Restorative Justice vs. Juvenile Delinquency: The Baltic States in European Dimension” started, within which juvenile justice systems of several countries including Lithuania, Latvia and Estonia were analysed with the aim to identify whether and what kind of Restorative Justice components they have. Taking into account that Restorative Justice can justly be considered a resource for prevention methods, also the efficiency of justice in Latvia regarding minors from the point of view of prevention was analysed. The findings of the study show that Juvenile Justice System in Latvia mainly provides for reactive methods as an answer to the cases when children or young people have violated the law, while the preventive methods for the prevention of crimes and social inclusion are poorly developed. The fact that Juvenile Justice in Latvia is looked at only through criminal system narrows the conceptual understanding of Juvenile Justice in general. This can be observed also in the current system of prevention: for instance, municipal practitioners working with children and youth prevention issues have difficulties to acknowledge that preventive measures are possible and even advisable at the early stages of children development or during pre-schooling⁴³⁶. The study emphasised that the development of rich content and strategically planned Juvenile Justice in Latvia is very slow, whereas the contemporary system “reflects the compromise between the two demands, namely, the objective necessity to react in a repressive manner to any criminal offence without relating it to the offenders age and the necessity to protect children to promote their development, including the cases when they commit offences. At the state level, it is not discussed on how to react

⁴³⁴ Author's note: More about the changes in the Latvian system of protection of rights: Restorative Justice in Latvia: Advancement, Perspectives and Challenges in Future (2013), http://www.providus.lv/upload_file/Publikacijas/Kriminalt/Restorative_Justice_Latvia_Report.pdf (last visited on 13.05.2014).

⁴³⁵ Restorative Justice vs Juvenile Delinquency: The Baltic States in European Dimension, <http://www.providus.lv/public/27807.html> (last visited on 25.05.2014).

⁴³⁶ Author's note: on the basis of discussion materials (minutes) from 10.01.2014 on the study by L.Grāvere “The role of individual preventive work (social behaviour correction) in the protection of the rights of the child”. Participants of the discussion: I.Millere, M.Luste, L.Grāvere, S.Sīle, I.Kronberga; unpublished material.

towards juvenile crime and prevent the commitment of new criminal offences. The current concept bases on a statement that a punishment has to be a reaction to a crime and it can be less harsh than general provisions if the offender is of young age. Understanding Juvenile Justice in this way, it is developed as the cautious version of adult criminal justice which, however, does not save children from rough solutions, despite its relatively gentle approach⁴³⁷. One of the key reasons why adult criminal justice system is not valid for the prevention of children and youth crimes is the role of the child's parents and family both in the cases when the child has violated the law and when the child has suffered from criminal offences. Juvenile Justice system which has been developed after the pattern of adult system does not include the parental involvement which has a negative influence on resocialization (for offenders) or supportive process (for victims) already from the very beginning. In Juvenile Justice, parents have an essential role both in ensuring children's law-abiding behaviour, in prevention and also when the child is imposed a sanction of any type. Although the results of the study improved the understanding and knowledge of specialists in Latvia and other Baltic States on Restorative Justice, Juvenile Justice and particular issues of prevention, it did not result in direct and significant changes in legal enactments and practice.

In 2012 Latvia experienced ardent and contradictory specialist discussions about the expulsion of children with disturbing behaviour from school, and prevention issues occurred on national news headlines. As there is no developed children and youth crime prevention system based on common principles in Latvia, the possibilities of application of reactive methods against parents or children were widely discussed. Only by studying similar experience in other countries it was realised that "punishments will not be the means to make parents think about their responsibility for children. It is obvious that our system lacks the stage of individual prevention which would include cooperation with parents and support to them – only punishing exists. At the same time, we understand prevention only as a campaign, while individual prevention is neither defined, nor included in legal enactments. However, punishment cannot teach good parenting skills, it just makes people get punished. The result of punishment may even be opposite from the desired – parents who get punished do not understand their role as parents but may burst in anger and be violent to their children

⁴³⁷ Restorative Justice vs. Juvenile Delinquency: The Baltic States in European Dimension, p. 116, <http://www.providus.lv/public/27807.html> (last visited on 25.05.2014).

considering them to be guilty for parents' failures"⁴³⁸. Nevertheless, this sudden actualisation of prevention did not materialise in the establishment of a comprehensive prevention system of children's antisocial behaviour, only some schools changed their internal code of conduct⁴³⁹ including norms on the possibility to agree among the school, parents and the child on the desired model of behaviour.

3.2. Practices to be developed and positive examples in the field of children and youth crime prevention

Acknowledging that practical experience is one of the best means to convince specialists and develop a new policy, the project⁴⁴⁰ "Building a Support System to Prevent Juvenile Delinquency" was initiated in 2011. The objectives of the project were 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 regions of Latvia (a), to create and approve a sustainable support system for the prevention of juvenile offences suitable for the specific needs of various regions of Latvia involving municipal specialists, members of society and children themselves in this social process (b); to promote a philosophy of change in the work with children of social risk groups: to develop a supportive and restorative approach instead of punitive approach used by the specialists of children's affairs working with children in all the interested institutions (c). Within the project, it was planned to work with children from risk groups thus being under increased threat of committing crime and causing harm to

⁴³⁸ Vecāku atbildība par bērnu audzināšanu un drošību (*Parental Responsibility For Children Upbringing and Safety*) (2012), I.Kronberga, Administratīvā un Kriminālā Justīcija (*Journal of Administrative and Criminal Justice*) Nr.3 (60), http://bsa.edu.lv/docs/akj_032012.pdf (last visited on 13.05.2014). Briefly on the publication: Parental responsibility on children's antisocial behaviour, exclusion from school, suspension of parental care, cooperation problems between parents and social services, lack of cooperation among the authorities and parents in case if a child is convicted of an offense, search for serious punishment for parents when children misbehave. All of these problems simultaneously are reflected in the Latvian media headlines and in the different types of specialist's negotiations as well. For many years parental responsibilities in Latvia are directed towards to penalties, but it should focus on the parental obligations and co-operation among parents, local authorities and schools - not to push the parents away from system, but to include them by providing support. Publication includes the analysis of law enforcement practices in Latvia and United Kingdom.

⁴³⁹ Author's note: for instance, possibility to conclude such an agreement was included in the Code of conduct No. 2 of Majori Secondary school in Jurmala on 28.08.2013, <http://ej.uz/1945> (last visited on 25.05.2014).

⁴⁴⁰ Building a Support System to Prevent Juvenile Delinquency, <http://www.providus.lv/public/27598.html> (last visited on 25.05.2014).

the community. In fact, they were children already noticed by the police for their actions, however, also the condition was taken into account that not only the police but also information from schools, social service, custody court and other institutions may indicate to the delinquency risks. It was planned to involve children from populated areas away from the big cities because there are less resources for those children and their families to spend for various social problems. The project was implemented involving children from needy or low-income families (a), families with addicted parents (b), truant and vagrant children. The target group included also children who have problems in acquiring education or whose parents had left the country for economic reasons to work abroad. Taking into account that the work of the state and local municipalities is not sufficiently coordinated, moreover, their officials usually complain on the lack of financial resources and do not see the existing possibilities to solve problems with available resources, the implementation of the project was ensured by involving active members of local communities who shared their experience and knowledge and helped children to discover new opportunities, motivated them for spending time in socially favourable activities thus keeping them away from roguery. The project involved a group of 9 seniors to contribute by communicating with youth within their community, thus ensuring the sustainability of these relationships. The needs of the children target groups involved in the project were identified by recognising their social behaviour risks – using risk and needs assessment tools specially designed for this intention and making a progress report for each child at the end of the project. The specific nature of the project objectives envisaged that all the potential participant groups of children have social behaviour risks but their reasons are different, for instance, lack of financial resources; objective or subjective obstacles in acquiring education; unemployment; fact of the commitment of a crime and inability to manage one's personality; experience of dependence and violence; inability to solve problems in an appropriate manner. The needs of child to be involved in each project activity were identified individually by the project Inter-institutional work group elaborating an individual work plan for each child. At the same time,, the inter-institutional work group had a task to acknowledge resources available in their municipalities that could be used for the compilation of the catalogue of useful activities for children. At the beginning of the project it was planned that by involving children in socially useful activities, introducing them with the possibilities to organise their free time in an interesting manner, demonstrating real interest in their lives, delinquency risks would decrease significantly. Involved in project activities, children would acquire new knowledge and skills, broaden their horizon, and get motivation to act for their future to achieve important and useful goals. During the project, monitoring was carried out

and a research was performed⁴⁴¹. In 18 months of the project more than 250 children were involved and Support systems for juvenile prevention were established in three local municipalities in Latvia. The Support systems included:

- a) Inter-institutional cooperation model. It means that every local municipality has developed a cooperation model among institutions that work with and for children. The implementation of this model enhanced the situations when specialists solve problems of particular children avoiding matters of form in issues where they can be left out.
- b) Regional work groups were one of the most significant components of the Inter-institutional cooperation model. Within its functions, various specialists from various institutions who work with children on daily basis met twice a month in each of the project implementation sites. The method worked for the interests of each child as the child and his/her parents did not have to go to innumerable institutions to solve their problems – specialists gathered around the child and made common effort to find the best solution.
- c) Accessibility to the procedure of selection of children and youth groups. Within the project, children were involved in useful activities, according to their risks and needs, identified beforehand. The project and its resources were planned for youth with low risk social behaviour problems, therefore the majority of project activities were based on group work, not individual work.
- d) Risk and needs assessment was one of the most significant tasks of the Regional work group: in order to determine whether the activities envisaged in the project could be useful for the child, his/her behavioural risks and needs to eliminate these risks were identified. As the result, it was realised that many children have significantly higher social behaviour risks than it was expected. Taking into account that there were no alternatives for work with those children at the project implementation sites or the possibilities to perform individual preventive work were limited, the children were involved in the project elaborating an individualised plan.
- e) Catalogue of useful activities for minors. There is no doubt that each local municipality has some kind of resources to use as a basis for the organisation of preventive work. However, at the initial stage of project planning it was realised that very often local municipalities have not batched all the possibilities of preventive work with children.

⁴⁴¹ Child-friendly Justice in Latvia: Focusing on Crime Prevention (2012), <http://ej.uz/r65i> (last visited on 15.04.2014).

Due to that, the Catalogue of Activities was created to offer appropriate activities to the child according to his/her risk and needs assessment, including individual prevention.

The study⁴⁴² revealed project results admitting that the Inter-institutional cooperation model is a method of children's right protection and delinquency prevention which is suitable to use at the child's place of residence and is focused on the cooperation of specialists from various institutions for the improvement of the particular child's living environment. At the same time, inter-institutional cooperation allows involving the child's parents and family, as well as listening to the child's opinion. If the inter-institutional cooperation among the specialists from law enforcement agencies, local municipalities, specialists of children's affairs and other practitioners is organised setting topical priorities for a particular child and taking into account his/her needs, all specialists involved in the Inter-institutional work group can be theoretically divided into three categories: early prevention providers – preferably the closest people to the child – social service, parents and family, school, family doctor (GP), Children and youth centre, specialist of children's rights (a), general prevention providers – preferably the more distant – custody court, police (b), and institutions involved in special prevention – court, prosecutor's office, State Probation Service and prison (c). On the basis of the mentioned, it is possible to conclude – if level (a) specialists from the Inter-institutional working group perform their duties with the highest quality, there is no need to involve level (b) and (c) specialists. It proves that inter-institutional cooperation is a significant segment of early prevention work – the earlier the problem is identified and intervention is performed, the less capacity is needed from the involved institutions. At the same time, several problems were discovered during the implementation of the project: project activities (interventions) were planned only for children, allocating insufficiently active role for their parents (a); risk and needs analysis was performed only for the child, not the family in general (b). Due to that, a situation occurred when the cooperation with parents as informers on the child's needs often became formal and a row of problems which caused the child's antisocial behaviour risk was not identified at all. Therefore, when planning preventive group or individual activities and performing children assessment, a significant and active role has to be allocated to the children's parents and families. Besides, it has to be taken into account that the younger is the child, the greater has to be the role of his/her parents and family in any prevention activities. At the same time, it has to be emphasised that the second most important role after parents and

⁴⁴² Ibid, p.53.

family belongs to the attitude of the specialists at educational institutions (teachers, pedagogues, educators in general) towards the child's involvement in preventive programmes. Educators and the class teacher of the child in particular have to be very well informed about the prevention programme or intervention, and take active participation in it.

The evaluation of the project results⁴⁴³ included the following main conclusions: Prevention is a set of purposefully performed activities in the child's daily life – including the planning of the free time, elimination of the obstacles to access sport and healthy lifestyle activities, as well as individual and group interventions. The establishment of prevention system is a long-term activity which has to be carried out by the government and specialists in the field who work with children and families on daily basis, together. Educational institutions play a very significant role, as well. It is necessary to introduce tools which would influence parental behaviour, for instance, supportive programmes for children together with their parents, and to control their implementation thus leaving the termination of parental rights as the last influential measure. The lack of a common legal enactment is obvious in Latvia which would provide for all the procedures with minors – both preventive, and reactive. The current situation when all the legal enactments that stipulate juvenile justice framework in Latvia are fragmented into three separate legal enactments: Latvian Administrative Violations Code⁴⁴⁴, Criminal Law⁴⁴⁵ and the law “On Application of Compulsory Measures of a Correctional Nature to Children⁴⁴⁶”, whereas early prevention regulation is also – in the Protection of the Rights of the Child Law⁴⁴⁷, does not serve the interests of qualitative and safe development of the child and the family. Children and parents occurring in the middle of such legally and institutionally complicated system most probably would feel helpless and fearful, but not strengthened. Prevention is a simultaneous task of the state and the local municipality, where the state is responsible for prevention planning, financial support, providing information to the society, but the local municipalities organise individual preventive work, at the same time having the preventive work of state and local municipalities coordinated in a professional manner.

⁴⁴³ Juvenile Delinquency Prevention: Conclusions, Paola Riva Gapany, <http://ej.uz/frga> (last visited on 25.05.2014).

⁴⁴⁴ Latvian Administrative Violations Code, <http://likumi.lv/doc.php?id=89648> (last visited on 25.05.2014).

⁴⁴⁵ Criminal Law, <http://likumi.lv/doc.php?id=88966> (last visited on 25.05.2014).

⁴⁴⁶ Law On Application of Compulsory Measures of a Correctional Nature to Children, <http://likumi.lv/doc.php?id=68489> (last visited on 25.05.2014).

⁴⁴⁷ Protection of the Rights of the Child Law, <http://ej.uz/4rdo> (last visited on 25.05.2014).

Taking into account the significant role of early prevention measures and the fact that this form of prevention is not highly developed in Latvia, at the end of 2013 PROVIDUS initiated the project “Reducing youth at risk numbers: modelling early childhood intervention approaches⁴⁴⁸”. The project has the objective to develop innovative methods for preventive work to create inclusive environment for children at pre-school and primary school age and their families. It is planned that the implementation of the project activities would: reduce social exclusion risks for children at pre-school and primary school age with early social behaviour disorders and create a safe environment for a successful development of those children in rural regions of Latvia (a); create and verify in practice a system for the recognition and elimination of children’s early behaviour risks, involving pre-school and primary school teachers, parents, local municipality specialists, members of local community, as well as children themselves (b); promote philosophy of changes in work with children at pre-school and primary school age with antisocial behaviour risks (c); create supportive and restorative instead of punitive approach in work with children performed by the specialists of children’s affairs and specialists from other institutions (d); strengthen the cooperation among the parents of the child and pre-school and primary school teachers in order to identify and prevent early behaviour risks for children at pre-school and primary school age; establish inter-institutional cooperation platform for preventive work and early interventions (e). In order to provide assistance and support to parents in children upbringing, the project envisages the following results in three local municipalities of Latvia involved in the project – Saldus, Kuldīga and Cēsis: *a multi-disciplinary cooperation model will be developed (1) among the specialists of pre-school, primary school, local municipality and NGOs, with the aim to elaborate and implement in practice methodology suitable for local needs for early recognition and prevention of children’s social behaviour risks (2)*, thus enhancing the cooperation with children’s parents or persons substituting for them. It is planned that the developed cooperation model and methodology will be created to be sustainable and usable in other regions of Latvia. The methodology for the early identification of children’s social behaviour risks and cooperation with parents will be elaborated during the performance of practical work and analysis – in 2 year time 15 lessons will be held for children and their parents involved in the project from pre-schools and primary schools. In order to enhance cooperation among

⁴⁴⁸ Reducing youth at risk numbers: modelling early childhood intervention approaches, <http://www.providus.lv/public/27876.html> (last visited on 25.05.2014).

institutions and qualitative decision-making process to support families with children *inter-institutional work groups (IWG) are planned (SDG) (3)* with the core consisting of each region's NGOs members working in the field of children's rights protection, pre-school and primary school specialists, and state and local municipality specialists. Two of the regions involved in the project (Saldus and Cesis) have already a working IWG (or RWG – regional work group) for the work with at-risk youth and children from previous projects – therefore pre-school and primary school specialists will establish a subgroup of the existing inter-institutional group, but in Kuldīga it will be a totally new experience. One of the main tasks for IWG is to provide mutual support for colleagues in solving professional issues; therefore it is important that problems identified in regions are discussed also on the interregional level. The project envisages *Failure Reduction Strategy (FRS) tool or regular consultations with colleagues (4)*. The aim of regular consultations with colleagues or FRS – to ensure specialists with the possibility to solve professional problems in cooperation with colleagues from other regions and reduce failures at work, as well as acquire new skills and knowledge in the field of early prevention. In addition, other skills and knowledge developing activities for specialists are also planned in the project – the elaboration of study-based publications on early prevention issues and wider international forums for practitioners and specialists in the field. It is planned to identify best practices in the field of early prevention with the help of specialists from Norway, Bulgaria, Lithuania, Estonia and Belgium. Right now⁴⁴⁹, the project has been started and more than 50 children from three preschools and three primary schools are involved in it, as well as their pedagogues and parents. During the whole project, children and their parents have a possibility to participate in activities that are appropriate for their needs, both individually and in groups. Children and their parents' needs are assessed using a special needs assessment tool. At the moment, monitoring activities are performed in the project and the first results show that children and their parents gladly participate in early prevention group activities and a significantly wider target group than planned will be reached. Project results will be summarised⁴⁵⁰ at its final stage and included in the monitoring report which will be available in English and Latvian.

⁴⁴⁹ Author's note: the project implementation time is from January 7, 2013, to January 6, 2015, more information is available in Latvian: <http://www.providus.lv/public/27875.html> and in English: <http://www.providus.lv/public/27876.html> (last visited on 25.05.2014).

⁴⁵⁰ Author's note: Monitoring report on the practice to be developed in this project will be publicly available in September 2015.

4. Searching for best European practices: analysis of the experience from pilot projects

4.1. Aims, objectives and content framework of the project “Keeping Youth Away From Crime: Searching for Best European Practices”.

Taking into consideration the findings and conclusions from the previous projects and the problems identified in the studies within the youth justice framework in Latvia, in 2012 Centre for Public Policy PROVIDUS⁴⁵¹ in collaboration with professionals from Estonia, Lithuania, Scotland, the Netherlands and Belgium developed a project focused at a wider target group: not only children but also their parents (a), not prevention in its general understanding but the application of preventive measures for children at early risk stages including also children at risk in this group.

The project⁴⁵² “Keeping Youth Away From Crime: Searching for Best European Practices” started on January 7, 2013, and it is planned to finish on January 6, 2015. The overall objective of the project – to find, identify and apply the best European practices in work with children from risk groups thus improving the welfare and social inclusion, reducing risks from crime and rejection, and creating safer environment for a successful child development within Europe. The specific objectives are: to promote intense exchange of information and networking among the specialists of children’s affairs in Europe (a); to develop a common understanding among the specialists of children’s affairs on the implementation of the rights and values recognised in the charter of Fundamental Rights of the EU (b); to find and implement practical, innovative, inclusive approaches in order to prevent children contiguity with crime, including the methods for the work with at-risk children in rural areas (c); to enhance the understanding of European law enforcement agencies, specialists, mass media, NGOs, social services, educational institutions and other specialists working with/for children on the benefits when using inclusive instead of punitive Juvenile Justice approaches in the work with children (d). Four types of activities are planned in general in the project: a study on the best practice of preventive work with children from risk groups and in at-risk situations (a); several international meetings of child prevention specialists, practitioners and theoreticians, in

⁴⁵¹ Centre for Public Policy PROVIDUS: <http://www.providus.lv/public/index.html> in Latvian, Centre for Public Policy PROVIDUS, http://www.providus.lv/public/index_en.html in English (last visited on 25.05.2014).

⁴⁵² Author’s note: more information on the project is available in Latvian: <http://www.providus.lv/public/27802.html> and in English: <http://www.providus.lv/public/27804.html> (last visited on 25.05.2014).

order to gain information on best practices in European countries (b); three pilot projects (c), designed for the implementation of the project researchers' identified practices, methodologies and tools in practical work with children and their parents. The pilot projects have been started and are working in rural municipalities of Latvia where 120 individual programmes have been developed for at-risk children and their families. The programmes are created so that they include such methods as child and youth participation, early intervention approaches, community involvement in the integration of youth at risk. Each pilot project has an inter-institutional team consisting not only from specialists of children's affairs, social workers but also educators and pedagogues, as well as specialists from law enforcement agencies. Within the inter-institutional team, an intense exchange of information is provided, risk and needs assessments for children and families are performed. Specialists from the State Inspectorate for Protection of Children's Rights and PROVIDUS participate actively in the work of pilot projects ensuring consultations for regional specialists and monitoring of the pilot project activities. In the final stage of the project, the Monitoring report of the pilot projects will be developed and made publicly available; community education activities (d) on youth justice issues, including the development of publications and presentations, as well as the creation of an educational movie and final conference, will be carried out.

4.2. The evaluation of children and youth crime prevention system.

In order to clarify how specialists from law enforcement agencies and of children's affairs, as well as other members of the society refer to various aspects of juvenile delinquency prevention, the assessment of the children and youth crime prevention system in Latvia was performed from April 14 – 28, 2014. The evaluation was performed using questionnaire method with 11 questions. 133 respondents took part in the questionnaire in total, out of them: 45 public prosecutors, 17 social workers from local municipalities, 5 teachers, 6 psychologists, 2 judges, 6 State Probation Service officers, 5 police officers from the state and municipal police, 6 lawyers, 1 entrepreneur and 37 representatives of other professions and occupations – doctors, clerks from state institutions and others.

Taking into consideration that Juvenile Justice is not defined as a system in Latvia and that there is no unambiguous understanding of the content and principles of Juvenile Justice among

specialists of various levels, the respondents of the questionnaire were asked what Juvenile Justice is⁴⁵³. 87% or 113 respondents indicated that in the combination of words “juvenile justice” the term “juvenile” denotes a young, inexperienced person who needs a special approach thus influencing his/her behaviour in society. This answer shows that the majority of specialists working in state, local municipality and law enforcement institutions understand that the necessity of differentiated systems in the prevention of juvenile crimes is determined by the special needs of children in the contact with justice and other institutions.

48% (62 persons) of the respondents indicated⁴⁵⁴ that at their places of residence preventive work with youth from risk groups and youth in risk situations is performed in average quality, 30% (39 respondents) assessed this work as very poor, whereas 10% (13 respondents) described it as totally unsuccessful. Moreover, only 12% (16 respondents) expressed their view that the existing preventive work with children and youth risk groups in their regions is good, none of the respondents indicated that it was excellent. The fact that 88% of the respondents assessed the organisation of preventive work as average or poor complies with the information from previous studies and policy documents, as well as with the findings of the study performed in 2013 by the Ombudsman’s Office of the Republic of Latvia⁴⁵⁵ on the quality of preventive work in local municipalities.

92% (119 specialists) of the respondents indicated that preventive work with at-risk children should be organised in the form of regular inter-institutional work where all the necessary specialists are involved, including representatives from law enforcement agencies, educational institutions, social workers and others. 8% (10 respondents) indicated that only law enforcement agencies should deal with prevention issues. Thus, it can be concluded that

⁴⁵³ Author’s note: What is juvenile justice? Please, mark one answer: The system of such norms the implementation of which results in nobody being found guilty and punished (a); In the combination of words “juvenile justice” the term “juvenile” means “innocent” (b); In the combination of words “juvenile justice” the term “juvenile” denotes a young, inexperienced person who needs a special approach thus influencing his/her behaviour in society (c).

⁴⁵⁴ Author’s note: To your mind, what is the level of quality of the organisation of preventive work with children from risk groups and children in risk situations in your region (local municipality)? Please, evaluate it with the score from one to five where one is the lowest – very poor and five – the highest score, excellent.

⁴⁵⁵ Individuālā preventīvā darba (uzvedības sociālās korekcijas) nozīme bērnu tiesību aizsardzībā (*The role of individual preventive work (social behaviour correction) in the protection of the rights of the child*), Laila Grāvere, Head of the Children’s rights department at the Ombudsman’s Office, Rīga, 12.12.2013. <http://ej.uz/8yoj> (last visited on 27.05.2014)

specialists of children's affairs and other specialists in Latvia have a consolidated opinion that the preventive work with children from risk groups has to be performed in an inter-institutional environment which means the cooperation of all subjects ensuring children's rights⁴⁵⁶. It is well-known that a favourable and coordinated environment, as well as useful organisation of free time, is one of the factors to reduce significantly the emergence of antisocial behaviour risks.

Answering the question whether there are sufficient useful possibilities of spending free time for youth, 45% (58 respondents) indicated that they are of average quality; 8% (10 respondents) denoted that there are possibilities of spending free time for youth but they are difficult to access, 7% (9 respondents) held the view that at their places of residence young people have hardly any possibility of spending their free time usefully. 37% (48 respondents) in their answers to this question denoted that young people have possibilities to spend their free time usefully if they really want to participate, but only 4% (5 respondents) found these possibilities perfectly sufficient.

Taking into consideration that the community involvement plays a significant role in the organisation of preventive work of juvenile delinquency, the respondents of the questionnaire were asked⁴⁵⁷ to express their opinion on the role of community in the preventive work with children from risk groups and in risk situations. 56% (73 respondents) held the view that this work has to be organised in the form of cooperation among public organisations and state and municipal institutions, as the result of which it possibilities of useful spending of free time would be ensured for children. 21% (27 respondents) answered that the participation of public leaders in inter-institutional cooperation groups would be necessary in the organisation of preventive work, whereas 15% (20 respondents) indicated that it would be sufficient if the

⁴⁵⁶ Author's note: in compliance with Article 5 and 5.1 of the Protection of the Rights of the Child Law; the law is available in Latvian on: <http://likumi.lv/doc.php?id=49096>, and in English: http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Protection_of_the_Rights_of_the_Child.doc (last visited on 27.05.2014).

⁴⁵⁷ Author's note: To your mind, what is the role of the society (community) in the preventive work with children from risk groups and children in risk situations? Mark one answer: Informing law enforcement institutions about children's risks and risk situations (a); Cooperation of public organisations with state and municipal institutions to ensure possibilities for spending free time usefully (b); Participation of public leaders in the organisation of preventive work within inter-institutional work group of specialists (c); Other (please, specify) (d).

members of community informed law enforcement agencies about the children's behaviour risks and risk situations. At the same time, the respondents of the questionnaire denoted that in general the representatives of community should:

- ◆ „react to situations, report them, namely, involve”;
- ◆ „the most important is that there is not indifference – from the society, leaders of organisations and simple passers-by...”;
- ◆ „be in a nonstop and direct process of speaking with children with the aim to raise the young people's desire to participate in useful activities for spending their time”;
- ◆ „be understanding, not strict followers of letter of the law, but very educated and experienced specialists without personal ambitions”;
- ◆ „work with children while they are not yet in the risk group. To my mind, the definition ‘at-risk children’ in this questionnaire is wrong. Work, preventive work is needed not to have such risk groups”.

Planning and spending children and youth's time usefully is one of the methods how to prevent the emergence of antisocial behaviour risks, but the society of Latvia traditionally have been holding the view for a long time that this method can solve all prevention issues. According to the information analysed in this study, a favourable neighbourhood and accessibility to useful activities alone do not ensure avoidance from the potential influence of antisocial risks. Therefore, the respondents of the questionnaire were asked⁴⁵⁸ whether the existence of possibilities to spend free time usefully generally is a pre-condition that averts the child of participation in antisocial action. 78% (101 respondents) indicated that most probably possibilities to spend free time for useful purposes change the child's experience and understanding of the possibilities in general. 16% (21 respondents) denoted that possibilities to spend free time usefully rather cannot save the child from antisocial behaviour risks as the participation or refusal to participate in antisocial actions depend more on the child's lifestyle and his/her family than on the possibilities of spending free time. 5% (6 respondents) held the view that the possibilities to spend free time usefully are important because they allow keeping

⁴⁵⁸ Author's note: Is the existence of possibilities to spend free time usefully a pre-condition that the child would avoid participation in antisocial actions? Mark one answer: Yes, because the child is then in the adults' field of vision, at least (a); No because social problems are so deep that the children have not developed skills to involve in any activities/interest groups/free time activities (b); Rather not because the participation in antisocial actions depends on the child's lifestyle and family (c); Rather yes, because the possibilities to spend free time usefully change the child's experience and understanding of such possibilities in general (d).

the child in the adults' field of vision. Only 2% of the respondents considered that by ensuring useful activities for spending the child's free time it is not possible to protect him/her from antisocial behaviour risks because social problems are so deep that children have not developed skills to involve in any activities, interest groups or free time activities. The answers can be explained from several aspects: the society has a dominating opinion that the reason of children's antisocial behaviour is idleness or antisocial actions resulting in breach of the public order and peace (a). Such opinion can also testify that the society lacks information on the true reasons of children and youth's antisocial behaviour (which are very often rooted in families and deeper than considered) and thus also of prevention methods which could be used to influence these reasons (b).

Taking that into consideration, the respondents of the questionnaire where asked to name⁴⁵⁹ the most common reasons for juvenile delinquency committed by minors aged 11 to 18 – the majority of the respondents or 31% indicated that the reason is a wrong value system; 24% indicated that parents lack parenting skills; 16% considered that the reason is the use of addictive substances; 9% of the respondents held the view that the reason for children and youth crime is parental poverty and unemployment; 8% considered that the reason is children's idleness and unemployment during summer when children do not have to go to school; local municipality's carelessness for children and youth issues was found as the reason by 6% of the respondents, whereas 3% indicated to the insufficient quality of the system of education and 2% pointed to health (including mental) problems. It is important to note that unlike the results of other questionnaires carried out in previous projects⁴⁶⁰ the respondents of this questionnaire find parenting skills very significant. Taking into account that at the end of 2013 the society of Latvia faced the actualisation of problems related to children and youth's use of addictive substances, the respondents of the questionnaire have denoted this problem as one of the three key reasons for juvenile delinquency.

⁴⁵⁹ Author's note: What do you think, what are the reasons for adolescents and youth aged 11 to 18 criminal actions? Mark any two answers that describe the reasons, in your opinion: Wrong value system (a); Use of addictive substances (b); Poverty/unemployment of parents (c); Children unemployment/idleness in summers (d); Health problems (including mental and emotional) (e); Unavailability of qualitative system of education (f); Parents lack of parenting skills (g); Local municipality's indifference to problems (h).

⁴⁶⁰ Building a Support System to Prevent Juvenile Delinquency (2012), <http://www.providus.lv/public/27403.html>, in English <http://www.providus.lv/public/27598.html> (last visited on 27.05.2014).

94% (122 participants) of the respondents indicated⁴⁶¹ that it is essential to identify and assess risks in the child's behaviour in due time as it allows satisfying the child's needs and preventing antisocial behaviour risks, 4% of the respondents indicated that the recognition of risks and needs is meaningless because the majority of risks are not possible to prevent. Moreover, the respondents of the questionnaire indicated that:

- ◆ „social services should work with children's behavioural risks”;
- ◆ „the emergence of risks should not be even allowed, and it can be achieved by educating the parents in due time”;
- ◆ „risks should be assessed in the child's neighbourhood, first of all”.

The answers of the respondents of the questionnaire indicate to the necessity of a coordinated prevention system within which it would be possible to use risk and needs assessment mechanism to identify and prevent both antisocial behaviour risks and recognise the child's (young person's) needs for support, plan and implement appropriate interventions.

Keeping in mind the recommendations from previous studies⁴⁶² and taking into account the conclusions drawn in the project⁴⁶³ “Keeping Youth Away From Crime: Searching for Best European Practices”, there is a ground to consider that specialists of law enforcement, rights protection and children's affairs have knowledge about prevention and work with children who are at risk of committing crimes, however information about early prevention issues and work with children in risk situations is less known. Therefore, the respondents of the questionnaire were asked to identify⁴⁶⁴ who the children in risk situations are, to their mind. 33% of the

⁴⁶¹ Author's note: this is the answer to the question – How important is it to recognise and assess risks in the child's behaviour in due time? Mark one answer: It is important in order to identify the child's needs and prevent behavioural risks by satisfying these needs (a); Timeliness is meaningless because the majority of risks are not possible to eliminate (b); Other (please, specify) (c).

⁴⁶² Child-friendly Justice in Latvia: Focusing on Crime Prevention, I.Kronberga, J.Zarmatten (2012), in Latvian: http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Berniem_draudziga_tiesiska_vidē_LV_1.pdf and in English: http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Child-friendly%20Justice%20in%20Latvia.pdf (last visited on 27.05.2014).

⁴⁶³ Keeping Youth Away from Crime: Searching for Best European Practices (2013 – 2015), in Latvian: <http://www.providus.lv/public/27802.html> and in English: <http://www.providus.lv/public/27804.html> (last visited on 27.05.2014).

⁴⁶⁴ Author's note: the respondents of the questionnaire had a question: It is well-known who children with behavioural risks are but who are children in risk situations, in your opinion? Risk situations are...? Mark any two answers that, in your opinion, describe the possibility of risk situations in the life of a child: The child is raised by a single parent (a); The child has moved recently to a new place of residence (b); Parents are in the divorce process (c); One of the child's parents use addictive substances (d); The child is teased and/or not accepted in the class (e); Other (please, specify) (f).

respondents indicated that there is a ground to consider that a child is in risk situation if his/her parents use addictive substances; 30% indicated that the child is under a risk if he/she is not accepted in class or gets teased; 17% expressed the view that parents in the process of divorce mean a risk situation for the child; 8% indicated that the child is under a risk if he/she is raised by a single parent; 6% considered that situation is risky when the child has moved to another place of residence. The participants also emphasised that the child is in risk situation if:

- ◆ „the child is teased or not accepted in the class, or also showing off, willing to be better than others”;
- ◆ „those all are risk factors because everything depends on the child’s psyche and his/her perception of surroundings”;
- ◆ „the child is teased and not accepted in the class, at the same time there is no understanding in the relations between the child and his/her parents”;
- ◆ „the parents are busy at work and unable to find time for their child”;
- ◆ „the limits are not set already during pre-school and school period, there is no respect for adults but great permissiveness of children instead”;
- ◆ „parents do not raise their child at all”;
- ◆ „any of the mentioned situations may work as a risk situation for the child because any of them may make corresponding psycho-emotional deformations and influence the child’s development, thinking processes, decision-making skills and strategies”.

The fact that the third of respondents have indicated that parental substance abuse is a risk factor in the life of the child is probably determined objectively. The findings of the research carried out in 2011⁴⁶⁵ show that only 4-7% of the total number of Latvian population have abstained from alcohol in their lifetime. Any type of illegal drugs have been tried by 14,3% Latvians⁴⁶⁶. Recently, several occasions have gained full society’s attention in Latvia when mutual violence of students has occurred at school environment. 16% of economically active population of Latvia aged 18 to 55 have indicated⁴⁶⁷ that they or their family members have faced violence against children at school during the last year. 69% of all the Latvians aged 18 to 55 consider that violence against children at school is a widespread problem. Statistical data

⁴⁶⁵ Substance use and addictions among population – 2011; Analytic report, The National Health Service of the Ministry of Health of the Republic of Latvia; pp. 30 – 31, <http://ej.uz/8kzy> (last visited on 27.05.2014).

⁴⁶⁶ Ibid, p. 122.

⁴⁶⁷ Vardarbība pret bērniem skolās ir būtiska problēma Latvijā (*Violence Against Children in Schools is a Substantial Problem in Latvia*), June 3, 2013, <http://ej.uz/1j75> (last visited on 27.05.2014).

show⁴⁶⁸ that also the third risk factor mentioned in the questionnaire – parents in divorce process – is objective as Latvia takes the third place in Europe by divorced marriage rate per thousand people. Taking into consideration that the question for the participants of the questionnaire did not include a detailed list of risk situations, naming only the most common, it is possible that there are also other risk situations influencing and causing potential harm to children in particular circumstances.

In order to clarify the specialists' opinion on early prevention methods available for school environment to solve children's antisocial behaviour problems, the respondents of the questionnaire were given a standard problem situation description from daily life in a Latvian school and they were asked to mark⁴⁶⁹ one of the given solutions: socially exclusive (a), intimidating (b), focused on constructive cooperation (c), or other solution (d). The situation given in the questionnaire was the following: there is a boy at school, 12 years old, who is emotionally abusive, humiliates and intimidates other children and disturbs the learning process. 133 of the respondents considered that in this situation, school teachers have to prepare an agreement among the school, parents and the boy about the boy's desirable behaviour during the next academic term. Within this agreement, definite and clearly understandable responsibilities for the child have to be set, as well as the type of cooperation between the educational institution and the parents. Two respondents indicated that it would be enough if the head of the school and the boy's class teacher informed his parents about their son's unacceptable behaviour and warned them that the failure to change his behaviour would lead to the child's expulsion from school. None of the respondents considered the intimidating method when the child would be informed about the potential liability for his actions as a

⁴⁶⁸ «Eurostat»: Latvijā ir lielākais šķirto laulību īpatsvars ES («Eurostat»: Latvia has the highest divorce rate in the EU), March 26, 2013, BNS-TVNET, <http://www.tvnet.lv/zinas/latvija/458536-eurostat-latvija-ir-lielakais-skirto-laulibu-ipatsvars-es> (last visited on 27.05.2014)

⁴⁶⁹ Little Jānis (*John*), aged 12, has emotionally abused, humiliated and intimidated several his classmates already for the third time. The teacher feels helpless because the boy disturbs also her lessons. The teacher and the head of the school have invited the boy's parents to a conversation during which: The head of the school and the class teacher informed parents about their son's unacceptable behaviour and warned that if Jānis did not change his behaviour he would be expelled from school (a); The teachers tried to convince Jānis and his parents informing about the following liability if Jānis continued acting the same way (moralisation) (b); Teachers had prepared an agreement about the desired behaviour of Jānis for the next two months, as set out in the internal Code of conduct of the school. This agreement provides for the Jānis' responsibilities, parental support to teachers and Jānis, and the future cooperation among all the parties (c); Other (d).

solution to this situation. Moreover, the respondents of the questionnaire added the following comments to their answers:

- ◆ „I choose Answer C because it is the only answer which includes mutual cooperation, not unilateral instruction. Besides, it is better to set specific short-term (2 months) goals than general long-term goals” (a lawyer);
- ◆ „There definitely has to be cooperation among all the parties. One of the best answers is C. However, also school has to be active and involve the necessary specialists to ensure the needed assistance (from specialists) both for the child and his parents” (a representative of an NGO);
- ◆ „In this case, the student is informed about the following reaction, in this situation it is the expulsion from school, and the student can change his behaviour in due time or get punished for his permissiveness” (a student who chose Answer A.);
- ◆ „The boy should be offered to learn individually (after the lessons or at home) to avoid close contact with other classmates who could join the boy in his mischiefs. At the moment when the boy returns in the class, another classmate “hierarchy” will be established and it will not be so easy to influence and offend other classmates, moreover, in private/individual lessons he will be more engaged in learning and maybe will be able to follow other classmates’ level of knowledge because usually those children who disturb others have difficulties in perception of information during lessons, therefore it is more difficult to concentrate and keep one’s attention” (a student);
- ◆ „Suspend from school” (a police officer);
- ◆ „There has to be a conversation with parents about a better model of the boy’s behaviour in general. How the school and parents can mutually influence the boy.” (a public prosecutor);
- ◆ „Teachers TOGETHER with the boy and his parents come to an agreement about the desired behaviour, putting a stronger emphasis on the boy’s own process of reasoning, how to achieve this result; in addition teachers, without the child’s presence, not to reduce parental authority, reach a compromise in what, to parents and teachers’ mind, is the parents’ role and responsibility and directions in development of parental skills and future upbringing of Jānis, as well as mutual cooperation” (a head of educational institution);
- ◆ „The child himself has to prepare a list of resolutions about his behaviour at school, promising to fulfil them, setting also sanction mechanisms”(a specialist from an NGO);

- ◆ „The agreement has to be prepared together with the boy” (a psychologist);
- ◆ „The best solution is a mutual agreement, however the consequences of not following the rules have to be considered” (a social worker of a local municipality);
- ◆ „I agree with Answer C, however it is important to get to know the child’s reasons for such behaviour, it may happen that the problem is already lingering”(a social worker of a local municipality);
- ◆ „It is important to involve the whole family in the process”(a psychologist);
- ◆ „I think that the most appropriate action is to inform both the parents and the child about the potential consequences – it would be only of informative nature, of course. The system itself and the attitude towards the happening have to be changed, what is good and what is bad has to be explained in an understandable manner. Moreover, expulsion or isolation from a particular group is not the best decision because everyone needs to try to join the community although it could be difficult and cause inconvenience to others (à la – it is good to be dumb because you do not recognise that you are and annoy others with it)” (a lawyer).

The fact that the majority of the respondents of the questionnaire chose the solution which is inclusive and constructive may be related to the current changes in the perception of the society about acceptable preventive measures. The respondents who prefer this solution (C) have explained their choice indicating that: the solution for violence and antisocial behaviour has to be accepted in the community, it cannot be only a unilateral decision/instruction (a); school has to be the active party in solving such issues (b); solutions for such problem situations have to be found in cooperation with parents (c); school teachers have to provide individual support to parents in solving similar problems (d); the child has to be taught how to independently manage his behaviour in society (e); situations of this kind have to be assessed in details, identifying the reasons of such child’s behaviour (f); child’s exclusion from a group (school, class) will not enhance his inclusion in the society in general (g). The respondents of the questionnaire who had explained their choice related to the socially exclusive approach mentioned that: the most efficient approach is setting firm limits for behaviour and control over them (h); the child’s exclusion from his usual environment can change his way of behaving (i); the child’s exclusion from his usual environment can be applied as the last method of influence (k). Taking that into account and considering other information received from the questionnaire, it is possible to conclude that the answers received from the respondents cannot be related to their professional belonging – this tendency has to be

considered positive as it does not prove any professional stigmatisation of a specialist group; on the basis of the content received from the answers, there is a ground to consider that the representatives of law enforcement, children's affairs and other institutions understand the reasons and methods for the preventive work with children and it can be considered a favourable soil for positive changes and the development of juvenile delinquency prevention.

4.3. The evaluation of pilot project practices in the project “Keeping Youth Away from Crime: Searching for Best European Practices”.

The pilot projects under the project⁴⁷⁰ “Keeping Youth Away from Crime: Searching for Best European Practices” had two types of tasks: using the resources available in the project, to acquire effective practices for the work with juvenile delinquency prevention implementation tools (a); to use the acquired knowledge and skills in the work with children from risk groups and in risk situations, developing 120 prevention programmes in total for children and their families in three local municipalities (b). The tasks had to be performed in the form of inter-institutional cooperation⁴⁷¹ with the professional assistance provided by the specialists from the State Inspectorate for Protection of Children's Rights⁴⁷². Meanwhile, specialists from the State Inspectorate for Protection of Children's Rights and PROVIDUS built a team for monitoring of the pilot projects. The pilot projects involved children and their parents in accordance with the information from the State Police and Social service information system about the children with behavioural risks and at-risk families. Risks and needs were assessed for children to be involved in each pilot project and their families, and a Catalogue of activities was created to meet the particular needs. On the basis of the resources available from the Catalogue of activities, the members of the Inter-institutional work group prepared an individual programme for each child and his/her family envisaged for reducing the identified risks particularly in their case. The monitoring⁴⁷³ of the pilot projects was carried out using the following methods: regular meetings of the monitoring team with regional Inter-institutional work groups at the

⁴⁷⁰ Keeping Youth Away from Crime: Searching for Best European Practices (2013 – 2015), in Latvian: <http://www.providus.lv/public/27802.html> and in English, <http://www.providus.lv/public/27804.html> (last visited on 27.05.2014).

⁴⁷¹ Author's note: each local municipality involved in the project established an Inter-institutional cooperation work group.

⁴⁷²The State Inspectorate For Protection Of Children's Rights: <http://www.bti.gov.lv/lat> , in English, http://www.bti.gov.lv/eng/vbta_inspekcija/ (last visited on 28.05.2014).

⁴⁷³ Author's note: detailed results of the pilot project monitoring will be included in the pilot project research (monitoring report). This report will include the evaluation of preventive work in regions involved in the project with the aim to distribute the good practice also in other local municipalities in Latvia and among other specialists.

pilot project sites in regions (a); regular summaries of the monitoring team work results between the visits to pilot project sites in regions (b); the organisation of in-depth (qualitative) interviews with the coordinators of the pilot projects (c); the evaluation of the impact of the pilot projects on children and families in regions (d); the evaluation of friendliness of services provided at the pilot project sites to children and families (d).

4.3.1. Evaluation of the specialists of children's affairs and other specialists from regions of Latvia about the process of the pilot projects and achieved results.

In order to find out the opinions of specialists involved in the pilot projects about the progress of the project and the pilot projects in the three regions of Latvia, a qualitative research – questionnaire was organised for the specialists working in the regional pilot projects. The questionnaire included questions on the usefulness of the project in relation to the achieved objectives (a); on the prevention tools and methods used in the project (b); on pilot project target groups and influence made on them (c); on the problems during the implementation of the pilot projects and ways of solving them (d).

Specialists from the pilot projects who participated in the questionnaire admitted⁴⁷⁴ that despite the fact that the situation in each of the family involved in the project was very different, all the specialists who were involved in the inter-institutional work groups in the regions gained new knowledge about the work with children with behavioural risks and children in risk situations. Specialists expressed their conviction that inter-institutional cooperation model has served as the best tool for the provision of qualitative support to children in risk situations, which has provided the possibility to take decisions quickly and without excessive formal obstacles in the interests of children and families. It is emphasised that a very important role in the preparation and provision of qualitative support to children and families was played by the possibility to follow the progress of the families involved in the projects on a long-term basis. Also the possibility to acquire not only practical experience but also theoretical knowledge in the project was found significant. It has to be taken into account that one of the main roles in each pilot project belonged to the local social services and their specialists who face the need to find complicated practical solutions in their daily work. Despite that, the possibilities provided to specialists by the project to get acquainted with the experience of other regions of Latvia and

⁴⁷⁴ Author's note: Specialists involved in the pilot projects were asked if their knowledge about the work with children from risk groups and children in risk situations has improved during the implementation of the project.

foreign countries in the field of children's right protection, social work and prevention were considered important.

It is certain that the aim of the pilot projects in the local municipalities of Latvia was also to achieve visible and sustainable improvements in the preventive work with delinquent children and children in risk situations. The specialists involved in the pilot projects confirmed⁴⁷⁵ that, as the result of the project, *“social exclusion risks have been reduced not only for the children involved in the project but for a larger part of the society because the inter-institutional work group is more and more interested to use preventive measures not to allow children to come to the situation of committing a crime. Specialists report specific cases with children much earlier; they are not afraid to cooperate and ask for help to their colleagues because they understand that institutions can trust each other and really find solutions for each particular situation. It has to be admitted as a very important factor that during the project it was possible to offer children various kinds of supportive activities. Therefore also the specialists felt more confident in their ability to help because there were resources and activities to offer to solve the situation on each particular child and his/her family. There are changes in all the fields because the specialists have much more experience, knowledge and conviction that families with children need to be helped not punished”*. At the same time, specialists revealed a row of risk factors: it was realised that the majority of children who got involved in the pilot project programmes had problems with regular attendance of school and low academic achievements, as well as very high social exclusion risks: *“Studying the information about children and youth from social risk group we found out that these are the biggest truants. Information was spread to the department of education of the local municipality, social service, police, parents, support personnel. This cooperation helped to stimulate children to attend school as they received support both from various institutions and their families⁴⁷⁶”*. It is admitted that the participation of parents in the pilot project activities has made preventive work with children more intense because the parents have not only allowed their children to participate in the project activities and supported them but also acquired communication skills intensively to use in the relations with their children: *“This project showed that both children and parents long for various activities as some of them discovered hidden talents in them and*

⁴⁷⁵ Materials from in-depth (qualitative) interviews with the leading specialists at the pilot project sites in the project “Keeping Youth Away from Crime: Searching for Best European Practices” (JUST/2011/FRAC/AG2671). Interviews were taken from May 19 – 26, 2014. Unpublished material.

⁴⁷⁶ Ibid.

*many raised their self-confidence. This project has improved a family's well-being and social inclusion*⁴⁷⁷”.

One of the project objectives was to create a unified understanding among the representatives of various institutions about the work with children from risk groups and children in risk situations⁴⁷⁸. The specialists in pilot projects expressed the view that the implementation of efficient preventive measures is directly related to two factors: the level of knowledge for the specialists who work with children (a) and the ability to communicate with each other in the interests of the child (b): *“A common understanding about the work with children from social risk groups has been established among the social service, custody court, police, department of education, youth council, youth centres, schools. We realised that some school teachers have a worse understanding about the work with children from social risk groups and children in risk situations, as they think that if the student does not learn he/she does not need extra curriculum activities. They have also insufficient comprehension about the fact that the priority has to be given to the solution of the conflict between the student and the teacher and then the improvement of academic achievements will follow. Very often the student lacks support from adults. Rural schools do not have social pedagogues who would help solving conflicts in a professional manner in the school environment*⁴⁷⁹”. The answers in the questionnaire emphasise that a common standard of professional work of the specialists is improved by trainings which are organised together for the representatives of different institutions.

During the project, it was important to implement innovative methods or other inclusive mechanisms in the pilot projects to prevent children from the contact with crime, including such methods which would be available to use specifically in the work with children from risk groups particularly in rural regions. Specialists admit that the implementation of preventive measures is effective if it is related to two factors: specialists' knowledge for the work with children (a) and their ability to find mutual agreements in the interests of the child (b), as then the work is not focused only on the children but also parents and family involve more actively trying to improve the situation in the child's natural living environment: *“If only we get*

⁴⁷⁷ Ibid.

⁴⁷⁸ Author's note: Due to that, the question was asked to the specialists in their qualitative interviews – during the implementation of the project, has there been established a common understanding among the representatives of various institutions in your local municipality about the work with children from risk groups and children in risk situations?

⁴⁷⁹ Materials from in-depth (qualitative) interviews with the leading specialists at the pilot project sites in the project “Keeping Youth Away from Crime: Searching for Best European Practices” (JUST/2011/FRAC/AG2671). Interviews were taken from May 19 – 26, 2014. Unpublished material.

information about violence at school, we look for solutions to prevent such situations in all the schools in the local municipality without waiting for the emergence of consequences. In such cases lessons or discussions are organised for all the students in the school, specialists of the protection of children's rights are invited or other types of solutions are searched for to work preventively. We have tried an innovative method – support groups for youth at school. The emphasis was put not on the exclusion of the young person who has done something unacceptable from school environment and sending him somewhere to the group where “everybody is of the same kind” but on the work with children and youth in the school environment⁴⁸⁰”. It has to be admitted that the methods used during the project: children and youth involvement in the school and local municipality environment, listening to their opinion and taking notice of it, support in learning process, more active involvement of parents in the child's daily life, support groups at schools and other activities have been focused on reducing social exclusion risks and developing inclusive methods.

It is important to realise that the emergence of such fundamental changes in rural municipalities in Latvia is a big step in the field of prevention and the development of inclusive environment, favourable for children. Such changes strengthen all the involved parties and the society in general, because one group of people (various practitioners, who work with children in an inter-institutional environment) see the positive results of their work and gain motivation for work using new methods, whereas the other group (children, their parents and families) start confiding in specialists seeing that the support provided for them is true and not formal. Such features prove that the pilot projects have encouraged people to change their values by understanding that punitive and confronting methods cannot be applied for the implementation of preventive measures for children and youth: *“Most often educational institutions report on these children and young people. There are cases when the student's parents inform the department of education, members of (local) council, heads of youth centres who forward the information to the social worker who is responsible for the work with children and families. During the project, the cooperation has reached such level that also the workers of youth centres inform the social service if they notice children with behavioural risks.”* The interviewed specialists admitted that prevention activities are more efficient if the child may make his/her own choices and take decisions on the type of participation in prevention programmes: *“We have to make youth trust in us, trust in themselves, their own abilities, we have to help them find their hobbies, something they really like, not something that is “in*

⁴⁸⁰ Ibid.

fashion”, not something that their moms and dads want⁴⁸¹. Admitting that inter-institutional cooperation has been the most effective solution for prevention planning and implementation in the pilot projects, it has to be noted at the same time that difficulties were also recognised in particular in the field of early prevention, including for families with young children: *“It has to be noted that hardly ever we receive information (to the social service or inter-institutional work group) from family doctors or the hospital, although, to my mind, family doctors and the hospital are one of the first who could see that families have problems and support and assistance is needed⁴⁸²”*, tells one of the members of the Inter-institutional work group in the pilot projects.

The fact that children and families for the participation in the pilot projects were chosen to help them not to impose punishments or apply other reactive methods was related to the necessity to implement such mechanisms which could individually identify risks and needs instead of guilt and sanction to be applied for it. To make it possible, the Inter-institutional work group had to use methods to identify risks and needs and summarise potential intervention methods (a), available services (b) and possibilities of spending free time for children and families available in local municipalities (c). These three components together had to create a Catalogue of activities corresponding to children’s needs. The pilot projects involved only those children and parents to whom it was possible to provide the necessary support within the pilot projects: *“The project involved the children whose risk situations were reported to the Inter-institutional work group by the specialists from various institutions when they were informed about the project and its possibilities. The Inter-institutional work group decided for which children the project would be the most useful⁴⁸³”*. Another member of the Inter-institutional work group mentioned that: *“The selection of children for the project was carried out in cooperation with the social service who suggested children who needed activities performed within the project; those children were involved in social prevention and correction programmes. Then, children were chosen for the project in cooperation with the neighbourhood educational institutions and youth centres who had observed risk situations for children. The risk assessment tool available in the project helped to recognise risk situations more in details⁴⁸⁴”*. It has to be admitted that a special risk and needs tool was developed for

⁴⁸¹ Ibid.

⁴⁸² Ibid.

⁴⁸³ Ibid.

⁴⁸⁴ Ibid.

the needs of the pilot projects that could identify the project target group for the participation in prevention activities in the most efficient way.

After identifying the children and youth's risks and needs individual programmes were prepared for them including activities from the Catalogue of activities. The interviewed specialists from the pilot projects admitted that the most significant activities were those which were planned specially for the parents of children and young people (a), various methods for ensuring discipline and providing support (b), as well as activities of an inclusive nature which did not separate children with behavioural risks from motivated children and youth (c): *“Keeping children to discipline is related to the content of lessons, if children are interested in it, there are no problems with discipline. After common group activities (for instance, camps, excursions) also problems with children's behaviour were discussed (in a circle). It is one of the methods how to accustom children to discipline which makes children watch their actions from aside, understand how others feel and what are his/her own feelings, and change his/her future behaviour. Both children and teachers participate in this conversation where in an unconstrained atmosphere they tell about the problems and solutions are found together⁴⁸⁵”*. The most used individual methods in the pilot projects were psychotherapist, psychologist and social pedagogue consultations and individual classes with art therapist.

One of the most important issues in the pilot project monitoring was whether the activities included in the Catalogue of activities were sufficient to reduce the identified behavioural risks in children and to help them deal with risk situations. Simultaneously, there was a need to evaluate whether the time frame set for the implementation of project activities was reasonable to deal with the children's risks sufficiently and change the children's behaviour. The specialists from the Inter-institutional work groups indicated that *“..in order to change a child's behaviour eight months to 3 years are needed. It is very difficult to keep children's motivation and interest in participation in the programmes. There are no tools also to directly assess the significance of activities provided for children and parents to improve the situation with particular risks in a long term. Activities are more related to the particular situation at the moment of their implementation, whereas the children and their parents need relationships to be established with them, they need a safe environment to be ensured where they would feel accepted and loved. There are children who have received assistance and their risks have reduced, the quality of life has increased, however the best changes can be observed in those*

⁴⁸⁵ Ibid.

families where also the adult members of the family have attended various specialists, not only children⁴⁸⁶”. The specialists from the pilot projects indicated also that the implementation of preventive measures for children have to be sustainable and that the family, and parents in particular, plays a very significant role in reducing the child’s behavioural risks: “There were more problems with reducing the identified behavioural risks for those children and youth whose families are not able or willing to help. In order to change children’s behaviour, different time frames have to be considered because the problems differ and family support plays a great role. It is also important how the family receives this complex assistance and whether it is accepted from the family. The behaviour of the majority of the children involved in the project has changed; nevertheless, it will remain only on condition that the cooperation with the child, young person and his/her family in general will be carried out on regular basis also in future⁴⁸⁷”.

The interviewed members of the Inter-institutional groups have indicated that in those regions where the pilot projects were carried out prevention activities develop rather quickly from the methodology point of view. At the same time, they emphasise that: there is a tendency that the police turns to the municipal Inter-institutional group more seldom to have preventive programmes designed for the children who have entered their field of view⁴⁸⁸ (a); the quality of preventive work in a local municipality depends directly on the concerns of the administration of the local government on the necessity of such quality (b); more often the actions that are punishable according to the provisions of the Criminal Law are committed by younger and younger children (for instance, theft) who have not yet reached the age when they can be held to criminal liability. Due to that, preventive measures are very necessary for children from all age groups including preadolescence (c); children’s antisocial behaviour very often manifest itself when families have crisis situations and they all cannot be predicted. To support children and families in such situations, long period of time is necessary and it cannot be done during one project (d); although the Inter-institutional cooperation group is established in the local municipality and the work is planned purposefully with at0risk children, there are situations when it is not, in fact, possible to help the child and his/her family because the local

⁴⁸⁶ Ibid.

⁴⁸⁷ Ibid.

⁴⁸⁸ Author’s note: in this case, programmes are meant which are designed in accordance with Article 58 of the Protection of the Rights of the Child Law, more information in the text of this legal enactment and other enactments related to it: <http://likumi.lv/doc.php?id=49096> (in Latvian), http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Protection_of_the_Rights_of_the_Child.doc (in English), (last visited on 28.05.2014).

municipality does not have appropriate resources To improve support in crisis situations, family assistant service is being developed (e).

The main task for the specialists involved in the pilot projects was to reach the target group – children with behavioural risks and children in risk situations and their parents. Therefore, the evaluation of the Inter-institutional work group specialists on whether and how the project activities corresponded to the needs of the target groups was very important. Specialists indicated that: preventive activities and programmes carried out during the project reached the target group and it is proved by the solved risk situations for children and families, as well as the reduced antisocial behaviour risks in children (a); it would be useful to stipulate the Inter-institutional cooperation model for preventive work in local municipalities in the law with the aim to have its decisions legally binding for the target group (b); the implementation of preventive measures need more time and mutual trust and understanding atmosphere among the target groups and professionals from the inter-institutional group, therefore it is important to create an Inter-institutional cooperation group as an independent unit (c). Reaching the target group, specialists from the pilot projects most often faced the following children’s risks and risk situations, parental and family risks:

Scheme 2.

Identified risks and risk situations for children	Identified risks for parents, family
Conflicting relations both at home and in the school environment	Lack of parenting skills and knowledge
Various types of domestic violence	Conflicting relations in the family
School truancy	Alcohol dependency
Permanent under-achievement	Unemployment
Vagrancy, excessive leaderism	Mental health problems
Violence against peers or violence from peers	Poverty
Parents in the divorce process, as the result of which parents “fight with each other”,	Children are raised by one of the parents or grandparents because parents have left to

involving children.	work abroad.
Violent emotional attitude towards the child in the family	Domestic violence
Being disregarded	Antisocial behaviour
Insufficient supervision	Inappropriate domicile
Feeling of not being needed to anyone and not belonging anywhere	“Parents do not have place in the house of the child” or the child has no value in the family because parents are occupied with their problems.
Too many duties, too much responsibility for the child (from parents, teachers) unsuitable for the child’s age	Excessive leaderism or immoderate, unjustified demands against others
Learning difficulties	Apathetic relations in the family
Addictive substance abuse	Participation in gangs/groupings or “wrong” friends

As it can be seen from the information in Scheme 2, many problems identified for the target group have developed as the result of permanent disregard of risks, referring both to children and parents, families in general. At the same time, it has to be noted that Latvian rural regions face the risk of problems caused by economic reasons, such as: parents leave their children going to work abroad, unemployment, domicile or environment inappropriate for a family. Moreover, there is also another tendency caused by economic reasons – taking into account the material instability in families, parents very often have too high expectations from their children who cannot fulfil them and become depressive, start fearing from parental reactions which leads to domestic violence and violence outside it, as well as school truancy and vagrancy. This situation shows that families with children⁴⁸⁹ usually have problems of a systemic nature which can be solved only by a systemic and comprehensive preventive measure. Moreover, the specialists from the pilot projects indicated that *“it was necessary to work a lot with parental motivation to make them understand why their child needs such*

⁴⁸⁹ Author’s note: families which have risks and risk situations mentioned in Scheme 2 are meant here.

activities and why they are so important. Part of parents who even recognised the problems, see them only in children – let the children participate in the activities but leave us (parents) alone. Parents joined pilot project activities unwillingly, however if they joined the progress was the biggest in those families. One of the mums, who attended the support group and had one child in extra-familial care but the youngest children at home, said about the skills she acquired that she learns such things in the classes that should be “acquired with breast milk”, but the reality is as it is. She added that if she had had such knowledge earlier she would have solved many problems. It has to be admitted that the specialists could observe the improvement of communication in the family, change in attitude towards children and a healthier understanding of their needs corresponding to the children’s age groups⁴⁹⁰”. Motivating the parents, another very important aspect was parents did not have to pay for their participation in the pilot project activities together with the children. The majority of the specialists from the Inter-institutional work groups mentioned that the biggest number of participants was reached in those activities where transportation and snacks were provided, whereas children liked cooking classes the most. One of the greatest challenges for the pilot project specialists, in their opinion, was exactly the involvement of parents: “The biggest challenge – work with parents and possibility to offer support and various trainings and support groups to parents. It was challenging to find an individual approach to each parent to motivate them and try to involve in the improvement of their child’s life quality because no one likes being directly or indirectly called an insufficiently good parent. There was a great resistance⁴⁹¹”. At the same time, the specialists of the Inter-institutional work groups from the pilot projects indicated that during the implementation of the project they have acquired social inclusive methods in work with children with behavioural risks; it is important for children to participate in the decision making process at their place of residence (local municipality). Thus, in Madona pilot project, 7 children participated actively in the Youth Spring Forum where they worked actively in local municipality work groups, asked questions and submitted proposals for municipal clerks; a closer connection among the children’s parents, teachers, specialists from law enforcement agencies, Youth centre and social service specialists have been established.

⁴⁹⁰ Materials from in-depth (qualitative) interviews with the leading specialists at the pilot project sites in the project “Keeping Youth Away from Crime: Searching for Best European Practices” (JUST/2011/FRAC/AG2671). Interviews were taken from May 19 – 26, 2014. Unpublished material.

⁴⁹¹ Ibid.

4.3.2. General evaluation of children, youth and families by pilot project sites.

Scheme 3.

Pilot project site Criterion	Madona			Saldus	Cēsis	Total
	Madona	Ļaudona	Bērzaune			
Number of children involved in the project	38	15	16	57	47	173
Children age group	7 - 16	13 - 22	11 - 16	9 - 16	8 - 17	7 - 22

<p>Identified risks for children and families in particular pilot projects</p>	<p>Risks related to life in the family, including violence, poverty, inappropriate domicile; to bad relations and low achievements at school, bad-influencing friends out of school, in the neighbourhood; also to low spirits, disbelief in oneself, feeling of needlessness, irrelevance, sudden lack of self-control, fits of rage, aggression.</p>	<p>The child is raised in a foster family or under guardianship; unfavourable family conditions for the development of the child; the child is raised in a single-parent family; poor family; the child is an orphan; the child has learning disabilities.</p>	<p>The child is raised by a single parent, poor or low-income families, the child has problems in academic process – truancy or low achievements, the child lacks communication skills both with peers and adults.</p>	<p>Aggression, inability to establish mutual relations, weak connection with parents, typical desire to be a leader achieving it with deviant behaviour.</p>	<p>Divorced family, lack of parenting skills, behavioural and academic problems, parental alcohol misuse, low academic achievements, aggression towards family members, financial problems, children drinking alcohol, emotional and physical domestic violence, weak mother/child relationship, behavioural problems in the family</p>
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<p>Changes for children during the project: improvement/regress (according to the pilot project specialists' point of view)</p>	<p>Children and youth have changed their attitude towards their life events. Almost all project participants started attending the youth centre. Now, the project participants: communicate more freely, are polite in their relations with peers and adults, have found their place on the youth centre (come to project classes, part</p>	<p>Three main things in total: children and youth acquired such skills useful for their daily lives which are very important for their future (self-control, dressing accordingly depending on the situation, communication with other people); parents established a closer contact and understanding with their children; children and youth</p>	<p>Children have improved their academic performance (classes with the speech therapist were very useful), they are more open and braver (support from the psychologist and teachers/lecturers), children have learned how to cook a meal for themselves, they are more creative and do not fear rejection. Participating in sports activities, they have learned healthy competition skills and not to derogate their own and other's achievements.</p>	<p>Children involved in the project were accustomed to particular order of things in their lives (positive discipline) and taking responsibility for their own decisions. It was a great benefit to teach parents to do various things together with their children, which improved their mutual understanding and recognition. It was observed that children are in desperate need of appreciation (positive) from adults for what they have done. Anxiety and stress has been reduced in children, they</p>	<p>In general, positive changes can be observed in children both in their relations in the family and behaviour. Children learn not only skills but also attitude towards each other. Much better unity can be observed than it was at the beginning of the project, as well as better skills to support and protect each other.</p>
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	<p>of the participants have joined activities in the Youth centre activities – ceramics, playing guitar, technical modelling, floral design, drama lessons, hairdressing , art, activities for animal lovers). They join not only classes, but also bigger events. Two youngsters joined the work of Madona region Youth council. Adolescents</p>	<p>together with their parents learned to communicate not only with each other but also with other people: specialists of children’s affairs and from the local municipality .</p>		<p>are calmer, can take their own decisions, they are more helpful, mutual support group has been established.</p>		
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	<p>were supported in choosing their future professions. Negative aspect – not all children acquired positive changes in their achievements at school.</p>					
<p>Special examples (according to the point of view of the pilot project specialists and children)</p>	<p>One girl was involved in the project due to theft cases and aggressive behaviour. During the project camp for adolescents it was found out that the girl not only likes riding BMX but is also very talented.</p>	<p>There were two children for who it was not possible to eliminate deficiencies in their education process</p>	<p>We are glad that the young people who even did not even know how to greet people at the beginning of the pilot project now feel welcome arriving at the youth centre, they have made new friends, appreciate and enjoy possibilities provided for their</p>	<p>One very special example was gained when children got to know what parents think about them and vice versa with the help of drawings. As the result of this, both parties experienced a lot of positive emotions: children listened more to what their parents</p>	<p>A 15-year-old girl with behavioural and academic problems was involved in the project. There were behavioural problems in the family, aggression against family members, weak mother/child relationship, the girl could not control her anger and,</p>	

	<p>After the camp, it was a joy to hear in the conversation with her family that the girl and her parents have found a compromise between sports and music: now she continues attending the music school, and her parents act supportively towards her BMX trainings. Since September 2013, the girl has participated in BMX competitions and won</p>		<p>development and improvement.</p>	<p>say, whereas parents stopped being so harsh against their children. Elder children involve in the groups became mentors for the younger, acted like assistants for the class/group leaders. By ensuring preventive work for the child and his/her family together it is possible to achieve greater progress than applying measures separately.</p>	<p>according to her mother, used alcohol. She had only a few friends or such acquaintances who have negative impact on the child. Within the project, the girl joined various socially inclusive and personality developing activities, attended the psychotherapist. Also the girl's mother attended classes by the psychologist to get closer to her daughter, find a common language and improve mutual relations. The girl's parents are divorced; there are suspicions about sexual</p>	
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	<p>prizes. She has too little free time to attend the youth centre, but BMX trainings have provided her with the necessary adrenaline and the child's energy is used purposefully . Relations in the family are better; there are no more reproaches for her behaviour.</p>					<p>violence in the family. As the result of project activities and specialists' assistance the girl has received support. At the beginning of the project activities, the girl did not talk about what had happened, her behaviour was destructive. Now, the girl has started talking more and is more open for the cooperation with the specialists.</p>
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It can be concluded that in total 173 children participated in all three pilot projects. Attention has to be turned towards the fact that one pilot project – Madona region – was divided into three pilot subprojects taking place in the centre of Madona, Bērzaune and Ļaudona. It is related to the fact that Madona region has a significantly larger rural territory, and it would not have been possible to provide the pilot project activities for the children from rural parishes of Madona region, were they organised differently. Taking into account that there is a lack of a unified and systemic framework for preventive measures, no age frame for children to be involved in the pilot projects was set. It means that already at the moment of pilot project planning every local municipality acknowledged the age groups of children who could be involved in the project and planned the potential Catalogue of activities corresponding to that consideration. The identified risks in children can be relatively divided into: emotional education and communication disorders (a) and reasons of a socio-economic nature (b). The project could influence the most children and youth's emotional management skills and improve their social communication skills; in fact, there were very few possibilities to manage risks of a socio-economic nature⁴⁹², the reasons of which have been long-term and arisen in the remote past of the family, for instance, low level of education for parents leading to their inability to find a well-paid job. The results of the pilot projects are related to this condition: children, youth and parents have managed to stabilise their mutual relations, acquire new communication skills, make and broaden the circle of trust, acquire new useful skills for daily lives. At the same time it was not possible for the pilot project to solve such factors as inappropriate environment or domicile for the family or parental unemployment. However, despite this factor, there is a ground to consider that the recognition of the problems and the identification of risk factors together with the family have to be considered already as a step closer to the necessary solutions in future.

⁴⁹² Materials from in-depth (qualitative) interviews with the leading specialists at the pilot project sites in the project "Keeping Youth Away from Crime: Searching for Best European Practices" (JUST/2011/FRAC/AG2671). Interviews were taken from May 19 – 26, 2014. Unpublished material.

4.3.3. The assessment of the friendliness of the services at the pilot project sites for children and families.

Within the project, the quality of services provided for children was assessed in all the pilot projects – in Saldus, Cēsis and Madona. The evaluators used the quality assessment tool for services for teenagers and young adults – *Youth-Quat*⁴⁹³. It is designed by specialists from the organisation “International Child Development Initiatives” (ICDI) in the Netherlands, specially adapting the assessment criteria in order to assess services provided both for boys and girls within one assessment procedure.

Specialists expressed their opinion about six key criteria groups – dimensions assessing (1) Friendliness towards Youth; (2) Connectedness; (3) Safety, Health and Protection; (4) Staffing and HR; (5) Sustainability and (6) Agency. Each dimension includes 9 features: if the particular statement corresponds to the situation at the pilot project implementation site and works in practice it receives positive score; whereas, if there is no such feature the score is negative. On the basis of this principle, the maximum score in each dimension is nine – if all statements correspond to the practical work with children, it can be concluded that the provided services are high quality services and correspond to the United Nations Convention on the Rights of the Child⁴⁹⁴, *Konvencijai par personu ar invaliditāti tiesībām*⁴⁹⁵ and the *Convention on the Elimination of All Forms of Discrimination against Women*⁴⁹⁶.

As the use of this tool among the practitioners in Latvia is a novelty, all the specialists involved in the assessment were asked to look at the criteria more broadly, because children as service receivers were not divided into groups according to their age, places for providing services were also not separated, thus obtaining as general overview about the quality, accessibility and content of all the services as possible. It means that the assessment includes all the services which are available at the pilot project sites for children under the age of 18, taking into account all the places of service provision, including Children and youth centres, educational institutions and other. After summarising the opinions of all the specialists involved in the assessment, the following results were obtained.

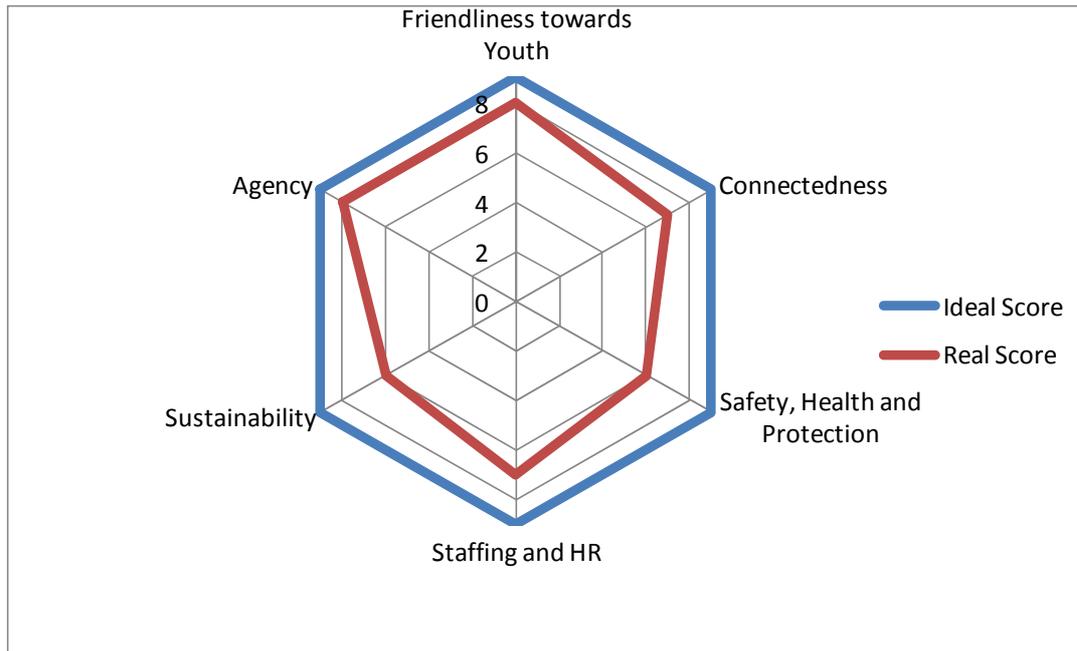
⁴⁹³ ICDI has developed and will continue to develop innovative tools that can support researchers, practitioners and policymakers in their work with and for children: <http://tools.icdi.nl/> (last visited on 30.05.2014).

⁴⁹⁴ UN Convention on the Rights of the Child, <http://likumi.lv/doc.php?id=85620> (last visited on 30.05.2014).

⁴⁹⁵ Convention on the Rights of Persons with Disabilities, <http://likumi.lv/doc.php?id=205328> (last visited on 30.05.2014).

⁴⁹⁶ The Convention on the Elimination of All Forms of Discrimination against Women, <http://www.humanrights.lv/doc/vispaar/sievdisk.htm> (last visited on 30.05.2014).

Scheme 4.



As it can be seen in Scheme 4, in total the quality of the services available in the pilot projects has been assessed with a high score, far enough above the mean scores. Thus, the conclusions can be drawn about the fields where services provided for children correspond to the best practice, at the same time noting several aspects which would need extra attention.

The results of the specialists' opinions show that, in comparison to other dimensions, more attention should be turned towards safety, health and protection issues (6 points out of 9). This dimension assesses the specialists' possibilities and resources to protect children from all kinds of damages, at the same time broadening the understanding of safety and protection towards its positive aspects such as the child's possibilities to stay alone or think in solitude. On the basis of the information received from the specialists, it is almost self-evident that premises meant for children do not have, for instance, dangerous objects in them. The questionnaire allows concluding that it is necessary to reconsider whether the premises for children activities are safe against strangers – how to limit access to particular premises for unauthorised persons and thus reduce the possibility that children are subjected to the risk of harm caused to them. The specialists admitted that children do not need to ask for permission to the project staff before leaving premises⁴⁹⁷ and children are not always accompanied by the project staff. It is possible that informing the project staff member about leaving and in particular cases also receiving of permission to leave premises may be an easy method to contribute to a higher level of safety and protection in these institutions. It has to be

⁴⁹⁷ Author's note: various types of premises are meant here where classes and activities for children take place. They can be premises of an educational institution, Youth centre, interest-related education groups or other.

noted that the most critical assessment was received by regular health inspections for children: it is not a regular practice in any of the regions and that has a considerable influence on the total score of the Safety, Health and Protection dimension, therefore it can be concluded that this particular issue needs more detailed assessment of the existing practice and changes in performance.

Another dimension which has received the same lowest amount of points (6 out of 9) is the Sustainability dimension where the specialists assessed not only financial concerns but also children's interest on the provided services (classes, events, activities), staff motivation and skills to address and cooperate with other interested people, as well as the efficiency of the provided services. The majority of the specialists assess positively the long-term financial support provided by the local municipalities and other finance providers, as well as the resources invested by the community. More critical assessment is given to the free time and work invested by the children's family members – on the scale of all the regions involved in the project, it would be useful to implement such activities which would enhance the participation of family members in particular and their understanding of the significance of the provided services in children's daily lives, as well as inform about the possibilities to support already existing activities thus ensuring their contribution to the sustainability of the project activities and their results.

Equally high score has been given to the dimensions of Connectedness and Staffing and HR (7 points out of 9). Connectedness dimension was assessed by the way how the provided services comply within other essential social structures, accessibility to funding, receiving of feedback, and also the identification and use of new opportunities, positively indicating to the interest of the local authorities and particularly to the connectedness of the provides services to other social structures. Thus, for instance, children can access publicly available information – books from libraries, internet, TV – in all the regions involved in the project. Within this particular dimension, it was asked to assess whether “people from outside” attend places where services are provided for children on regular basis. In the specialists' opinion, it does not happen often. “Unauthorised persons” should be separated from the “people from outside”, where the former have to have limited access to the premises to ensure children's safety, whereas the latter can provide formal and informal quality control and assessment of the provided services, as well as experience exchange which in general can be considered as a positive manifestation of interaction and connectedness.

Analysing the results of the Staffing and HR dimension, a positive mark should be given to the specialists' conviction that the managers and staff or service providing places have the necessary skills and understanding for ensuring the services, including the implementation of the key principles of the protection of children's rights. Also regular development of leaders and staff's skills and knowledge is highly appreciated. The only aspect to turn additional attention to is the

monitoring of the activities and provided services – the assessment of the activities to be performed together with children, which would be carried out by a third party, is not a regular practice in any of the regions (pilot projects); nevertheless, the assessment of the offered services and evidence-based recognition of efficiency is an important precondition, for instance, for a potential receipt of funding and improvement of the services, therefore it is worth paying more attention to this aspect.

Dimensions receiving the highest score in the specialists' assessment are Friendliness towards Youth and Agency (8 points out of 9). Assessing the friendliness of the services, the specialists indicate that children feel comfortable and free in the premises where the services are provided; the materials and equipment in most cases correspond to the children's needs and potential, and the cooperation among the children and the staff members is constructive and meaningful. At the same time, it can be observed in all the regions involved in the project that the access to the project premises can be difficult for children with special needs – it has to be admitted that it is a significant obstacle for achieving the highest score and a long-term and systemic solution should be searched for to solve this issue.

Assessing the Agency dimension, a remarkable amount of positive assessments has been received which all-in-all testifies that the specialists' attention is turned towards the efforts to make children believe in their possibilities and abilities of self-control, influence over their own actions and environment around them. Thus, for instance, children have a possibility to express their thoughts and feelings, specialists provide their advice and support, children are encouraged to take initiatives and new responsibilities are assigned to them according to their growing capacity and skills. In order to develop the Agency dimension to a higher level, all the regions should consider the necessity and resources of establishing a consultative council involving also the children's parents to enhance both the developmental possibilities for children and improve cooperation among the parents and the specialists. The improvement of this aspect might be related also to the ensuring of sustainability where one of the features to improve is more qualitative involvement of family members.

Looking at the assessment of the quality of the services provided for children, the results allow concluding that in general the services available in Cēsis, Saldus and Madona regions (pilot projects) are qualitative and focused on the observance of both the rights of the child and his/her interests. At the same time, a fact has to be mentioned that neither of the dimensions received the maximum score which means that each dimension has possibilities for improvement and the value added from the use of this particular assessment tool – YOUTH-QUAT – is the identification of these deficiencies. As it was mentioned before, improvement and more significant changes are needed in the field of children's safety and health, as well as sustainability and connectedness. It

would be useful to perform a repeated (or even better – regular) assessment of the dimensions after the implementation of the identified changes to record the dynamics and directions of the service development, thus supporting specialists in their daily work with children and families.

5. Conclusions

5.1. Conclusions on the organisation of children and youth crime prevention work in Latvia:

- ◆ According to the legislation of Latvia, a child is 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, whereas a young person is a person from 13 to 25 years of age;
- ◆ In Latvia, there is no system of justice for children and youth separately from the system for adults and the preventive work with minors is not regulated in one unified legal enactment;
- ◆ The planning and implementation of preventive work in Latvia is under the responsibility of local municipalities, the current legal framework does not limit local municipalities and they can perform preventive work with children of any age who act in a way that could lead to illegal actions. At the same time, there is a lack of methodological instructions regarding the forms of preventive work with children from particular age groups and due to that and other reasons preventive work with children is insufficient at least in a half of local municipalities in Latvia;
- ◆ The organisation of the preventive work with children in Latvia can be theoretically divided into three groups from the systemic point of view: the first level of prevention – early prevention is not directly defined and regulated in legal enactments; the second level of prevention – preventive measures for children with explicit behavioural or academic risks. The child may be involved in social behaviour correction programmes, whereas children with typical academic or health disorders are involved in educational programmes for pedagogical correction. The third level of prevention is envisaged for children who have already committed criminal offences.
- ◆ Currently⁴⁹⁸, there are five policy development documents regulating the field of the protection of the rights of youth and prevention in Latvia: Guidelines on the National family policy for 2011 – 2017; Youth Policy Guidelines for 2009 – 2018; The Guidelines for Prevention of Human Trafficking for 2014 – 2020; Public Health Strategy for 2011 – 2017; The guidelines for the prevention of juvenile delinquency and protection of children against crimes 2013 – 2019;

⁴⁹⁸ Author's note: The study was conducted in February – May, 2014.

- ◆ The number of crimes committed by children tend to decrease in recent years in Latvia, however, this fact is rather related to the decrease in the total number of children in Latvia;
- ◆ Most often minors in Latvia commit such crimes which are performed in groups, whereas the rate of serious crimes out of all crimes committed by minors remain high;
- ◆ Alcohol abuse is one of the key factors why children and youth violate the law, get injured, are subjected to suicide risks and violence;
- ◆ The last two years show the increase in the number of such children who are hospitalised due to addictive substance abuse, more and more often medical institutions have to treat children with mental behavioural disorders caused by the use of psychoactive substances;
- ◆ In recent years, there is a decrease in the number of cases when children in Latvia who have committed crimes get imposed compulsory measures of a correctional nature, that could protect children from the contact with adult justice mechanisms, instead of criminal punishment;
- ◆ The main task of the prevention of the violation of children's rights in Latvia is training of the specialists who work with and for children. On April 8, 2014, the provision of the Protection of the Rights of the Child Law came into effect stipulating wide and comprehensive training of the specialists who have any contact with the field of the protection of the children's rights in their work;
- ◆ Since 1991, there have been a few discussions on prevention issues in Latvia, and prevention has been considered more as a tool for averting crimes in particular, not the violence of rights in general. Therefore, for many years the police or any of the law enforcement agencies has been the institution to implement preventive measures, whereas the most often applied forms of prevention were informative campaigns (general prevention) or individual crime prevention in the form of supervision for persons who have already violated the law and have therefore obtained a special legal status (special prevention);
- ◆ The current concept of children and youth justice (opinion about prevention) is based on the statement that punishment has to be a reaction to a crime but if the offender is of a young age punishment may be less harsh in comparison to general norms;
- ◆ New approaches for prevention work are implemented with the help of special projects in some local municipalities. Thus, the project "Building a Support System to Prevent Juvenile Delinquency" aprobated an Inter-institutional cooperation model in several local municipalities which improved the efficiency of work not only with children but also with their parents;
- ◆ Prevention in Latvia should be a set of purposefully implemented activities in a child's daily life – including planning his/her free time, elimination of obstacles for the access to sport

and healthy lifestyle activities, as well as purposeful and child-oriented individual and group interventions should be available;

- ◆ The establishment of prevention system is a long term event to be performed jointly by the government and the specialists in the particular fields working with children and families; the role of educational institutions is essential and underestimated so far;
- ◆ It is necessary to introduce tools in preventive work which would influence parental behaviour, for instance, programmes of a supportive nature for children participating together with their parents, control over such programmes, thus leaving the termination of parental rights as the last means of influence;
- ◆ The lack of a common legal enactment is obvious in Latvia to stipulate all activities with children – both preventive and reactive. At this situation, when all the legal provisions setting out the legal framework for juvenile justice in Latvia are fragmented into three separate laws: Latvian Administrative Violations Code, Criminal Law and Law On Application of Compulsory Measures of a Correctional Measures to Children, whereas slight indications on early prevention provisions are found separately – in the Protection of the Rights of the Child Law, does not serve in the interests of a qualitative and safe development of the children and their families;
- ◆ The majority of specialists who work in the state, municipal and law enforcement institutions understand that the necessity of a separate system for prevention of juvenile delinquency is defined by children's special needs in the contact with justice and other institutions;
- ◆ At least half of the law enforcement specialists consider that preventive work youth from risk groups and youth in risks situations at their places of residence is poorly performed, whereas every third respondent considered it to be bad;
- ◆ Favourable neighbourhood and availability/accessibility of useful activities alone do not guarantee that children will avoid antisocial behaviour risks: the society lacks information on the true reasons of antisocial behaviour in children and youth and therefore on preventive measures to reduce such reasons;
- ◆ Latvia needs a coordinated early prevention system within which it would be possible to use risk and needs assessment mechanisms and both recognise and prevent antisocial behaviour risks and identify the child's (young person's) needs for assistance, plan and apply appropriate interventions;
- ◆ Specialists from law enforcement agencies and of children's affairs in Latvia have knowledge about prevention and work with children with delinquency risks; however, there

is significantly less information on early prevention issues and work with children in risk situations.

5.2. Conclusions on the three pilot projects in Latvia in the project “Keeping Youth Away from Crime: Searching for Best European Practices⁴⁹⁹”:

- ◆ Specialists who were involved in the Inter-institutional cooperation work groups in the regions acquired new knowledge about preventive work with children who have behavioural risks and with children in risk situations;
- ◆ The possibility to follow the progress of the families involved in the project on a longer period of time and assess the influence of preventive measures on the identified risks has been very significant for the preparation and provision of qualitative support of the children and their families;
- ◆ The specialists who were involved in the project admitted the significance of the possibility to acquire not only practical experience but also theoretical knowledge;
- ◆ It was recognised that the majority of children who were involved in the pilot project programmes had truancy problems and low academic achievements, as well as very high social exclusion risks;
- ◆ The involvement of parents in the pilot project activities have intensified preventive work with children because their parents have not only allowed them to participate in the activities and supported them but also taken part actively themselves;
- ◆ The implementation of effective preventive measures is directly related to two factors: level of knowledge and ability of timely mutual communication in the interests of the child of the specialists who work with children;
- ◆ The implementation of fundamentally new, inter-institutional work methods in the rural municipalities of Latvia is a big step in the field of prevention and for the creation of children-friendly inclusive environment. the practice gained during the pilot projects has encouraged people to change their values understanding that punitive and confronting methods cannot be applied in prevention work with children and youth;
- ◆ Preventive measures are more efficient if the child is allowed to make choices and take decisions about the type of participation in prevention programmes;
- ◆ The most often used individual prevention methods during the pilot projects were consultations of psychotherapist, psychologist, social pedagogue and classes with art therapist;

⁴⁹⁹ Keeping Youth Away from Crime: Searching for Best European Practices, <http://www.providus.lv/public/27804.html> (last visited on 30.05.2014).

- ◆ The implementation of preventive activities for children have to be sustainable and family, particularly the child's parents, plays a very important role in reducing the child's behavioural risks;
- ◆ The police less and less often turns to the local municipalities to ask them prepare preventive programmes for the children who have entered their field of vision;
- ◆ More often actions which are punishable according to the provisions of the Criminal Law are committed by younger children (for instance, thefts) who have not yet attained the age of criminal liability. Due to that preventive measures are necessary for children from all age groups, in particular in primary school – preadolescence;
- ◆ Preventive measures and programmes implemented during the project have reached the target group which is proved by the solved risk situations for children and families and the decrease of antisocial behaviour risks in children, therefore it would be useful if the Inter-institutional cooperation model for the performance of preventive work was stipulated by a law with the aim to make the decisions by the Inter-institutional work group legally binding;
- ◆ Many problems identified for the target group have resulted from a long-term disregard of risks, both for children and their parents and families in general. In rural municipalities of Latvia, financial problems still cause significant risks such as neglecting children when leaving to work abroad, unemployment, inappropriate familial domicile or environment;
- ◆ Families with children⁵⁰⁰ mostly have problems of a systemic nature which can be solved only with a systemic and comprehensive preventive solution;
- ◆ It is important for children to participate in the decision making process at their place of residence (local municipality). The specialists from the Inter-institutional work group have emphasised this method of participation as one of the most efficient forms of inclusive prevention;
- ◆ The project has influenced children and youth's emotional management skills and improved social communication skills the most, it has been hardly possible to manage risks related to socioeconomic factors;
- ◆ The evaluation by the pilot projects specialists show that, in comparison to other problems, more attention should be turned towards the issues of children's safety and health protection;
- ◆ There is a need to consider whether the premises meant for children in local municipalities (preschools, schools, children and youth centres) are safe enough against strangers. It is necessary to limit access for unauthorised people to these premises and reduce the possibility that children face potential damage risks;

⁵⁰⁰ Author's note: those families are meant here which have risks and risk situations mentioned in Scheme 2.

- ◆ The most critical score in the assessment was given to the children's health check: none of the regions have health checks as a regular practice, and that considerably influences the overall assessment of safety, health and security situation. It is possible to conclude that this issue in particular needs detailed assessment and action change;
- ◆ Managers and staff at the places where social and educational services are provided have all the necessary general skills and understanding including about the implementation of the most significant principles of the protection of children's rights; also regular improvement of skills and knowledge for these managers and staff is highly appreciated;
- ◆ Extra attention should be turned to the monitoring of expediency of services and activities provided for children and families in local municipalities, thus, for instance, none of the regions (pilot projects) have a practice of assessing the activities provided for children, which would be performed by an independent third party. Nevertheless, it has to be taken into account that the assessment and evidence-based recognition of efficiency of the provided services is a significant precondition, for instance, for a potential possibility of funding and improvement of the services;
- ◆ Assessing the work organisation (Agency dimension), many positive evaluations have been acquired which show that in general specialists' attention is turned towards strengthening the children's confidence in their possibilities and skills to control and influence their behaviour and the environment around them.

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Introduction

Since the restoration of its independence on March 11, 1990, Lithuania tried to implement modern children and youth prevention principles and methods against the negative impact of risk factors. However the scope of social problems in the country remains wide. Poor financial state, unemployment, drug and alcohol dependency, children neglect in the families – these are the difficulties that the newly restored state has had to face.

Although, according to the specialists, the situation in the country is improving, the statistics show that social and economic problems still remain. In 2012, the Statistics Lithuania informed that 20% of Lithuanian people lived below poverty, and that in January 2013, the rate of unemployment was 13.3%. It is important to note that Lithuania is affected by emigration the most of all the European countries. In 2009, 21.970 Lithuanian citizens emigrated and a year later, in 2010, the number was four times higher – 83.157 citizens. In 2011, there were 53.863, in 2012 – 41.000, and in 2013 – 40.391 Lithuanian citizens that emigrated from Lithuania. The main reasons for emigration are the economic ones.

The statistics indicate that in 2012, there were 10.389 families at social risk raising 21.303 children in Lithuania. According to the statistics of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor, at the end of 2012, the number of children living in children care homes was 4030.

Very often children raised in poor environment have behavioral and emotional difficulties, dependencies, they do not attend school and bum around. According to the statistics of the Center of Information Technologies in Education, in 2013, 969 children did not attend school. Most of them did not go to school for social-psychological reasons: lack of parents attention, vagrancy, conflicts with peers, teachers, and parents, neglect, or change of place. According to the State Mental Health Center, in 2006–2011, there were 137 in-patient children treated for alcohol dependency and 227 children – for psychotropic substance dependency. In 2011–2012, the number of children treated for behavioral and emotional disorders reached more that 8.000 (State Mental Health Center and

Statistics Lithuania). According to the National Health Insurance Fund under the Ministry of Health, the number of such children is even higher – 40.000 (6.7% of all children in Lithuania).

State Child Rights Protection and Adoption Service informs that in 2012, 1343 children were abused. In 2013, 2451 minors suspected of committing criminal activities were registered, 2222 – for crimes, and 229 – for penal violations. (2)

Since Lithuania's independence, juvenile delinquency and its prevention was and still is a burning issue. It motivates to analyze the current situation, create and implement the necessary prevention and intervention measures that would help to reduce juvenile delinquent behavior and buffer from it in the future. A growing number of juvenile delinquent criminal acts (for example, in 2001 there were twice as much of juvenile delinquent crimes than in 1990, is a huge concern of the state and a society (Ombudsmen for Children Rights of the Republic of Lithuania, 2013). It was one of the main reasons that pushed for the reform in juvenile justice. Other reasons that prompted the reform were the inefficiency of juvenile criminal justice, different approach to punishment as the main state's response to juvenile delinquent criminal behavior, and international obligations that the Republic of Lithuania took upon itself (for example, the United Nations Convention on the Rights of the Child).

In 1996, the juvenile justice reform was implemented in Lithuania. Its main goals were to create and implant other than punishable, as well as preventive-social intervention measures for juvenile delinquents.

The year of 1999 marks the beginning of the Juvenile Justice Program for 1999–2002 in Lithuania which main goal was to reduce the number of repeated juvenile crimes. In 2004, the Government of the Republic of Lithuania ratified the second Juvenile Justice Program for 2004–2008 aimed at the re-socialization of juveniles who violated the law and thus, reducing the rate of juvenile crime, also at creating an optimal network of the institutions that work in juvenile justice system and at constantly improving the training system for the officers and other staff that work in this area.

Both programs led to a significant progress in juvenile justice system – it became more humane and oriented towards the juvenile age characteristics and the needs of juvenile education. Based on these programs, the system of minimal and *medium* care for the child was created and ratified in 2008. The system is aimed at creating an integral system to work with minors that have behavioral problems by providing them with social, pedagogical, psychological, and other help.

Juvenile Justice System in Lithuania

It is important to define specific categories when talking about the juvenile justice system in Lithuania. Youth in Lithuanian juvenile justice system is a child who, under the Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania, is a human being below the age of 18 years (an adult).

Lithuania's laws provide several descriptions of criminal acts that can be used to distinguish the specific types of delinquent behavior:

- Crimes (The Criminal Code (CC) Article 11)
- Misdemeanors (CC Article 12)
- Administrative violations (The Administrative Code (AC) Article 9)
- Failure to attend school on regular basis or not attend at all which is regulated by the compulsory education programs (Law 8, Article 1, page 5)
- Harmful conduct that poses danger to the child himself or his surroundings (Law 8, Article 1, page 4) (Nikartas, Ūselė ir kt., 2013).

Children who behave in a delinquent way are subjected to criminal and administrative liability and can receive social and psychological assistance. The CC provides two criminal liability types for age groups: *de facto* it is under 16 years, although in certain criminal acts (serious violent crimes and personal property damage acts that are traditionally attributed to juveniles) – from 14 years. If the minor commits a **serious** or **very serious** crime, he is subjected to penalty which can be: public work, a fine, freedom limitation, detention, and imprisonment. The exact penalty is foreseen by the Criminal Code Article 90.

If the minor commits a **criminal act** or **not very serious** and **light** crime, he can receive a penalty or in some cases can be released from criminal liability (e.g., if he compensated for the damage done to property) (Sakalauskas, 2013).

Children who have not reached criminal liability age, under the Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania, as well as the *United Nations Convention on the Rights of the Child*, are subjected to the principle of the best child's interests which means that in any case related to the child the most important thing is child's interests. The administrative liability is applied to children who are of 16 years old (Nikartas, Ūselė ir kt., 2013, Sakalauskas, 2013).

In Lithuania, the delinquent children who because of their age or the criminal act they committed cannot be subjected to administrative and criminal liability are subjected to measures foreseen by

the **Law on Minimal and Medium Care for the Minors of the Republic of Lithuania**. The Law does not fall into the criminal (or administrative) justice system, it is part of education system. The Law on Minimal and Medium Care for the Minors, aimed at bringing the changes into child's behavior (Article 2.7), highlights child's well-being and help. It foresees two types of measures:

Minimal care:

Measures that aim at providing help and education (e.g., obligations to see a specialist; to attend day center, open youth center, or any other social services center; to continue schooling at another school; to study in elementary, primary, secondary, or vocational training programs; to take part in social education, rehabilitation, integration, prevention, educational, and other programs).

Measures that aim at child's control (e.g., obligations to be at home at certain times; avoid places or people that have negative influence on child's behavior; if the child agrees, to perform educative types of work).

Medium care – child's care at the Children Socialization Center (Government Secondary School) (Article 7.1).

Specialists observe that the measures foreseen by the Law react to already committed acts and child's behavior and not his personality or needs.

The scope of the measures provided by the Law is diverse. While implementing these measures, it highlights the introduction of various sources. Multiple research and studies show that the implementation of standards of minimal and medium care for the minors is not smooth. Some measures are seldom applied, the implementation of the measures is formal and not delivered to the child, and the institutions which foresee the implementation of the measures are not collaborating enough (Bieliūnė, Juodkaitė, Uscila, 2010, Nikartas, Ūselė ir kt., 2013)

State's response to children delinquent behavior is presented in Table 1 (cited in: Nikartas, Ūselė ir kt., 2013).

Table 1. State's response to children delinquent behavior.

Base	Criminal Acts	A crime when the person is not liable; when the penalty is	Administrative violation	Criminal act/administrative violation when the person has not	Administrative violation without administrative penalty;
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		suspended; person is on parole from the correctional institutions.		reached the age of criminal/admini strative liability	dangerous or harmful behavior; refusal to study by compulsory education programs
Measur e	Penalties	Educational measures	Administrative penalties	All minimal and medium care measures	Minimal care measures foreseen under the Law (Article 6, page 1–5) and medium care measures
Instituti ons that prescri be the measur e	Court		Court, police, and other qualified institutions	Municipality's administration and child welfare commissions, court (prescribing measures and medium care measure under the Article 6, page 6–8)	
Instituti ons that implem ent and apply the measur e	Correctional institutions, probation agencies, socialization centers, bailiffs, and other institutions and organizations		Police, and other qualified institutions	Schools, children and youth day centers, and other institutions and organizations	
Instituti ons that foresee the	Prosecutor		Police, municipality, and other qualified institutions	Municipality's administration – municipality's child welfare commission	

implem entation			
Ministr y that coordin ates the process	Ministry of Justice	Ministry of Justice and Ministry of the Interior	Ministry of Education and Science

S. Nikartas and his colleagues (2013) observes that the system is created in such a way that almost every socially adverse minor's behavior falls into certain category and is accordingly dealt with. The measures are applied to every child age not only for the offense committed but for any dangerous or harmful behavior – in children's case the control is very extensive.

In Lithuania, juvenile delinquency prevention is ensured by the Measures of Minimal Care for the Child. Therefore the goal of this law is not only to intervene but to prevent as well.

There are also early intervention programs. The National Children and Youth Crime Prevention Program (1996), which was prepared following the memorandum No. 38(2) of July 10, 1996 of the Government of the Republic of Lithuania “An Outline of the National Prevention Program for Juvenile Delinquents”, is a set of short- and long-term measures. The program seeks to implement basic principles of the Law on Fundamentals of Protection of the Rights of the Child and reduce violations in child rights and law done by children themselves. The program is implemented on three levels: state (national), regional/municipality, and institutional (by educational, social help and care, public and other NGOs).

Table 2. Government and self-government institutions responsible for the implementation of Prevention Program for Juvenile Delinquents.

No	RESPONSIBLE INSTITUTIONS:	MAIN FUNCTIONS:
1.	Ministry of Education and Science	General coordination of the program; initiation of local programs
2.	Ministry of Social Security and Labor, The Institution of the Ombudsman for Children Rights	Document preparation of the order of implementation of the Law on Fundamentals of Protection of the Rights of the Child, recording specific cases on child rights violations, and

		informing institutions and public
3.	Ministry of Health	Healthy lifestyle education, providing health care for children in temporary care programs
4.	Ministry of the Interior	Early prevention of delinquents
5.	Ministry of Justice	Providing expertise on child rights protection legal documents
6.	Ministry of National Defense	Civil and patriotic education, early prevention
7.	Regional municipal subdivisions	Coordination and initiation of regional programs
8.	Municipalities	Coordination and initiation of local programs

Youth Care System from the Perspective of Juvenile Crime Prevention

In the Republic of Lithuania, the child rights are defined by the Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania which is based on country's Constitution, the United Nations Declaration of the Rights of the Child (1959), Convention of the Rights of the Child (1989) and other norms and principles of international law. Under this Law, child rights in Lithuania are ensured by:

- the state and institutions (The Institution of the Ombudsman for Children Rights, Ministry of Social Security and Labor, and State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor).
- Institutions of local municipalities (Municipal Child Rights Protection Agencies).
- Public organizations which activities are related to the child rights protection (Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania).

Municipal Child Rights Protection Agencies are responsible for organizing the protection of children who were left without parents care rights and interests; provide help with the training material and consultations; deal with other child rights questions; offer suggestions how to improve the protection of child rights and his legitimate interests, child care and law violation prevention to state and municipal institutions. Among other goals, the agency also:

- prepares and implements the measures for protection of children rights and their legitimate interests that are also meant to improve the prevention of child rights violation;
- in certain cases, participates in court and during pretrial interviews with a minor, acting as witness, victim, suspect, or defendant, and other pretrial activities.
- participates during the interview with a younger than 18 year old witness or victim; hears out child's opinion about applying to him minimal or medium care measure.
- consults parents, foster-parents, guardians, educators, social workers and other people or organizations and children about child rights protection, care, adoption and law violation prevention.
- collects and analyzes reports about abused children and children who abuse, initiates the necessary help by professionals and institutions for children and their parents.

- collaborates with social help agencies and centers, elderships, and coordinates decisions and actions with them.
- organizes collective meetings and makes coordinated decisions about improving child rights and law violation prevention.
- Collaborates with The Institution of the Ombudsman for Children Rights of the Republic of Lithuania – makes suggestions about how to reinforce child rights protection, participates in work groups established by The Institution, discussions and meetings about practical ways to improve the protection of child rights.

<http://www.vilnius.lt/index.php?646590016>

The Institution of the Ombudsman for Children Rights of the Republic of Lithuania is an independent children rights monitoring and control government institution maintained from the state's budget and is established following the Parliament resolution to protect the Ombudsman's for Children Rights work.

According to information provided by the municipalities, almost every municipality in Lithuania has a professional responsible for the protection of youth rights. Besides this main goal, he provides other functions (Republic of Lithuania Ministry of Social Security and Labour).

One of the most important factors in attempts to protect minors from committing crimes is work with the families. According to the Law of Social Services of the Republic of Lithuania (2006), **family at social risk** is a family that raises children under 18 years old and where one of the parents is abusing alcohol, drugs, or other substance, has an addiction to gambling, does not know how or cannot take care of his kids due to the lack of social skills, abuses them, and does not use state's financial help for family's needs, thus putting his children's physical, mental, and moral development and protection in danger. A family at social risk is a family which children are appointed temporary care (protection) by law. On December 31, 2012, there were 10.389 families at social risk raising 21.303 minors.

Child at social risk – is a child younger than 18 years old, who bums around, begs, does not attend school or has behavioral problems at school, abuses alcohol, drugs, psychotropic or toxic substances, has addiction to gambling, is involved or leans toward criminal activities, was abused or is at risk to be psychologically, physically, or sexually abused, experienced abuse in the family and because of this his chances to develop and be part of public life are very limited.

When the Child Rights Protection Agency receives a written report that child rights have been violated, agency's representatives visit the family to evaluate the situation and fills out the visitation form. The commission deliberates upon the matter and if it agrees that the situation at home is dangerous for the child, enlists the family into the group of families at social risk. The agency takes farther steps towards organizing help for the family – it informs the family, contacts municipal agency of social help and eldership's social worker that provide social help for the family and take other necessary steps (Order of the Ministry of Social security and Labour, 2006).

Municipality's administrative division (usually it is social service or social help centers, family help agencies or family support institutions) decides what social services and help the family needs and provides it.

It is important to note that in theory and practice the social risk is identified in those cases when neglect and abuse against the child is already present in the families or the child already has problems because of his criminal behavior, begging, and etc.

The family is assigned a social worker. Social workers not only inform and consult families about the social help available to them, but also provides social skills training and support services. They also provide social and psychological help to the families that try to deal with problems.

Social workers who work with the families at risk periodically assess positive changes in the family and decide whether any adjustments need to be made or whether it needs an additional help. Together with the Child Rights Protection Agency, they decide whether the family needs to receive farther help, or it was able to solve all of its problems and can be removed from the list of the families at social risk, or the family has to receive other measures (e.g., putting the child into temporary care with another family or institution).

Help and services to the families at social risk are also provided by the NGOs, crisis centers, day centers and other organizations and institutions working in child rights protection (State Child Protection and Adoption Service).

In attempts to secure the protection of rights and legitimate interests of the child and to create infrastructure of social services for work with the families at social risk, the Government of the Republic of Lithuania approved the National Children's Day Centres Program that can serve to

solve social problems of the children living in the families at social risk, organize their education and after-school time, and to secure social work with parents. Day centers established by the NGOs provide environment for children to socialize, early prevention of juvenile delinquency, and social services for the families that have problems. Children are sent to day centers by the municipality's Child Rights Protection Agencies and social workers. Such centers provide education to children, help them to do their homework, they spend their after-school time and are fed. Parents of children who go to day centers are given systematic social training. They are encouraged to take a better care of their kids and their education, they are provided with psychological, pedagogical, and legal help hoping to eliminate the reasons which can lead towards putting their children into the care of others

(An Act of Ratification of the National Children's Day Centers Program for 2005–2007, 2004).

Day center attendance is one of the minimal care measures. Law Institute of Lithuania notes that the obligation for children to attend day center could be used more often, although its practical implementation is limited by the fact that some municipalities do not have enough day centers or they are already overcrowded.

The Ombudsperson for Children Rights also points to the problems at day centers. She observes that the current financial support of the centers from state's budget does not ensure its continuous activities and that a project-based financing limits possibilities to establish and expand the system. Due to the shortage of finances and human resources, day centers especially lack individual psychological consultations (Nikartas, Ūselė ir kt., 2013).

In Lithuania, work with young people is assigned to Open Youth Centers. **Youth Center** is an institution or its division that provides social, pedagogical, or educational services and where the right of the ownership or partnership belongs to the municipality, NGOs, or local and religious community. Open Youth Centers/Spaces focus on the youth from 14 to 29 years old. Special attention is paid to the youth that has less opportunities or motivation and for various reasons cannot or does not want to be involved in youth activities. Centers employ people who seek to engage young people to develop socially and personally either through individual work or groups or communities and who have sufficient professional competence to the job. It is important for such staff to have background in education, psychology, or social sciences or to have experience in social work with young people.

In 2013, 12 Open Youth Centers were financed. Also, in 2013, 13 institutions and organizations received financial support from the Financing of the Activities of the Open Youth Spaces project **(Department of Youth Affairs under the Ministry of Social Security and Labor)**.

Education System (for 10–18 years old) from the Perspective of Juvenile Crime Prevention

Lithuania's Constitution Article 41.1 states that education is compulsory for persons under the age of 16. After graduating from 10th grade, the person receives basic education. After 10th grade adolescents can enter high school or vocational training program or choose both. In Lithuania, the student cannot be expelled from the school. Although if the school for impartial reasons cannot provide the student with psychological, special education, or social help, after discussing it with his parents (foster-parents, guardians), Pedagogical-Psychological Agency, and Child Rights Protection Agency, it can recommend him to switch to another school.

Although education in Lithuania is compulsory for persons under the age of 16, the statistics provided by the Ministry of Education and Science show that a huge number of children does not attend school. According to the information of the Center of Information Technologies in Education released in May 2013, 969 children did not attend school in Lithuania. The majority of them (564) did not attend school for social-psychological reasons, i.e., abuse, bullying, academic failure, hiding from the police, addictions, and etc. The Ombudsperson for Children Rights notes that at present time there is no mechanism in Lithuania that would allow to gather accurate statistics on how many children from 7 to 16 years old do not attend school (2012).

Children spend the biggest part of their time at school, therefore events that take place in school, the knowledge they receive and the relationship they develop there have significant impact on the development of their personality and their communication skills. The school plays a very important role in early delinquency prevention. In Lithuania, educational institutions administer various juvenile delinquency prevention programs, such as national, initiated by NGOs or local communities and organizations; they are also carried out in schools.

In Lithuania's education system, the main body responsible for juvenile delinquency prevention is **Child Wellbeing Commission** that can be found in every school. Its purpose is to organize and coordinate preventive activities, create secure and healthy environment for the child to develop, adapt education programs for children with special needs, conduct primary assessment of the requirements for the child with special needs (except for the needs that arise because of exceptional child's abilities), and perform other functions directly related to the child's well-being. The Commission also cooperates with similar commission in municipality, participates in creating a better set of minimal care measures, and talks to school principal about applying minimal or medium care measure to the child.

The activities of the **School-based Prevention Work Groups** also contribute to early prevention. Under the order of the minister of Education and Science (2004), every school has to have such a

group. The main goal of the School-based Prevention Work Group is to solve questions in the field of prevention, such as law violation, alcohol, tobacco, drug, and psychotropic substance use, abuse and crime prevention, also to organize help for the student, teacher and his parents. The group consists of a director or vice-director of education, teachers, head teachers, professionals (social educator, public health specialist, psychologist, special educator, and etc.); students and their parents can also be part of the group.

At the same time, the municipalities have **Coordination Groups for Preventive Work** which act as coordinators among institutions. The group also consults School-based Prevention Work Groups, unites staff from various agencies and NGOs working in the field of prevention, together with the representatives from the police, health care, child right protection agencies, pedagogical-psychological agencies, NGOs, and local communities foresees the necessary measures. Schools as well as informal education institutions also contribute organizing preventive and after-school activities. (Smolinas, 2010, Merfeldaitė, Railienė, 2007).

For juvenile delinquency prevention in Lithuanian education system very important is **Creating Jobs for Social Educators in Education Institutions for 2001–2005** program prepared by the Ministry of Education and Science. The purpose of the program is to establish job positions for social educators in education institutions and thus mobilize social and preventive work in schools, organize work with children at social risk, parents, and institutions that work to ensure children rights, protection, and social security, and create better social and educational environment for all children. Social educator coordinates preventive work while working in school with children at social risk and their families. Act 3. However, Lithuania still does not have the description of social educator's competences. Therefore it is still unclear what his competences, skills, and knowledge in the field should be. It is also important to note that due to the lack of finances job positions for social educators are established only in bigger schools. (Leliūgienė, Terechovienė, 2011)

Other specialists responsible for preventive programs in educational institutions are psychologists. Under the provisions of the order “Regarding the Validation of the Description Order for Providing Psychological Help” by the minister of education and science (2011), a school psychologist is responsible not only for psychological help and education, but also preparation, organization, and implementation of prevention programs and measures. The position for school psychologist can be established in schools with 301–600 students (if there is a possibility, in schools with lower number of students as well) and secondary schools for children with special needs (no matter the number of students in school). Psychological help and psychological problems prevention is also provided by psychologists who work in pedagogical-psychological agencies. Together with the school special educators they provide special educational help to persons under the age of 21.

The order issued by the minister of education and science validated the Children and Youth Socialization Program for 2010–2014 (2010) that is aimed to develop programs, expand opportunities to socialize, and develop new skills for children and youth who study in secondary schools. The program is supported from the state's budget, the European Union structural funds, and other sources. One of the measures for this program's implementation is to implant programs that develop specific life skills and reduce abuse and bullying in schools (e.g., Zippy's Friends, Second Step, OLWEUS, and etc.). The study conducted by The Institution of the Ombudsman for Children Rights in 2013, found that long-term prevention programs still lack financial support, therefore the prevention programs in schools are onetime programs and in some schools the prevention programs for various reasons (finances, lack of professionals, incompatibility among prevention programs, and etc.) are not carried out at all.

One of the main functions the Ministry of Education and Science performs is coordinating the work of Children Socialization Centers and special schools. **Special Schools** are secondary education schools for children with mental and physical disabilities who have special needs and cannot study together with other children in secondary education schools.

Children Socialization Centers can be described as closed-type centers for kids who are inclined to commit crimes. These are the state secondary schools with the function to apply medium care measures to children. Children Socialization Centers accept children older than 14 years old, although younger children can also be accepted if their behavior is really dangerous to other people lives, health, and property. Children get into the centers by the decision of municipality's administration to apply the medium care measure and after the court gave the permission. The goals of these centers are to ensure appropriate education, professional help and services for the child which can help to change child's behavior into positive, nurture his moral principles and social skills, and prepare him for independent life in society.

Health System in Lithuania

In 2007, Lithuania's Parliament approved of Mental Health Strategy that states that in trying to deal with the epidemic of abuse and suicides in the country it is necessary to invest in children mental health strengthening and modern prevention principles reinforcement. However, mental health professionals note that prevention programs have not become a priority in Lithuania yet (Pūras, 2011).

Health care institutions take part in juvenile delinquent behavior prevention mostly by providing written information about children to other institutions. Their effect on juvenile delinquent behavior prevention is only episodic, because health care institutions are involved in general prevention work only on demand (Šalaševičiūtė, 2011).

Consultations and treatment for children with mental and behavioral disorder are provided by mental health centers and centers for addictions. In-patient treatment and short-term psychological and social rehabilitation (1–2 month long) for children with mental and behavioral disorders related to the use of psychoactive substances are provided by centers of addictions. The services are free of charge. Children and Youth Long-term Rehabilitation Department serves children who need long-term psychological-social rehabilitation. The same services are provided by the public institution “Apsisprendimas” (12 beds) (Tobacco and Alcohol Control Department).

Lithuanian hospitals also have children mental departments that provide consultations and in-patient treatment for children with behavioral and emotional disorders. The Child Development Center of Vilnius Children Hospital runs children behavior disorder prevention program “Family's Academy” supported by Vilnius city municipality. 60–70 families visit the Academy every year. The team of professionals that consists of children psychiatrists, psychologists, and social workers provide individual and group psychological and mental help for parents and children.

Various mental health reinforcement programs are run by NGOs. For example, Children Support Center administers the Prevention Program of Emotional and Behavioral Disorders for Preschool and Primary School Children which is financed by the special Vilnius city municipality public health support program-2013.

The Ministry of Health implements the incentive program of 2014 for the NGOs that provide services in health support. Its goal is to encourage the NGOs actively participate in implementation of health policies by educating society, improving and spreading the information about healthy lifestyle and prevention, as well as other areas related to health support. Among other things, the program is aimed at prevention of the use of psychoactive substances among children and strengthening of children mental health (The Ministry of Health).

II. Juvenile Delinquency Prevention Strategies in Lithuania

The National Crime Prevention and Control Program (Article 31) ratified in 2003 notes that state and public investment in the children and youth, their personality development in the family, education, moral and legal nurturing, and their social protection are the factors that determine positive country's development, as well as success of crime prevention and control programs. The state recognizes the necessity to reduce social conditions which are the main reasons for high rate of juvenile delinquency (National Crime Prevention and Control Program, 2003). In the Republic of Lithuania, crime prevention is organized based on Lithuania's Government ratified programs which are described in the following section.

Juvenile Crime Prevention Programs in Lithuania

The legal system reform that took place after the restoration of Lithuania's independence brought reforms in juvenile legal system as well. In 1995, Lithuania ratified the United Nations Convention on the Rights of the Child and after a year it enacted the Law on Fundamentals of Protection of the Rights of the Child (1996). The Law defines the importance of the child's, as a separate subject, rights protection and on legal level affirmed the necessity of crime prevention.

The Law distinguishes early or primary juvenile delinquency prevention as one of the most important child rights protection guarantees (here the prevention is understood as preventive and educational measures that help to stop the crime and other law violations). The Law also highlights child's protection against the negative social environment. The ratification of the Law on Fundamentals of Protection of the Rights of the Child led to its complex implementation in reality. The Government of Lithuania ratified a number of programs related to juvenile delinquency prevention.

Juvenile Occupation and Improving Delinquency Prevention Program for 1995–1996. The program was limited to foreseeing only general measures for juvenile occupation and delinquency prevention for government institutions. It is worth to mention the measures for minors who do not study or work and organizing summer camps for them. The program also intended to conduct a study that would research the reasons for juvenile delinquency.

National Children and Youth Crime Prevention Program for 1997–2005. It is the first national program aimed at the implementation of the Law on Fundamentals of Protection of the Rights of the Child. It provided a list of government and self-government institutions responsible for program's implementation, it also established the Children and Youth Crime Prevention Committee that foresees the implementation of the program. Program's creators raised the long-term goal – to improve the protection of children rights and interests and reduce the level of crime. It is followed by the short-term goal – to built an effective children rights protection and crime prevention system that would control (eliminate, limit, and reduce) the negative impact of social environment and various criminal processes and phenomena which in turn create favorable situations for violating children rights and crippling children's personalities.

In attempts to reach the goals, the program foresaw three levels of action: state (national), regional/municipality, and institutional (education, social help and care, public and other NGOs). The program also aimed at improving health care for students' and other children, conditions for their occupation (especially school attendance), and moral and behavioral conduct; ensuring social

care and help for children who live below poverty (especially for homeless children, bums, and beggars) by paying special attention to their educational care and occupation; concentrating preventive work in municipality's social care and help institutions that collaborate with the NGOs and other public institutions; coordinating actions of various government institutions that take part in children rights protection and crime prevention; and ensuring that the preventive work is supplied with all the necessary informational, legal, scientific, and training material.

In practice, the program was implemented by yearly organized contests. The program was more oriented towards the post-prevention, when the child is already in the group at risk and he needs help, and not towards the prevention – how to stop children from absorbing negative social experience and inappropriate social norms. In 1998, the program and the projects related with it received 5.85 million, in 2002 – 1 million litas.

National Drug Control and Drug Addiction Prevention Program for 1999–2003. Among other things, the program states that Lithuania ratified the United Nations Convention on the Rights of the Child in which the Article 33 obliges to protect children from drugs. The obligation led to one of the program's goals – reduce the level of drug and psychotropic substance abuse among the children and youth. The program included measures related to prevention of drugs and other harmful substances use in schools; introduction of drug prevention questions in preschool and other type of schools educational programs; preparation of drug prevention subjects and its introduction into health educational programs and various projects in schools; drug prevention development in informal schools; organizing more and better quality public events about drug abuse; organizing social campaign “School without Drugs”; organizing educational classes on drugs for parents (lectures, discussions, social campaign “School and Family – Against Drugs”); preparation and publication of information on drug prevention; organizing seminars for educators about drugs and other harmful substances and drug prevention; and monitoring and assessing the drug prevention work in schools.

Trying to implement the drug prevention programs, it is necessary to understand the reasons that motivates people to use drugs and other psychotropic substances. According to Dainius Pūras, children and youth psychologist, who is very critical of the implementation of preventive practices in Lithuania, the crisis in society which asserts itself by huge amount of risk factors and high level of toxic environment, social isolation, and lack of tolerance poisons the fragile spiritual life of adolescents and encourages them to use unhealthy forms of protest. Pūras invites to follow the European long-term and scientifically proved social-emotional skills reinforcement programs that

help parents and children to better understand oneself and each other, interact with others, and grow immunity (Pūras, 2007).

The National Program Against the Commercial Sexual Exploitation and Sexual Abuse of Children for 2000–2004. The program states that violence and abuse against the children only encourages violence and abuse. Abused children very often become cruel to others. The program included legal, social, medical, psychological, educational, organizational, and informative measures. The research conducted in 2007 showed that the sexual abuse prevention programs in education institutions are not effective and that 47% of the respondents do not know where to seek help in case of sexual abuse. If we want to teach children to protect themselves and say “No” they have to know their rights and what kind of help they can get. Sexual abuse against children is a very negative and criminal act. Many factors lead to it, for example, person's biological nature, family, school, peers, media, society, country's economic situation, and level of poverty. To limit child abuse, scientifically-based concepts are created and institutions are established. They all make one solid system which encourages socially acceptable children activities, limits and suppresses socially unacceptable behavior, and implements a number of preventive programs. However, the authors of the research observe that using the above mentioned measures not always brings the results we expect (**Kunigytė-Arlauskienė, Butvilas, 2007**).

The Children and Youth Socialization Program for 2004–2014. The program is aimed to ensure the well-being of children and youth under the age of 18 by creating and implementing purposeful occupation, prevention, and education programs (strategies) based on social partnership that can have a positive effect on successful children and youth socialization, their cultural maturity, public spirit, social skills, self-expression, talents and interests, and help to ensure better social and educational conditions for them. One of the program's priorities is children rights protection and antisocial behavior prevention that in the program are defined as measures and strategies trying to stop the rise and development of social risk factors. The program also draws attention to socially and educationally abandoned children whose rate increases with every year and whose parents lack basic education, and family's social state is poor. That is why such children early on find themselves living in the environment that is not appropriate for their positive socialization.

Juvenile Justice Program for 2004–2008. The program is created to continue previous activities in juvenile justice and to pursue the goals that for various reasons (mostly financial) could not be achieved earlier. In reality, the Juvenile Justice Program started in 2005 when it received partial support (less than one third of the money intended) for implementation of a few measures (**Vileikienė, 2007**). The main goals of the program were to seek re-socialization of juvenile

delinquents and thus reduce the rate of juvenile crime, also to improve juvenile justice system by creating the optimal network of the institutions working in the field and constantly improving the training of legal workers and other professionals. In comparison to previous juvenile justice program, the number of institutions implementing the program increased. Therefore the program tried to make sure that certain measures would be implemented by specific institutions directly related to juvenile justice.

According to Evaldas Visockas (2007), the project director of Crime Prevention in Lithuania Center (former) for Information Technologies, although crime prevention has been implemented, many projects have been carried out, and a lot of money has been given, the results are barely noticeable. The main focus is on problems of socialization and occupation. But these problems are only the tip of an iceberg in attempts to reduce the rate of crime. Therefore it is quite clear that we need to finance specific projects that aim at specific crimes. Otherwise we will not achieve a broader effect directed towards the crimes and the prevention would be understood only something like an organizing of the drawing contest or going to the cinema (Visockas, 2007).

Juvenile Justice Program for 2009–2013. The program is a successive continuation of the program of 2004–2008. The goal of the program was aimed at creating focused, long-term, and complex conditions for improvement of juvenile justice system by creating more differentiated system, i.e. by identifying and implementing measures meant for juveniles of various groups at risk and trying to re-socialize and not to punish or isolate them. The program is based on the results of the previous program of 2004–2008 and on the need to further the measures that were successful and overcome difficulties which had arose in the process, i.e. it is important to correct some parts of the program to make sure the measures applied in juvenile justice are effective.

The Government of Lithuania ratified the Juvenile Justice Program for 2009–2013 that aims at reinforcement of protection of juveniles' interests during the administrative and criminal process by establishing clear and effective re-socialization system for children who return from the places of imprisonment and children socialization centers, by expanding the minimal and medium care system for juveniles, and by ensuring to increase the level of competence of the staff working in juvenile justice.

It is important to note that the United Nations Development Program contributed to the reform of the justice system in Lithuania. In 1998, the program stimulated few studies. The Law Institute of Lithuania analyzed the juvenile justice system in Lithuania and described the current system's situation and pointed to main directions: “the effect of crime justice on juvenile's personality and his behavior with the results of the sociological research about the minors who are imprisoned, and the

Concept of the Juvenile Criminal Justice Reform with more specific and extensive suggestions on how to improve the juvenile crime justice system” (Vileikienė, 2007).

2.3. Competences of Professionals Who Work in Juvenile Justice

Even if the preventive measure has been chosen and the institution responsible for its implementation has been assigned it does not mean that the intended goals would be met. Criminal literature notes that in every single case one has to analyze what kind of difficulties he would face in trying to implement the measure, how the problems would be solved, and what side effects it might have.

One of the components of the prevention system is people who work directly with juveniles. And that means that it is very important that those people are ready for such work.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice ratified in 1985 highlights competence and specialization: “police officers who frequently or exclusively deal with juveniles or who are primarily engaged in the prevention of juvenile crime shall be specially instructed and trained” (Jungtinių Tautų dokumentų rinkinys, 2004).

During the implementation of the second juvenile justice program for 2004–2008, the United Nations Development Program (UNDP) project “Support for the Development of an Efficient Juvenile Justice System in Lithuania” was endorsed. Its goal is to reinforce the competences of the staff in juvenile justice system in attempts to create effective, modern, and humane juvenile justice system. Three quarters of the project were financed by the UNDP, one quarter – by participating government institutions, in other words, “UNDP initiated project was a form of direct support aimed at the implementation of the Government endorsed yet insufficiently financed second Juvenile Justice Programme” (Vileikienė, 2007).

Gintautas Sakalauskas, a criminologist, states that understanding the meaning of state's forced measures applied to juvenile delinquents is a necessary precondition for its effective and purposeful application. Therefore legal acts have to foresee the specialization of professionals who work with juvenile delinquents – in police, prosecutor's office, courts, and correction and imprisonment institutions (Sakalauskas, 2013).

2.4. Community's Role

Community's role in juvenile crime prevention is described in many international documents. In the Article 1.3 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), countries are encouraged to pay sufficient attention to positive measures that involve “the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the juvenile, with a view to reducing the need for intervention under the law, and of effectively, fairly and humanely dealing with the juvenile in conflict with the law.”

Crime prevention and its control can be successful if all social subjects – legal institutions, public administrative institutions, municipality institutions, businesses, public organizations, and private people – actively participate in it. New attitude towards the security is based on the principle that both the state and the citizens are equal partners and are equally concerned about how to ensure safe environment.

Based on the results of the studies conducted in the Republic of Lithuania, it is clear that the prevention model oriented towards the community cannot be easily introduced. One of the reasons is that the police has lost contact with a society. 18,6% of the respondents living in Vilnius city (Žirmūnai, Verkiai, Šnipiškės, and Žvėrynas) say that they would like to see more cooperation with the police officers. Moreover, almost 35% of the respondents think that police and society have no contacts whatsoever (Uscila et. al., 2006).

In most of the countries, the main cooperation in crime control and prevention takes place between the police and the members of a society. The possibilities of the police officers to act mostly depend not only on their moral principles or competences, but also on people's willingness to help. Trusting each other and cooperation improve police work and increase the sense of safety among the members of a society (Center for Crime Prevention in Lithuania publication, 2006).

According to dr. R. Uscila, Lithuania's legal system is dominated by jurisdiction conflict-solving strategies (pretrial inquest, judicial inquest, judicial conciliation, when the victim and the perpetrator reconcile in court, and etc.). The criminal justice model is very primitive. There are no non-jurisdiction conflict-solving strategies in Lithuania's criminal justice, i.e. resolving the conflict using the Round Circle Principle, conferences-councils, Community Damage Repayment Model, families gathering, and Victim-Offender Mediation), although European legal practice has dozens of progressive models when in conflict-solving are involved not only conflicting sides but also the community (Uscila, 2007).

III. Early Prevention

Good Practice Fiche - “Second Step”

<p>CONTEXT</p>	<p>During the past decade, the level of abuse among Lithuanian school children has risen significantly. These days it is no surprise that children use violence in schools. Also, the number of younger kids using abuse and violence in schools has increased. Constant bullying, racketeering, physical abuse, and group punishments show that children have difficulties with self-knowledge, anger management and controlling impulses – necessary skills that could keep them away from using the abuse.</p> <p>It has been observed that today schools are witnessing bullying (27% of the school children fall prey to bullying 2–3 times or even more often a month) and behavioral and emotional problems among the children. It can be related to even bigger difficulties and more aggressive conduct among them.</p> <p>In Lithuania, 22% of the kids were subjected to abuse in school, 19% of them were ripped off money, personal belongings, or food. Another study showed that 58% of the children think that some kids feel alienated in classroom, 69% - that children very often sneer at each other.</p> <p>Social skills are one of the factors that has an impact on bad behavior or its prevention. The “Second Step” program helps to develop and reinforce social and emotional skills among the children.</p>
<p>GOALS</p>	<p>To reduce aggressive conduct among the children by developing and reinforcing social and emotional skills:</p> <ul style="list-style-type: none"> - teaching children to recognize and express their feelings in appropriate ways; - resisting impulsive behavior; - dealing with conflicts and problems and understanding the consequences of one's behavior.
<p>DESCRIPTION</p>	<p>In Lithuania, this program is applied in elementary schools for 1–4th grade school children.</p> <p>The program is used in the classroom. The <i>Second Step</i> classes that take place once a week are easily integrated into the core curriculum. All children</p>

	<p>participate in the class led by a head teacher.</p> <p>Teachers are provided with the teaching material – teacher’s book, videos, posters, which are important in teaching children about their feelings and how to deal with the problems, and A3 format photo cards with the text on the back for teachers.</p> <p>The program has few teaching components. First, children are introduced to the theme. Later, they hear a real story, and the teacher models the skill he wants the children to teach. After that children play role-playing games. They also do homework related to the theme they covered in class – how could they use social skills they have been taught in their everyday life.</p> <p>The program consists of three parts: empathy, impulse control, and anger management.</p> <p>Children are encouraged to use newly acquired skills during the day. Parents are invited to be active participants of the teaching process and positively reinforce new skills at home.</p> <p>The Children Support Center specialists, responsible for program’s quality, train elementary school teachers to work with the program, provide all the necessary information, and advise them during the program’s implementation.</p>
BUDGET	<p>The cost of the package of the <i>Second Step</i> teaching material is 700 litas (200 euros). Schools that want to participate in the program can purchase the package. The trainings are supported by Lithuania’s Ministry of Education and Science; they can also be supported with the money from the European Union, or the school itself can pay for it. The teaching material can be used by several teachers of the school. Knowledge gained during a 24 credit hour training course is sufficient to teach the <i>Second Step</i> program for a year.</p>
OUTCOMES	<p>Studies conducted in Lithuania and abroad show that children who take part in the program are less likely to use abuse, they demonstrate better behavior and social skills. Teachers also see positive changes – they observed that changes are especially visible in children who have serious behavioral problems and emotional difficulties.</p>

PROFESSIONAL S INVOLVED	Program is taught by teachers who took a 24 hour training. They are trained by the Children Support Center specialists – experienced psychologists.
INSTITUTIONAL PARTNERS	Schools, Lithuanian Ministry of Education and Science, and National Center for Special Needs Education and Psychology.
CONTACT	<p>Program <i>Second Step</i></p> <p>Program coordinator Žydrė Arlauskaitė</p> <p>Phone: +370 52715980, +37061143567</p> <p>Address: Latviu g. 19A, 08113 Vilnius, Lithuania</p> <p>E-mail address: www.pvc.lt</p>

Practice Evaluation		
Criteria	Satisfactory	Average
Program relevance	+	
Program efficiency and effectiveness	+	
Program impact	+	
Program sustainability	+	
Program transferability	+	
Translating evaluation findings into statements of good practices	+	

Program “Second Step” is a program that develops and reinforces children social and emotional skills. The main goal of the program is to reduce a number of problems that children face interacting with each other, lower the level of their anger, teach them to cope with the feelings, deal with the impulsive behavior and understand the consequences of such behavior, and learn to solve behavioral problems.

“Second Step” In the World

The program was created in 1986 by the Committee for Children, team of professional educators and physical health specialists. Today the program is accessible to every country in the world. It was translated into many languages and adapted for different cultures. Third edition of the “Second Step” violence prevention program (2002) is used in Denmark, Finland, Germany, Greenland, Iceland, Japan, Lithuania, Norway, Slovakia, Sweden, Kurdistan (Iraq), United Kingdom, Chile, Turkey, Venezuela, US, and other countries.

All these countries signed a contract with the Committee for Children, translated and adapted program’s material to its needs, ran a test, and now propagate it within the country. In some countries, the program became an integral part of their educational system curriculum.

“Second Step” In Lithuania

In Lithuania, the program has been administered by Children Support Center since 2004. To make sure it works for Lithuanian schools, in 2004, the Center ran the program in 16 Vilnius city classrooms. Since the results were very positive, in 2007, the Center signed a contract with the Committee for Children and was granted the right to carry out the program in Lithuania. All Lithuania’s schools can participate in the program.

The program works as a violence reduction and prevention tool. In 2008, The Ministry of Education and Science of the Republic of Lithuania supported the implementation of the program in Lithuanian schools. The program became an effective tool for teachers to work with, for children – a real opportunity to become successful and healthy. It is important for parents too, because they know that their children are given strong mental foundation that will be useful in their future lives. Today the “Second Step” program is used by more than 1,300 Lithuanian teachers.

Theoretical Reasoning

The main focus of the program is social skills that play crucial role in helping children to succeed while interacting with peers without using aggression. The program is devised in such a way that it addresses one of the three child's social responses: emotional, cognitive, and behavioral.

Children try to use their behavioral skills in complicated social situations (Hirschstein, 2002). Lack of social skills can lead to inaccurate interpretation of social signs and one's intentions and cause inadequate social response. Studies show that lack of social skills is related to child's adjustment in the classroom, social status, and effective relationship with his peers.

The child who was rejected is less likely to show socially positive and cooperative behavior and has more difficulties to become part of the group. Children with high social status show higher degree of social and cooperative behavior than the rejected ones (Walker, 2004). The problems that arise while interacting with the peers can become the reason of aggressive behavior and encourage such behavior (Coie & Kupersmidt, 1983, cited in: Walker, 2004). Boys who were rejected or isolated most often would demonstrate inadequate behavior and physical aggression. To the contrary, the boys who are popular in the class are less likely to behave aggressively and antisocially (Dodge, 1983).

Poor social skills and communication difficulties are related to behavioral disorders (Gaffney, McFall, 1981, Spence, 1981, cited in: Spence, 2003). If the child cannot recognize difficult social situation and think of possible ways to deal with it, as well as foresee and evaluate possible implications, he would less often show socially adequate response (Lochman, Dodge, 1994, Spence, Sheffield, Donovan, 2002, cited in: Spence, 2003).

Social skills act as a very important preventive factor. Children with poor communication skills have higher risk to adjust themselves in the future than children who are socially competent (Cowen, and etc., 1973, cited in: Goldstein). Bernard distinguishes 4 important factors of strength. Two of them are social and emotional factors: 1) social competence (communication skills, empathy, responsibility, and caring); and 2) problem-solving (planning, flexibility, and decision making) (Bernard, 2004). Social and emotional education has significant impact on the factors that lead to harmful behavior or is related to person's health – drug and violence abuse (Fredericks, 2003).

By developing children social skills in school we secure safer environment with less possibility of violence and crime (Skiba, Boone, and etc., 2000).

Program's Teaching Material

The teachers are provided with all the necessary material to teach the “Second Step”: a teacher's book, video recordings on DVDs that contain visual parts of the program, posters that are necessary to learn how to deal with one's feelings and solve problems (“Calming Yourself Down”; “What to Do When You Are Angry”, and “Problem-solving”), and A3 format cards with pictures for children in front and text for teachers on the back. The teacher conducts a 30–40 minute class using one card and following the earlier devised plan. Such a format helps to relate children emotional experience with the experience showed in the pictures and on video.

The story told in class is used as a platform to start discussion, to play role-playing games, and do other activities. The same story is used in higher grades, only its content is adapted to children age group.

The card contains all the classroom activities and suggestions for the teacher how new skills can be modeled during the week. The classes are consistent and devised in such a way so they can be taught consecutively. Children are taught necessary social and emotional skills using situations from everyday life. The newly learned skills are repeated and reinforced in other classes.

Program's Content

The program is created to develop child's social competence by teaching him social and emotional skills that will be useful in the future. The program is an universal abuse prevention program that includes all children in class. It is devised for 4 age groups: preschool/kindergarten; 1–3th grade; 4–5th grade, and high school students. In Lithuania, this program is translated and adapted for 1–4th grade school children.

The teaching material is used in the classroom, therefore it requires minimum preparation time from the teacher. The “Second Step” classes are easily integrated into the core curriculum and take place once a week.

All children participate in the program led by the teacher. Children are encouraged to use their newly acquired skills not only in class but during the day as well. Parents are also welcomed to participate and positively reinforce their children new social skills at home.

The program uses few teaching components. First, children are introduced to the theme. Later, they hear a real story, and the teacher models the skill he wants children to teach. After that children play role-playing games. Children also take home some homework related to the theme they covered in class – how they use new social skills in everyday life.

The “Second Step” program is based on cognitive behavioral methods that are found in Bandura's social learning theory (1986) (cited in: Hirschstein, 2002) and social information

processing models (Crick and Dodge, 1994). The program is based on Kendall's (2000) viewpoint on psychological problems that are related to cognitive and behavioral reasons.

The teaching program consists of three parts: empathy, impulse control, and anger management that follow each other in a consecutive order:

Part I – Empathy development. Children are taught to recognize their own and others' feelings, use different point of views, and react emphatically. In the classroom, they learn to identify and name various feelings, are taught to recognize them, and react to other people.

Empathy provides emotional scheme for problem-solving:

ability to recognize and understand one's own feelings;

ability to “read” feelings of others;

ability to see the situation through the eyes of other people.

What worked? What didn't worked? What do I have to do differently? Did I do ok?

Part II – Impulse control and problem-solving. Here, the main focus is on calming oneself down, recognizing sudden and ill-considered behavior in complicated situations, and reflecting over the problem. Children learn and are taught how to use three strategies: calming yourself down; social problem-solving, and taking behavioral skill steps that can be used trying to come up with the decision. In this part, the skills that children learn are used in the third part of the program.

Children get introduced to problem-solving procedures. They are taught to identify and name the problem, think of the ways to solve it, evaluate possible effects and results, perform the decision, and assess its outcome.

Part III – Anger management. Children are taught to recognize anger, to use various anger management techniques, and use problem-solving strategy in angry situations. The goal of this part is to reduce angry behavior among children. Anger management techniques are specifically adapted for early age children. It integrates both calming yourself down and problem-solving strategies taught in the second part of the program and adds a reflective component which children use to assess their own behavior while dealing with angry situations (Hirschstein, 2002).

Here children are presented with the situations that usually makes them angry, including the situations or activities where the child is left alone, is alienated and gets under fire, also conflicts with a brother or sister, peers or parents.

Trainings

The teacher plays a very important role in helping children to develop their social and emotional skills. That is why Children Support Center specialists who supervise the quality of the program in schools teach educators how to work with the “Second Step” program. They provide them with all the necessary information about the program, introduce to the goals, and guide them throughout the process. The length of the training is 24 credit hours.

Assessing the Program

Grossman (1997) (cited in: Frey, Hirschstein, Guzzo, 2000) conducted a test with 12 schools. The focus group for 4–5 months participated in the “Second Step” program. The method used – parents and teachers' assessment and direct observation of children behavior. The study showed that physical aggression and calling names declined in the focus group. The changes were more visible in less structured environment – on the playground and in school cafeteria. The level of friendly, social, and neutral conduct increased in the “Second Step” classrooms. Even after 6 months, school children showed lower level of aggression and higher level of positive interactions. According to studies conducted by Beland (1988, 1989, 1991, 1992, cited in: Frey, Hirschstein, Guzzo, 2000), the level of verbal understanding of others' viewpoint and social problem-solving abilities in focus group increased significantly. Meanwhile, the children from control group did not show such changes. Also, it was observed that children who participated in the program showed better knowledge of social skills (for example, how to calm yourself down when one gets angry).

The study conducted by Beland and Frey (2002) showed that children's, who participated in the “Second Step” program, attitude towards aggression and understanding of social skills have changed. They are less likely to approve of aggressive actions and tolerate physical aggression, aggression in the relationship, and alienation than the control group (Beland and Frey, 2002).

The study conducted for 3 years with 6–9 years old children who took part in the “Second Step” program found that parents saw significant changes in their children behavior – it changed outside the school (Schick, Cierpka, 2005).

The study on the effectiveness of the program in which more than 100 first grade school children took part was conducted in Lithuania. The goal of the study was to assess children knowledge of social skills and behavior before and after the program. The study showed that after the program the social skills, especially in anger management, of the focus group increased

significantly. To the contrary to children who did not take part in the program, even after a year children who participated in the “Second Step” showed better social skills. It was also noted that the program had stronger impact on children with bigger emotional and behavioral problems (Kuraite, 2008).

What Lithuanian Teachers Say

Today the “Second Step” program is one of the most popular social-emotional development programs in Lithuania. Teachers who worked with the program since its beginning confirm its long-term effectiveness. They say that they had noticed positive changes in children after a very short time.

The analysis of the “Second Step” effectiveness conducted in Lithuanian education institutions found out that 6 (46%) institutions consider the program “very effective” and 7 (54%) institutions - “effective” (The Ombudsperson for Children Rights of the Republic of Lithuania, 2013).

The teachers noted that children learned to be more relaxed, are not afraid to express their opinion, find more and various problem-solutions, and express their feelings using words and not fists. Also, the number of aggressive conflict problem-solving has decreased. The educators observed that children who participate in the program for longer than a year have significantly improved their social skills. Unfriendly behavior in school has become less common, children are more emphatic and tolerant, ready to interact with others and collaborate. Moreover, they are able to strike up a friendship and keep good relationship with their peers and teachers. Children who participate in the program can better concentrate and study in school.

“Children are happily awaiting for their class. Parents also are happy with the program. They joke that now it's their children who teach them how to calm down and to solve various problems. I am happy to see children using new skills in their daily life, various situations, they help their friends to solve problems,” says teacher I. Karskiene of Siauliai.

“The program is useful not only to children, but to their parents and teachers. These days when there is so much aggression, envy, and intolerance around us it's very important to learn how to calm oneself down and to make the right decision,” says V. Riaukiene, teacher from Priekule. Teacher Rasa: “Teachers who want to help children face a number of problems: reduced additional work hours, insufficient salaries for extra work, and etc. This program suits all teachers without any exceptions. Even without receiving an additional pay for his work, the teacher prioritizes and chooses what's the best for him and his children.”

Neringa, teacher who has been working with the program for six years, says: “I cannot doubt the meaningfulness of the program. In the middle of the second year of program's implementation, I noticed that children politely chime in the conversation, the interactions among them have improved – they ask each other how they feel and try to help the one who looks sad. It's great that the parents also noticed the effects of the program, they want it to be applied for higher grades as well. Children talk more about feelings, they are able to express what they feel in various situations, they are more tolerant.”

“I found it strange that children can have so much experience – both negative and positive. Many children act spontaneously, they would solve their problems by attacking or using aggression. I noticed that [after participating in the program] children's behavior has changed. There are nine kids from the families at social risk in my class. I noticed that especially these kids are the most active in the “Second Step” classes.

I, myself, am looking forward to these classes. I admit that I am learning from my children as well. We, adults, simply don't notice what our children DO, don't listen to what they SAY and most importantly – we don't know what they FEEL,” - Lina, P. Armino High School in Marijampole teacher.

What Children Say

“I learned how to calm myself down – I have to count backwards and think about something that is calming.” Simas

“I really liked the Second Step classes. We talked how to control oneself and how to play along the rules.” Pijus

“I liked the class because I could tell my opinion on how to solve the problem.” Gabriele

Good Practice Fiche - “Big Brothers/ Big Sisters”

CONTEXT	<p>A continuous unstable social and economic situation that has been haunting Lithuania for the past few years put many families raising little children into difficult and critical situations. Such families face unemployment, conflicts in the family, divorce, migration, and etc.</p> <p>During the past three years, the number of divorces has increased* (in 2010, there were 10,006, in 2012, 10,399 divorces). After the divorce children stay with one of the parents (in 2012, there were 7,809 children living with one parent). There is also a high level of unemployment (in 2012, there were 195,200 unemployed people in Lithuania). Parents who raise little children and face different crisis sometimes try to deal with them in inadequate ways.</p> <p>The number of families that cannot effectively deal with family crises and are listed as families at social risk (in 2011, there were 10,608 such families in Lithuania) is growing. There are many children in Lithuania whose parents lost the right to raise their children**: every year the number of such kids reaches 2,000.</p> <p>Lithuania is on top of the list among the European countries that suffers from emigration. The intensity of migration seen in Lithuania parts and separates thousands of families (for example, in 2011, 40,740 people of a productive age emigrated from Lithuania). Children are left behind without one or both parents. They are left to be looked after by their distant relatives or complete strangers. Such children lack positive examples, stability, and steadiness in their lives. And that undermines children physical, emotional, and social well-being.</p> <p><i>* Statistics Lithuania</i></p> <p><i>** Ministry of Social Security and Labor of the Republic of Lithuania and State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor.</i></p>
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<p>GOALS</p>	<p>The goals of the program „Big Brothers Big Sisters of Lithuania“ is to organize and implement personal help by an adult volunteer intended for a kid living in Vilnius and expand it throughout Lithuania.</p> <p>BBBS program:</p> <p>organizes a long-term relationship between the child undergoing psychological difficulties and the volunteer, ensuring psychological support and professional supervision to both parties.</p> <p>Prepares program coordinators and provides help establishing programs in other cities of Lithuania.</p>
<p>DESCRIPTION</p>	<p>The main idea of BBBS is voluntary and personal help intended for children and provided by the selected and trained volunteer who interacts with the chosen child aged 7–17 and helps him to overcome various, but not very serious psychological difficulties. The interaction between the child and the volunteer is supervised by specialists (psychologists, social workers, and etc.).</p> <p>The interaction takes place between one child and one volunteer. Male volunteers interact with the boys, female volunteers – with the girls.</p> <p>The friendship starts with the introduction and signing of the Contract of Friendship.</p> <p>The friendship lasts one year. After a year, the friendship is terminated by mutual agreement of the child, volunteer and program coordinators or is renewed for another year.</p> <p>The Big Friend and the Little Friend meet once a week and spend together no less than two hours. The time spent together is dedicated for interaction, educational activities, leisure, and hobbies.</p> <p>Friendships are supervised and facilitated by program</p>

	<p>coordinators.</p> <p>The child and the volunteer follow program's rules.</p>
BUDGET	<p>Children participate in the program free of charge.</p> <p>The cost of one friendship is approximately 1,700 litas a year.</p> <p>The program is supported by businesses, foundations and residents of Lithuania who donate 2% of their income taxes.</p>
OUTCOMES	<p>The results of the studies conducted in Lithuania and the US show that <u>personal relationship between the child and the volunteer</u> has a positive effect on child's emotional state, self-confidence, ability to make decisions, his relationships with peers and adults, and has an impact on better results at school and school attendance.</p>
PROFESSIONALS INVOLVED	<p>Psychologists, case managers, social workers, an accountant and administrator.</p>
INSTITUTIONAL PARTNERS	<p>Separate projects are funded by city's municipality and businesses. In search of children and volunteers for the program, BBBS also partners with schools, Child Development Center, day centers, children homes, and municipal child rights protection agencies.</p>
CONTACT INFORMATION	<p>„Big Brothers Big Sisters“</p> <p>phone: 8 611 22612, 8 5 271 59 80</p> <p>email: jurate@pvc.lt</p> <p>Address: Latviu st. 19A, Vilnius</p> <p>Jūratė Baltuškienė, director</p> <p>www.pvc.lt/big-brothers-big-sisters</p>

Criteria	Satisfactory	Average	Unsatisfactory
Program relevance	+		
Program efficiency and effectiveness	+		
Program impact	+		
Program sustainability	+		
Program transferability	+		
Translating evaluation findings into statements of good practices		+	

Big Brothers Big Sisters and Its Mission

BBBS is one of the oldest, well known and the most effective programs in the world for children. It is the unique program which success is ensured by the friendship between the child and the volunteer. The volunteers are specially trained and their friendship with children is professionally supervised.

The mission of BBBS carried out by the NGO Children Support Center is to spread the word in Lithuania about personal and voluntary help by the adult volunteer for children.

History

The idea of BBBS was born in the United States **in 1904**. New York City court clerk named Ernest Coulter noticed that interaction with children helps to keep them away from trouble. He understood that adults by interacting with children can help them. He started to look for volunteers and that was the beginning of the Big Brothers movement.

At almost the same time, a women group called Ladies of Charity started to look over the girls who came through the New York Children's Court. Later the group changed its name to Catholic Big Sisters.

In 1977, both groups joined their efforts and established organization of Big Brothers Big Sisters of America. The main goal of the program was to help socially abandoned young people who do not have strong and positive adult role models in their lives.

BBBS came to Lithuania **in 1995**. In Lithuania, the program was first implemented by Open Society Fund of Lithuania. Later, the Children Support Center took over and started to administer it in Vilnius. Today the program is successfully implemented in many Lithuanian cities and schools.

Program's Main Idea

Big Brothers Big Sisters, the program based on the principles of mentorship, serves as a tool for prevention and early intervention. Its main idea is personal and voluntary help for children where carefully selected and trained volunteer interacts one on one with the child aged 7–17 and helps him to deal with uncomplicated psychological problems. The relationship between the volunteer and the child is supervised and facilitated by specialists (psychologists, social workers, and etc.).

The volunteer (Big Friend) and the child (Little Friend) meet **once a week** and spend together no less that two hours. At the beginning of the friendship, they sign a Contract of Friendship that lasts **a year**. After one year, the contract is terminated or renewed for another year by mutual agreement of the child, volunteer, child's parents or foster-parents and program coordinators.

What do the Big Friend and the Little Friend do together? They

talk;

walk in the city;

draw, write poetry, do pottery;

cook;

shoot baskets, go swimming, ride bicycles or roller-blades;

go to movies, theater, or ballet;

simply dream and do nothing.

The friendship between the child and the volunteer follows certain rules. It is supervised and facilitated by the professional BBBS coordinators and/or case managers.

Target Audience – Children

The age of children participating in the program is 7–14; they can continue to be in the program until they reach 18 years. Children are selected to the program for several reasons:

There is only one parent in the family who takes care of the child/children;

Parents are divorced or they quarrel all the time;

There are 3 or more kids in the family;

Child lives with his foster-parents or at children home;

Mother or father lost his/her job;

Family barely meets the ends;

Child does not socialize, he has no friends;

After the school, the child spends a lot of time alone, without adult's supervision or he is lonely;

Child has problems fitting in school or is bullied;

Child was abused;

One of the parents is dead, in jail, or missing;

Child has problems, although not very serious with the police;

Child has a developmental, mental, or physical disorder.

The program helps children who lack direct attention and long-term support, do not socialize, and have no positive adult role model to follow. The program is useful to children who were emotionally, physically, or sexually abused, were neglected, experienced alienation and sneering by the peers; whose parents are divorced or they lost close member(s) of the family, whose family members abuse alcohol or drugs, or they live in the family where a physical punishment is a norm.

How do children get into the program?

Children are directed to the program by their teachers, psychologists, or social workers. Also, parents find out about the program on internet, hear about it from friends and acquaintances. There

are cases when children ask to be accepted into the program because their brothers, sisters, or friends had Big Friends.

All children who want to participate in the program undergo psychological evaluation where child's needs and difficulties are weighted, family's situation is looked into. The person who does the evaluation tries to establish whether the child needs any help. Once the evaluation takes place, family members or foster-parents receive recommendations regarding further help. It could be a suggestion for the child to have a Big Friend or recommendation to seek another type of help (such as psychological, mental, or provided by social workers).

„Safety Classes“ for Children

All children participating in BBBS have to take a „Safety Class“. Multiple studies show that abuse against children is widely spread and that children are often abused at or near home. For many different reasons children who were abused do not seek help – they are afraid or do not know that such behavior is inappropriate, or they do not know who to turn to.

The main goal of the „Safety Class“ is to minimize the abuse against children and develop children skills in safe behavior. They are told about child rights, abuse and its forms, are taught how to protect oneself from being abused and where to seek help. „Safety Class“ also strengthens children's self-understanding and knowledge of other people, it teaches them to understand various risks.

The „Safety Class“ is a two hour class. The teaching methods are chosen according to children age, stage of development, and cognitive skills. They help to reinforce the necessary children's skills in safe conduct. The „Safety Class“ is created and adapted for children of different age (7–10 and 11–14 years old). The content of the class consists of various games, stories meant for discussions, drawings, emotional cards, and handouts.

During the class children are taught the most essential things – how to recognize inappropriate behavior against them and how to avoid it. First, children learn to recognize and trust their own feelings, and then to decide whether the situation or other person's behavior is dangerous to him. Children learn about their rights and forms of abuse, are introduced to the term of sexual abuse. During the „Safety Class“, children learn to name their intimate body parts, they are taught the rules of safe touch. They find out what are good and bad secrets and what to do if you have bad secrets (related to abuse). They learn how to deal with dangerous and risky situations in which children can be abused. „Safety Classes“ also encourage children to say „no“ in dangerous situations and ask for help if the abuse has taken place.

Help Providers – Volunteers

To become a BBBS volunteer can any motivated and responsible person of 18 years or older who wants and can understand children and their needs, and would like to be friends with the child. This work is free and voluntary intended to help the child to become psychologically stronger and teach him to live differently. The volunteers can be people of any profession. But first they have to undergo screening and take a special training.

Screening and Training

People who want to participate in the program and become volunteers have to be screened. At the first screening, a volunteer-to-be fills out an application, submits two recommendations and a copy of his ID. The purpose of the conversation with the volunteer is to evaluate his psychological state. It is important to see what is volunteer's motivation to participate in the program, what is his personality and life story, what traumatic experiences one has had and how they were dealt with. The conversation allows to examine volunteer's ability to be stable and consistent, whether he can keep one's promises and pursue goals. Volunteer's values and the ability to be a role model for the child are taken into account as well. The volunteers who make through the first screening are invited to participate in a ten week (total of 20 hours) training, the second part of the screening routine.

The goals of the training:

Education – the purpose of the training is to introduce volunteers to child's psychology, the specifics of interaction with the child, crisis and forms of abuse, and how to help the child who finds himself in trouble. Volunteers also learn about BBBS rules and principles while working with the child.

Selection – during the training, the program coordinators get to know better volunteers, further evaluate the level of their motivation, the ability to interact and follow one's commitments. This also helps to select right people to the program.

Making a decision – The length and subjects covered during the training allow people to decide whether BBBS is the right place for them.

Program Effectiveness

Why is friendship useful to children?

Friendship with the trained volunteer helps the child to start trusting himself and others, deal with difficulties and overcome the isolation, open up, interact with others in a friendlier manner, and learn how to take care of himself and others. The Big Friend becomes a role model to the child. Volunteers encourage children in difficult moments of their lives, and teaches them to tell good from bad. The volunteers, students or people of different professions, show children the importance of learning and education, and introduce them to their profession and work. The Big Friends have a positive impact on children's independence, they teach them various practical things (for example, how to take public transportation or plan one's day).

Tolerant volunteers try to understand and listen to children. This encourages children to open up and tell about their problems. The volunteers do not avoid difficult questions, instead, they teach children to know and understand themselves better, and to help themselves or others.

Friendship with the Big Friend teaches the Little Friend how to make friends with others. The child becomes more courageous, and starts feeling more confident about himself and others.

In 2000, a study, conducted in the US (http://www.bbbs.org/site/c.9iILI3NGKhK6F/b.5961035/k.A153/Big_impact8212proven_results.htm), found that after 18 months of friendship with the Big Friends the Little Friends, compared to children who did not take part in the program, were:

46% less likely to begin using illegal drugs;

27% less likely to begin using alcohol;

52% less likely to skip school;

33% less likely to hit someone.

The study also found that children in the program were more confident of their performance at schoolwork and getting better along with their families.

In 2005, a study was conducted in which 200 respondents (children, volunteers, and parents or foster-parents) were asked questions about the effectiveness of the BBBS program in Vilnius. The study found that 89% of children, 95% of parents, and 96% of volunteers noticed positive impact on

children. Both the volunteers and parents agreed that children started more to trust themselves and others, became more confident and independent. They made more friendships with their peers, became more attentive and responsible, learned better to express their feelings, and improved their relationship with parents and friends of their own age.

Adults noticed positive changes in children's abilities: children got better at expressing opinion (18% - very improved; 48% - improved); to care more about their looks and personal hygiene (18% - very improved; 62% - improved); to make decisions (15% - very improved; 56% - improved); to trust themselves (14% - very improved; 64% - improved); to express their feelings (11% - very improved, 62% - improved); and they got better at controlling their emotions (8% - very improved, 39% - improved).

Children's answers show that many of them feel that friendship with the Big Friends improved their skills of interaction with others, and their relationships with peers, parents, and teachers: with school buddies (21% - very improved, 33% - improved); with other peers (12% - very improved, 50% - improved); with teachers (9% - very improved, 32% - improved); and with parents (3% - very improved, 42% - improved).

Parents noticed a positive impact on children's achievements: attending extracurricular activities (12% - very improved, 21% - improved); at school (11% - very improved, 30% - improved); school attendance (8% - very improved, 6% - improved); and doing their homework (6% - very positive, 21% - improved).

The study shows that **children's** participation in the program is important for several reasons. Children:

found a true friend: *"I found a friend whom I can talk to; now it's more fun."*

expanded their horizons; they spend their leisure time in a more creative way; found new hobbies: *"I discovered a bigger world, started to interact more with others, and I think more before I act;" "[A child] could go where grandma couldn't go; [he/she] got a chance to go to the summer camp."*

gained more confidence, became more independent; also, started to understand better himself and others, became friendlier: *"It gave me more confidence, I am more relaxed while interacting with others. I have more useful and interesting time, long walks are good for exercising my legs;" "[he/she] gained more confidence in himself/herself, found new friends, has better relationships with peers;" "[he/she] understands better what other people need."*

Parents and foster-parents said that the chance for their children to participate in the program is a **huge help to them** because:

it makes them feel calmer: *“Our relationship with children improved; the friendship between two people has a very important impact on trust and attitude towards the others in future life [of the child];” “I became calmer, because now my daughter has a friend whom she can open up to. I feel a very positive impact the program has [on us].”*

children became more independent and confident, they interact in a more open way: *“I like the changes in my son: he gained more confidence, started a friendship with the Big Friend;” “My child didn't feel restrained, somehow his Big Friend knew how to achieve it.”*

children started spending their time in a more interesting way; their horizons expanded; they enriched their experiences: *“I am happy that my daughter has a new good friend, [that] she experiences new things, and her leisure time is more interesting;” “The Big Friend expanded my daughter's horizon, she is more confident about herself, and I am very happy about this friendship.”*

In what ways is participation in the program useful to volunteers?

Every volunteer who helps the child gains new experience and skills, gets a better understanding about care and friendship with younger people, learns to understand families and kids with different life experience, expands his horizons, becomes more mature, and has a good time with the child.

In the 2005 study, **the Bigs** stressed that the participation in the program:

gave them an opportunity to better understand children and adolescent world, gain more experience: *“It allowed me better to know and understand children, things that are important and not so important to them, subtleties of certain children age;” “[the program] taught me patience and tolerance. [Also, it] taught me to give more than gain. I am happy being able to donate my time.”*

gained more confidence, felt that he can be useful; felt a bigger sense of responsibility: *“I have more confidence about myself, I can more openly express my opinion, I have noticed this in my Little Friend as well. I became more active;” “I tested my sense of responsibility and patience. I learned to compromise and found little person who is very dear to me;” “I understood that I can help others; despite how I feel, I learned how to listen, control my emotions, and how to advise and help others to make decision.”*

allowed them to go back to the childhood; to experience new things and have fun time: *“I understand that I have forgotten what important problems I had when I was her [Little Friend's] age. I learned to look at the world through the eyes I saw it 10 years ago;” “We have fun time together. My friend is very kind, smart, and reliable, I could call her my sister. It's very nice to be a role model.”*

A number of Big Friends **could apply their knowledge and social skills:** *“[I was able] directly to see the results and reaction to the knowledge I gained at the university. I myself became more patient, more consistent, and flexible.”*

To motivate volunteers, various international projects and Volunteer Clubs are organized for them. On such events, they not only share their experience but have a chance to meet other volunteers, peers, and gain new experience.

Financial Support of the Program

The BBBS program administered by the NGO Children Support Center is supported by various entities. The program is supported by businesses, foreign foundations, and Lithuanian people who donate 2% of their income taxes.

Projects meant for BBBS participants (summer camps and other events), scouting for volunteers, training of children and volunteers, and program's advertising are supported by various ministries of the Republic of Lithuania and Vilnius city municipality. In these cases, the program is supported as part of the services to children who were abused or went through various crises.

BBBS at School

The BBBS program applied in schools prevents and intervenes. It helps to minimize isolation and aggressiveness among children in Lithuanian schools. **The main goal of the program** is to form a friendship at school between younger and older school kids where the older children become the Big Friends for younger kids. The friendships are professionally supervised by trained school teachers.

Why BBBS is useful in schools?

In the past decade, there have been significant changes of the rate of abuse among school children in Lithuania. It increased, and became almost the norm. Moreover, the number of younger children abusing each other has increased. Constant sneering, racketeering, physical abuse, and group punishments show that children have difficulties getting to know themselves, controlling anger and impulses, they lack ideals and values that can keep them away from using abuse. It is necessary to correct the situation, and good news is that it can be done. The school could contribute to minimize the rate of abuse among children and provide support for them using its own resources – older school children who are mature and focused and want to help younger children.

Volunteers in school

The older children can play a very important role at abuse prevention and intervention in their schools. 9–12th grade adolescents are active in school's life, they take part in useful school's projects, gain experience and practical communication skills while working voluntary with younger peers; they creatively influence their opinions, learn how to pass this social experience to others, feel their usefulness and purpose, and perform social activities.

The older children can be a positive role model to younger kids – they act as their support, and the source of information. They help them to get a sense of and understand school subjects, to keep relationships, choose right friends, and raise younger kids' self-confidence and self-esteem.

How does the friendship develop in school?

The friendship takes place in school at an appointed time and place. The activities of the Little Friend and the Big Friend are foreseen by the coordinator. The case manager regularly consults and professionally supervises the couple, and assesses the results.

The coordinator of the BBBS in school

In schools, the coordinator of BBBS can be a schoolteacher, social educator, psychologist, or any other school staff member who has a university diploma, completed BBBS in School training

course and has a certificate to prove it. These courses are organized by the NGO Children Support Center.

BBBS in Lithuania

The Big Brothers Big Sisters Association of Lithuania, established in 1999, unites BBBS programs in all Lithuania. The mission of the NGO Children Support Center is to spread the BBBS program in Vilnius city and the whole country.

Today the program is successfully implemented in nine Lithuanian cities and towns: Vilnius, Kaunas, Šiauliai, Klaipėda, Alytus, Joniškis, Kretinga, Molėtai, and Utena. In these places they are administered by pedagogical-psychological services, youth and day centers, and NGOs, schools.

IV. Evaluation Mechanisms for Early Juvenile Crime Prevention Programs

The history of prevention programs in Lithuania is very short. The significant changes in the area started to take place only after Lithuania regained its independence in 1990. As Dainius Pūras points out, only then the problematic issues such as child abuse prevention, alcohol and drug abuse prevention, providing help to families at social risk, mental health prevention and reinforcement, and etc. felt into the radar of society. In the Soviet Union, such problems were not raised or discussed for various reasons (Pūras, 2011).

However, Pūras acknowledges that although more than 20 years have passed, the infrastructure of prevention programs (creation, financing, and implementation) is still very fragmentary. There are still quite a few obstacles that prevent to implement effective prevention programs in the country. Pūras distinguishes lack of the investments as one of the main obstacles. According to him, in order to evaluate the effectiveness of prevention programs, one needs to invest in evaluation mechanisms. Regrettably, politicians tend not to invest in the programs which effectiveness is not easy and cheap to assess. Moreover, the results of the most effective programs for the most part can be seen only after 5–10 or even more years (Pūras, 2011).

As an example Pūras provides a method that proved to be very effective throughout the world. It is the method that teaches parents raising kids to acquire emotional skills while interacting with children and helps to prevent crime among children in later years. In this case the investments put in the program would pay off after more than 10 years. As for politicians, they often want to see an immediate and easily measured effect of such programs (Pūras, 2011).

In 2005, as part of the implementation of the National Crime Prevention and Control Program the methodology of evaluating the efficiency of crime prevention projects (programs) was prepared. It describes the scientific requirements of a crime prevention project that are needed in order to evaluate project's efficiency. In 2005–2006, a teaching methodology was prepared. Its purpose is to help specialists working in the field to get acquainted with current methods that assure the effectiveness of preventive projects and to apply them at preparing and implementing such projects (Justickis, Gečėnienė, Čėpas, 2005). In 2007, the Drug, Tobacco and Alcohol Control Department prepared methodological recommendations for specialists who work in the primary psychoactive substances child prevention field. The recommendations were a reaction to the conclusions issued by the Commission in 2006 that note that specialists who work in the field of prevention do not have enough information about how the primary evaluation of the project. In 2009, the methodological tool, named “Beccaria. Seven Steps to a Successful Crime Prevention Project”, was

published on the website of the Ministry of the Interior of the Republic of Lithuania. It explains how to prepare an effective crime prevention project (Astrauskienė, 2007).

A study conducted in Lithuania aimed to analyze the crime prevention programs in the country and assess its correspondence to methodological requirements of such programs. Crime prevention programs of various levels as well as other programs related to the field (social, economic, and education) for 1993–2016 were analyzed. The quantitative and qualitative analysis of programs' content was carried out. All programs (42 programs, or 86% already implemented and 7 programs, or 14% are implemented currently) are national and are applied on the state level.

The study found that none of the assessed programs looked into the potential effectiveness of the measures chosen for the program. Therefore the preventive impact of the programs, which were put together by many institutions and required finances, is not known. The study showed that the average index of crime prevention programs that satisfy the criteria for such programs is 6.8 (out of 16). That means that the programs satisfy only less than half of all criteria used in the study. The study also noted that the prevention programs are centralized, which means that they are less oriented towards the regional and local level to ensure the closest interests and needs for human safety (Kiškis, Kuodytė, 2011).

M. Smolinas observes that the prevention program will be successful if it is designed according to the child's needs. Whereas in Lithuania, prevention programs are prepared and implemented for a general group of offenders not paying attention to the nature or reasons of a crime. Therefore it is clear that not all measures applied to the offender will be effective. Smolinas suggests to introduce an audit as one of the tools for evaluation the effectiveness of prevention programs (Smolinas, 2010).

Pūras also notes that throughout the world the mental health prevention is based on science and it is recommended to invest in general mental health immunity reinforcement and not in specific preventive factors. Whereas in Lithuania, applications oriented towards a very specific and narrow goal are selected (for example, presentations about the drug and alcohol abuse damage). The measures such as moralizing and categorizing families into bad and good ones still prevail in Lithuania. There is a huge need for positive preventive work with families at social risk (Šalaševičiūtė, 2011).

Conclusions

Lithuanian juvenile justice system stands on two poles that are reflected through its dependency to different areas of state's management: the measures, that are related to legal liability implementation, belong to the Ministry of Justice, and the measures, that are applied to deal with delinquent behavior and where legal liability is not possible, lies with the Ministry of Education and Science.

Penal and educational measures foreseen by the Lithuanian law system are applied depending on age group and character of socially unacceptable behavior, and whether such a behavior falls into the category of law violations. This distinction helps to decide what measures – of criminal justice or education system – will be applied in each case. Although the distinction between the measures applied is rather a formal one, the content of educational and preventive measures is very similar in both systems.

Penal and educational measures foreseen by the Lithuanian laws are a reaction to already committed violations and crimes. They emphasize child's behavior and his liability, but not his needs. The system is more oriented towards the punishment and not towards help.

The spectrum of the preventive measures applied to the delinquent youth is rather wide. However, few measures are rarely applied and the ones that are applied usually are not delivered through. There is also a lack of cooperation among the institutions that take part in appointing and implementing measures.

The education system carries the most responsibility for organizing the juvenile delinquent prevention in Lithuania. Within its framework the *Law on Minimal and Medium Care for the Minors* is applied, the activities of social educators and psychologists, as well as preventive group work is organized.

Although children that live in the families at social risk receive various help and preventive measures (child rights protection, day centers, financial and social help, and etc.), the resources and professional services are not sufficient, especially in remote places of Lithuania.

Health care institutions take part in children delinquent prevention very sporadically – only on demand.

In the Republic of Lithuania, preventive work is organized through the programs ratified by the Government of Lithuania: Juvenile Occupation and Improving Delinquency Prevention Program, National Children and Youth Crime Prevention Program, National Drug Control and Drug Addiction Prevention Program, The National Program Against the Commercial Sexual Exploitation and Sexual Abuse of Children, The Children and Youth Socialization Program, and Juvenile Justice Programs.

Trying to create effective, modern, and humane juvenile justice system, it is important to reinforce the competences of the staff working in juvenile legal system, encourage the cooperation among the institutions, and deepen the specialization of the professionals working with the youth inclined to commit crimes.

Lithuanian juvenile delinquent system is dominated by legal conflict-solving strategies; therefore it lacks alternative – non-legal – conflict-solving strategies.

The preventive practices used in Lithuania today are considered to be effective and useful, theory and science-based, adapted by and used all around the world. They are oriented towards the strengthening children's resistance to negative environment's impact and social, emotional, and interpersonal skills training.

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Introduction

This section provides a broad overview of the issue of juvenile crime and juvenile crime prevention in the Netherlands. A brief account of existing Youth Care and Juvenile Justice structures are presented.

Juvenile Criminal Law in the Netherlands applies to young people between the ages of 12 up until 18 years of age. The Dutch government made it a priority to reduce crime by 25% between 2002 and 2010, which for juvenile crime meant a reduction of 10%. As will be detailed in the sections below, some progress has been made in reducing crimes committed by young people. In The Netherlands, a number of facilities, such as 'Justice for young people' ('Jeugd Terecht') and the Halt programme deal specifically with the implementation of juvenile criminal law.

In terms of prevention of youth delinquency and working with vulnerable young people more broadly, there exists a broad range of organisations and institutions that may intervene in a young person's life, jointly referred to as 'Youth Care' ('Jeugdzorg'). 'Youth Care' encompasses child protection services, care facilities, mental health care services and youth probation services. Organisations and institutions that may become involved in any case of a young person deemed to be at risk (of maltreatment, for example, or youth delinquency) can include a youth welfare institution, the police, local street coaches/neighbourhood teams, as well as a school. The weak coordination of efforts between the various actors that may become involved with vulnerable/at risk young people and/or their families has been a recurring point of attention and discussion in the Netherlands. In response to this shortcoming (as well as, concerns regarding the medicalisation of 'deviant behaviour' and, as a result, the high cost of interventions), the government has decided to devolve responsibility for 'Youth Care', including financial responsibility, to municipal authorities as per January 2015.

At present, responsibility for Youth Care resides at provincial level, which means funding is devolved from central to provincial level and provinces allocate resources to the provincial

Youth Care Office and ‘buys in’ care from Youth Care institutions for young people and families if and when necessary (<http://www.rijksoverheid.nl/onderwerpen/jeugd zorg/jeugd zorg-in-de-wet>). The present study details services and initiatives designed and delivered within the current set up, although some attention will be given to the upcoming changes as of 2015.

I. Developing prevention at early stages, overview of the systems

For purposes of the current study, ‘early prevention’ is defined as referring to a series of actions which aim to create an environment that deters children from persistent disruptive behaviour and early-onset delinquency. In view of this definition, the study on the situation in the Netherlands focuses on primary and secondary preventive measures and programmes.

The government considers ‘early intervention’ to play an important role in keeping minors from embarking on a life of crime, with ‘[s]wift and consistent punishment for offences’ on the basis of the juvenile criminal law to help reduce the incidence of crime (<http://www.government.nl/issues/youth-crime/reducing-youth-crime>).

Brief overview of Dutch legislation and measures

Early intervention for under 12

Children under the age of 12 cannot be prosecuted. The police either speak to their parents or refer them to a youth care office (Bureau Jeugdzorg). The courts can take measures when there is a risk that the situation could become unmanageable.

Parents of minors required to attend hearings

When a minor is tried for an offence, the parents or guardians are required to attend the proceedings so that the judge can get a sense of the family situation and the minor concerned. If the parents fail to attend a hearing, the court can issue a warrant to secure their attendance in court. In such cases, the police pick up the parents at home and escort them to court.

Parents are also involved before the trial. The police often talk to the parents and the Child Protection Board also establishes contact with them. The Youth Probation Service contacts them after the pre-trial detention order is lifted.

Education order for convicted minors and young adults

Since 2014, it is possible to place a young person (aged 12 to 23) who is convicted of an offence under an education order. An order of this nature would be imposed to ensure that the individual concerned resumes his/her education with a view to earning a qualification.

New criminal legislation for minors and young adults aged 15 to 23

Similarly starting in 2014, young people aged 15 to 23 may be tried either as adults or as minors. The main points of the new legislation are as follows:

Personalised approach

Court judgments will take more account of the individual's development. Some young people respond well to a tough approach, while others may benefit more from guidance, even if they are older.

Order for placement in youth protection and custody after young offenders' institution

A young person who has committed a serious offence can be placed in a young offenders' institution. If the individual still poses a danger after having served his or her sentence, the court can convert the sentence into an order for placement in a youth protection and custody institution.

Combination approach & reducing number of criminal gangs

The government strives to apply a combination of care, punitive, educational and employment measures. According to the Ministry of Security and Justice, this combination has been found to work well in dealing with criminal youth gangs (there has been a drop in the number of criminal youth gangs, from 89 in 2010 to 17 in 2013, but whether this is attributable to the combination approach is difficult to establish). Dealing with these gangs forms a policy priority in view of the threat they pose to society and the serious crimes generally committed by gang members.

Prevention of re-offending

Preventing re-offending by minors forms another important government priority. The government strives to implement the following measures to prevent young offenders from re-offending:

Personalised approach

The government aims to tailor the support provided to young people depending on their needs and stage of development. For example, an aggressive person can be ordered to attend a course to learn how to cope with and control aggression. The Offending Behaviour Programmes Accreditation Committee (Erkenningscommissie Gedragsinterventies Justitie) reviews the courses to determine whether they have actually had the desired effect.

Training and education programmes

When a young person is released from young offenders' institution, he or she needs to reintegrate into society by attending school or university, or finding a job. Training and education programmes provided at the end of the custodial period are intended to help them prepare for this.

Proper support and guidance

Young offenders' institutions, the Child Protection Board (Raad voor de Kinderbescherming), the Youth Probation Service (Jeugdreclassering) and municipalities work together in network and process-related consultative bodies. They arrange shelter, income, education and/or work for young offenders upon release.

Bureau Halt

At the police level a unique form of alternative settlement is offered to young first offenders who have committed certain minor offences: the Halt programme. Juveniles who opt for this type of settlement agree to carry out a project that normally includes damage compensation and/or community service/training up to 20 hours. Even though the Halt procedure is included in the Dutch penal code, it can be regarded as an alternative to the formal justice system because charges are officially dropped once a successful Halt programme is completed, the juvenile is not prosecuted and a criminal record is consequently avoided.

Halt is a Dutch organisation with a national network of offices which aims to prevent and combat juvenile crime. The crime prevention activities of Halt consist of advisory services, educational programmes and the development and implementation of crime prevention projects. The activities are carried out at local and regional levels. Halt is also responsible for the enforcement of alternative punishment given to young people up to the age of 18. About

half of the juveniles arrested by the Dutch police are referred to one of the Halt offices to undertake a Halt programme.

Young people under the age of 18 who commit offences such as theft (e.g. shoplifting), vandalism, graffiti, arson, fireworks nuisance, nuisance in public transport and truancy (as an experiment) can be referred by the police to a Halt programme. Each year over 20,000 juveniles are referred.

The Ministry of Security and Justice finances, and devises a framework for these programmes.

Halt is a play on words in the original Dutch, indicating there is an alternative. Juveniles are given the opportunity to address their wrongdoing and avoid prosecution. As an alternative to this out of court settlement, they have to perform training and/or community service tasks, apologise and/or pay compensation to their victims.

Halt calls on their parents to accept their personal responsibility and supports them in their role as educators. When there is a suspicion of underlying problems, Halt will refer the case to the appropriate professional youth care service. As it has built up a lot of expertise in preventing common juvenile crime, Halt carries out preventive actions and gives targeted advice to local authorities, schools and cooperating organisations. Local authorities supply most of the money for the crime prevention activities.

‘Task-related punishment’ (taakstraf) for young people

In some cases, a court may decide to sentence a young person to a form of punishment which, loosely translated, could be referred to as ‘task-related punishment’. This form of punishment of juvenile delinquents may be in terms of unpaid work, a ‘learning project’ or a combination of these. Any young person who is sentenced to this form of punishment is supervised by the Council for the Protection of Children.

Youth detention

Juvenile delinquents that are sentenced to youth detention measure are placed in a youth correctional centre. The maximum period of time a young person may be placed in a youth detention centre is two years for young people between the ages of 16 to 17 years. For young people between 12 and 15 years, the maximum period is one year. Whilst in detention, young

people have to go to school and are given lessons in social skills and learning to deal with hanger.

PIJ-measure (Placement in Youth detention centre/'Plaatsing In Jeugdstrafrecht')

Some juvenile delinquents, for instance those with developmental impairment or psychological difficulties, require intensive treatment and supervision to prevent recidivism. The PIJ-measure is for those that have committed a sex offense or violent crime. Upon receiving the verdict of the PIJ-measure, a young person can be placed in a youth detention centre. The minimum sentence is four years, the maximum seven years. During the final year, a young person may be released on probation during which they are supervised by a probation officer.

If a young person is older than 23 years of age, a judge can change the PIJ-measure into a TBS-measure. The acronym TBS stands for 'placement under a hospital order'. TBS is a treatment measure the court imposes on people who have committed serious offences and suffer from a psychiatric illness or disorder, which influences their behaviour to a greater or lesser extent. As a result the court does not hold these people fully accountable for their actions. However, for the part of the offence for which the person in question can be held responsible, the court can impose a prison sentence; the so-called combined sentence (e.g. eight years imprisonment in combination with TBS). In order to treat the disorder and prevent repeat offences (recidivism) TBS is imposed in addition to the sentence. The objective of TBS and combined sentences is to protect society (<http://english.justitie.nl/themes/tbs/>).

In deciding whether to sentence a young person to a PIJ-measure, a judge will consider the judgments of two behavioural experts and, in some cases, that of a psychiatrist.

Night detention

Night detention is a temporary form of detention for young people between 12 and 18 years. A young person goes to school or work during the day. S/he spends time after school (including nights) in a youth detention centre. In this way, the day-to-day life of a young person is disrupted less than if s/he spends entire days in detention. This measure is only applied in cases where a young person spends her/his day in a 'meaningful' manner, i.e. by attending school, in employment or taking part in a treatment programme. The location of the day programme has to be in the vicinity of the night detention centre and a young person is required to commit to the conditions of the sentence by signing a contract.

Behaviour modification measure

In cases where placing a young person in detention is considered too severe but a conditional sentence insufficient, a young person may be required to ‘undergo’ a behaviour modification measure. This kind of measure entails a young person participates in one or more training sessions or treatments, e.g. geared to dealing with anger or drug rehabilitation. A youth probation officer supervises the behaviour modification process.

Youth & crime in the Netherlands; trends

In the Netherlands, various methods are used to examine the developments in the number of young people who commit crimes. These methods may be divided into methods on the basis of self-reported delinquency on the one hand, and police and judicial statistics on the other hand. By means of self-reporting, insight can be obtained into the number of young people who stated that they had been guilty of committing an offence in a specific period. Police statistics provide insight into the number of arrested suspects of an offence. Judicial data, finally, provide insight into the number of prosecuted offenders.

Each of the sources has its merits and restrictions. Police and judicial statistics relate to all possible offences and relate to the entire population of suspects – arrested or otherwise – or prosecuted offenders of crimes. However, an important restriction of police and judicial statistics concerns the fact that not all offences (or offenders) are known to the police. These statistics strongly depend on criminal investigation efforts and the priorities set in terms of types of offences and groups of offenders. The method on the basis of self-reporting is independent of these efforts, but is limited mainly to minor offences and offences committed frequently. In addition, the disadvantages of self-reporting are that people may over- or underreport their offences, that it was not possible to verify all offences, and that only a limited number of young people are generally asked for information.

Police statistics show that out of a population of 1,000 minors, the number of arrested suspects amounted to 18 in 1960. In 1985, this number had increased to 32, in 2007 to 57. Since 1985, 4% of all minors living in the Netherlands are apprehended by the police on suspicion of having committed a crime. In 2010, the cities Rotterdam and Groningen had the highest proportion of male suspects between the ages of 12 and 25 years (6%), whilst for girls (under the age of 18 years), the highest proportions were found in Leiden and Groningen (2%).

Most arrested/prosecuted juveniles commit crimes against property. The number of young men apprehended by the police roughly outnumbered young women five to six times, although the proportion of girls registered by the police as having been arrested has increased over the past years (<http://www.jeugdcriminaliteit.net/#aanpak>). By way of comparison, data emerging from research based on self-reporting reveal that between 55 - 65% of all young people between the ages of 12 and 18 years will at some time commit a criminal offense.

As reported in Laan, van der & Blom (2011a), there was a growth in the number of juvenile suspects of violent crimes registered in the period 1997 - 2007. A possible explanation, according to the authors, may relate to reduced levels of social control on the streets and selective law enforcement, namely aimed at young people and risk areas. A recent study by the Scientific Research and Documentation Centre (Ministry of Security and Justice) and the Central Bureau of Statistics found the number of juvenile delinquents had decreased since 2007 (Laan, van der & Blom, 2011b). The decrease is especially noticeable in theft and handling stolen goods. This latter study details developments in the proportion of juvenile offenders among minors of 12 to 18 (and 18 - 25) years of age on the basis of self-reporting, and police and judicial data. The proportion of offenders refers to the number of offenders in relation to the total number of persons in the relevant age group.

Minors (12 to 18 years of age)

In 2011, a total of 54,000 young people below the age of 18 were suspected of having committed a crime. This represents a decrease of roughly 33% when compared to 2008 figures.

According to Van der Laan and Blom (2011b), the most important development in the most recent years of measurement (namely 2010) is the decrease in the proportion of offenders among minors of 12 to 18 years of age compared to the preceding year, irrespective of the type of data source used.

In 2010, the percentage of self-reported offenders of one or more offences was lower than in 2005. 2008 saw the first decrease in the proportion of minor suspects of offences that were arrested by the police following many years of rising numbers in the period up to and including 2007. This finding applies to various groups of suspects, such as first offenders, habitual offenders, and recidivists. In addition, the proportion of prosecuted offenders was lower in 2008 than in the preceding year (Laan, van der & Blom, 2011b).

Young adults (18 to 25 years of age)

The number of suspects and offenders among young adults has been assessed using police and judicial statistics, both yielding comparable developments. The most important findings were:

* In the most recent year of measurement (2010), the proportion of arrested suspects and prosecuted offenders among young adults decreased for the first time in years.

In the period 2003-2008, the proportion of arrested suspects and prosecuted offenders among young adults whose offence had been settled in court initially showed an annual increase; it subsequently stabilised, and was followed by a decrease in the most recent year of measurement. It is not known whether the decrease in the number of offenders among young adults concerns 'real' crimes, as findings are based on police and the judicial authority statistics. It should be noted that despite the decrease, the proportion of arrested suspects and prosecuted offenders among young adults has not yet returned to the lower levels registered in 2003.

* The recent decrease occurred among men and women and among most groups of origin, with the exception of young people of Moroccan descent.

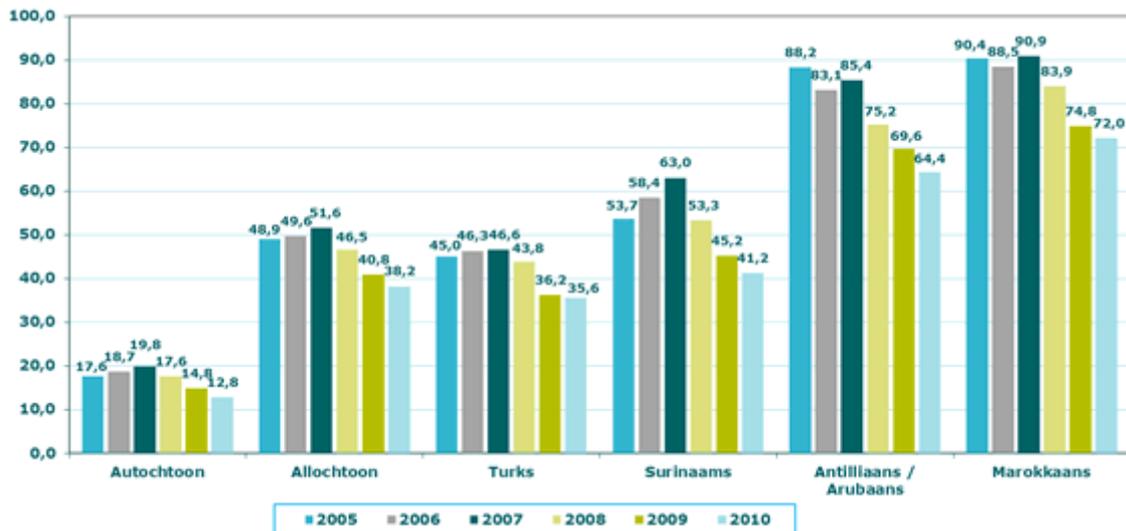
* The proportion of offenders who had committed offences against property has decreased while the proportion of offenders of violent offences remained more or less stable in the last few years.

* The proportion of community service orders among young adults imposed by the Public Prosecution Service showed a decrease for the first time after many years of increasing numbers.

* The proportion of court-imposed community service orders continues to rise.

* The proportion of orders for deprivation of liberty imposed on young adults continues to decrease.

Juvenile suspects and ethnic background (2005-2010)



Source: NJI (undated)

The number of non-Dutch natives that is arrested by the police is considerably higher than native-Dutch young people; in 2010 12,8 per 1,000 native-Dutch young people was arrested, while among non-native Dutch young people this amounted to 38.2 per 1,000 young people. Of all the young people living in the Netherlands, those of Moroccan descent are most frequently arrested upon suspicion of having committed a crime: in 2005, 90 out of 1,000 young people of Moroccan descent had been apprehended by the police, although in 2010 this decreased to 72.

Van der Laan and Blom (2011b) report the decrease in the proportion of suspects applies to all groups of origin (native-Dutch young people, Surinamese, Antillean, Turkish, or Moroccan). On the basis of self-reporting, however, the decrease in self-reported delinquency only appeared to apply to native-Dutch young people.

Juvenile suspects and gender (2005-2010)

The data did not reveal a decrease in all groups. Among boys, only the proportion of arrested suspects and prosecuted offenders decreased, among girls the decrease was only seen in the proportion of arrested suspects.

In the period 2003-2008, the proportion of young female suspects was highest among young women of Antillean descent, followed by Moroccan and Surinamese women. The proportion of female suspects was smallest among native Dutch women and young Turkish women. While crime rates have appeared to decrease among all groups of young people toward the

end of the 2003-2008 period, the number of female suspects of Moroccan and Turkish descent has continued to increase.

Youth Justice, and Child & Youth Care and Protection System

Some historical background to situate the information to follow, i.e. to help understand the specific context in which, for instance, the child protection system has evolved

Particular attention should be paid to issues of gender, ethnic background and similarities/differences between rural - urban areas throughout the research* If people want to read more - there must be some references, researches (titles should be translated from national languages to English) etc.

A. Youth Justice System

The following section details the broad principles of legislation, paying particular attention to the extent to which children and young people have a say in decisions concerning their lives, and children and young people's rights are respected and put in practice more broadly. The section ends with a discussion of some of the primary alternatives to detention currently used in the Netherlands.

1. Broad Principles of the Youth Justice System

Juvenile sentencing is historically largely pedagogic and corrective in nature. In the Netherlands, juvenile criminal law can also be applied to 18 to 21 year olds if the Court decides that this is appropriate for the particular offender, or if there were special circumstances relating to the crime. By the same rationale, 16 to 17 year olds may be subjected to adult law.

The Youth and Crime Prevention Department of the Ministry of Security and Justice requested the Research and Documentation Centre (WODC) to describe and interpret developments in juvenile delinquency in relation to and specifically aimed at juvenile offenders and juvenile suspects. The reason for this is to be found in the offender-focused approach that has been chosen by the Ministry in its approach to tackling crime (Laan van der & Blom, 2010a).

In the Netherlands, the following groups of youth offenders are recognized (by the police):

- At risk youth: These have not yet offended, but the risk is there that they will do.

- First offenders: young people who have been arrested by the police for the first time for a criminal act.
- Light criminal youth: these have been arrested more than once
- Repeat offenders ('veelplegers'); young people that commit many criminal acts, but of a less serious nature than the 'hard core'
- Hard core youth: children and young people 12 to 21 of age who have committed serious criminal offences and have been in contact with police and justice before.

While, in principle, juvenile criminal law applies to all those below the age of 18 years a judge may decide to persecute a 16-17 year old according to adult criminal law, which allows for sentencing to longer prison sentences. Young people aged 16-17 years who receive a prison sentence under adult criminal law may be imprisoned in a youth section of an adult penal institution (DCI, 2012). Reasons for applying adult criminal law include the severity of the crime (e.g. murder) and the personality of the perpetrator. Child Protection Services will always give advice to the judge in these cases. A judge may equally decide to use juvenile criminal law for young people between 18 and 21 years of age. Here too the personality of the perpetrator may constitute a decisive factor if and when a choice needs to be made between juvenile and adult criminal law.

Currently the government is working on a new law for young people from the age of 15 to 23 years (inclusive). The new 'adolescent criminal law', which is expected to enter into force in April 2014, will allow the courts greater discretionary power in relation to cases which involve young people. The new law will allow judges to decide whether to apply youth or adult criminal law to all young people between the ages of 15 and 23 years, depending on young person's developmental stage and needs.

2. The right of children and young people in conflict with the law

Child Rights organizations in the Netherlands are critical of policies and programmes of the Dutch government. Defence for Children, for example, notes that in the Netherlands, policies have become more repressive and the capacity of youth custodial institutions (YCI) has grown exponentially (Detrick et al., 2008). The numbers of children in YCIs have increased. The length of the sentence of youth detention has been increased for 12-15-year-olds from a maximum of six months to 12 months. For 16- and 17-year-olds, the maximum sentence

increased from six months to two years, and this group may, furthermore, also be tried and sentenced under adult criminal law.

As Detrick and colleagues (2008) note, the Convention on the Rights of the Child (art. 37(b)) states that the arrest, detention or imprisonment of a child 'shall be used only as a measure of last resort and for the shortest appropriate period of time'. However, in the Netherlands each year more children are being deprived of their liberty. In 2002, 3,900 children were held in a youth custodial institution (YCI). In 2005, it rose to 4,965, then falling slightly in 2006 to 4,726 children. Despite this 'stabilisation' of the numbers of children held in YCIs, the government increased the capacity of youth custodial institutions with 172 new places in 2008, 127 places in 2009 and 146 in 2012. The increase in YCI capacity is, furthermore, at odds with the decrease in youth criminality detailed in the sections above. As the increase in YCI capacity may be seen as illustrative of the increasingly punitive regime has come into practice during the last decade, in which, overall, more and more severe punishments are given and a substantial number of children is held in pre-trial detention (in 2006, for example, 40% of the average population of children in YCIs were in pre-trial detention).

The UN Convention on the Rights of the Child and custody in police cells

In 2011, DCI published the report 'A few nights in the cell', documenting findings with regard to the (high) numbers of minors that were held in custody in the Netherlands and their treatment whilst in police cells.

Over the past few years Defence for Children has received alarming signals on the high number of minors being held in custody in police cells in the Netherlands, and on the way these minors are treated during their custody. DCI analysed the extent to which policy and practice in the Netherlands met the UN Convention on the Rights of the Child (UN CRC) and other UN-rules and regulations concerning juvenile justice.

Based on its analysis, DCI concluded that, for a number of reasons, the Netherlands can be seen to have failed to comply with the UN CRC in relation to the custody of minor suspects in police cells. To begin with, according to the UN CRC minors have a special legal status, meaning that the Netherlands should, where necessary, alter laws, policies and practices to bring them in line with Convention. DCI found that treatment of a minor suspected of having committed a crime barely differed from that of adult suspects. There are few separate departments or child friendly cells and minors were often found to be ill-informed as to their rights (e.g. the right to make phone call).

According to the DCI study, crime detection was of higher interest than the (best) interest of the child. The UN CRC states that the arrest, detention or imprisonment of a child will be in accordance with the law and shall only be used as a measure of last resort and for the shortest possible period of time. DCI found that particularly during the first three days of pre-trial detention, the best interest of a child was given insufficient attention. There are no clear criteria in use to decide whether detention of a minor is actually necessary, meaning that the meeting with the judge - which might only be after three days - may be the first moment the grounds for detention are examined.

Pre-trial detention, duration of stay in police cells and alternatives to detention

While the number of minors that has been interrogated between 2008 and 2010 has decreased from 59.750 to 49.015, the number of minors that has been detained has increased over that same period, namely from 8.261 in 2008 to 9.316 in 2010. This suggests policies in the Netherlands are not geared toward decreasing frequency of detention of minors in police cells.

According to the UN CRC a child should be detained for the shortest possible period of time. In the Netherlands, minors can be detained in a police cell for a maximum of sixteen days and fifteen hours. In surrounding countries, such as Belgium, Germany and England, the maximum length of stay is under 24 hours. Another critical issue raised by DCI concerns the lack of alternatives for detention. DCI reports that there are few possibilities to settle matters out of court during the three-day pre-trial detention period. In addition, there is no national diversion system, and no alternatives to detention are offered. There is no legal system for restorative justice and mediation, and, contrary to neighbouring countries, these methods are rarely used after first contact with the police.

The right to information and legal assistance

Minors have the right to be informed about their rights in a manner consistent with their age. The DCI study revealed that, in practice, this rights is not always respected. It was found that, at times, information was not readily available, or was not presented in a manner that was comprehensible to a minor. Additionally, access to legal assistance was not always free of cost, which it ought to be. Finally, there is no national protocol or set of instructions to guide police in their work with young people, DCI finding that minors were often confronted with police and judicial authorities that were not specialised in working with children.

Coercion and violence are not prohibited by Dutch law

The use of coercion and violence is not prohibited by Dutch law, and is there no guarantee that these methods are not applied in police dealings with young people. The risk posed by the absence of legislation around this issue is compounded by the lack of adequate supervision of the circumstances under which young people are held in police cells.

DCI concludes that, at present, Dutch laws, regulations, policies and practices do not comply with the UN CRC, and particularly what the convention stipulates in relation to (pre - trial) detention of minors.

Adapted from: Berger & Kroon (2011)

3. Diversion measures

Besides a prison sentence or a monetary punishment, it is also possible that young people in this age group are given a monitoring/support measure through the Youth Parole System or that they get an ‘educational punishment’.

B. Youth care system from the scope of juvenile crime prevention

Introduction

The following section describes the youth care system in the Netherlands. Child protection, as part of a larger youth care system, has a long history in the Netherlands. Until the 1950's, 1960's the care for children who could not stay within their own families (for whatever reason) was mainly in the hands of institutions representing the different (religious) pillars in Dutch society. There were, for example, orphanages for catholic kids, for protestant kids (with subdivisions amongst those protestants) and for children from socialist families (strangely enough ‘socialism’ was kind of a separate pillar in Dutch society). Those days are now long gone. The Netherlands has followed a similar route as many other so called well-developed countries, and very close to what has happened in Scandinavia, whereby care provisions for children and youth have become accessible to all, irrespective of background, and with as their primary aim to provide family type forms of care. Prevention of all kinds of negative developmental pathways for children, including juvenile crime prevention, has been considered of primary importance. The Netherlands is also one of a few countries where the International Convention on the Rights of the Child has been made integral part of its

constitution. Another important trend in the past hundred years, has been a shift from mostly community based, volunteer care for children, towards an almost complete professionalization of such services. Recently there is some reversal of that trend, but it's too early to know if and how this will continue. Overall one can say that in the Netherlands there is an elaborate system of youth care, which includes measures to prevent juvenile delinquency, and is linked to other systems, such as juvenile justice. This however does not necessarily mean that the current system is very effective, either in protecting children against violence or in preventing kids from committing criminal acts.

1. Description of the youth care system & monitoring mechanisms

Dutch definition of Youth

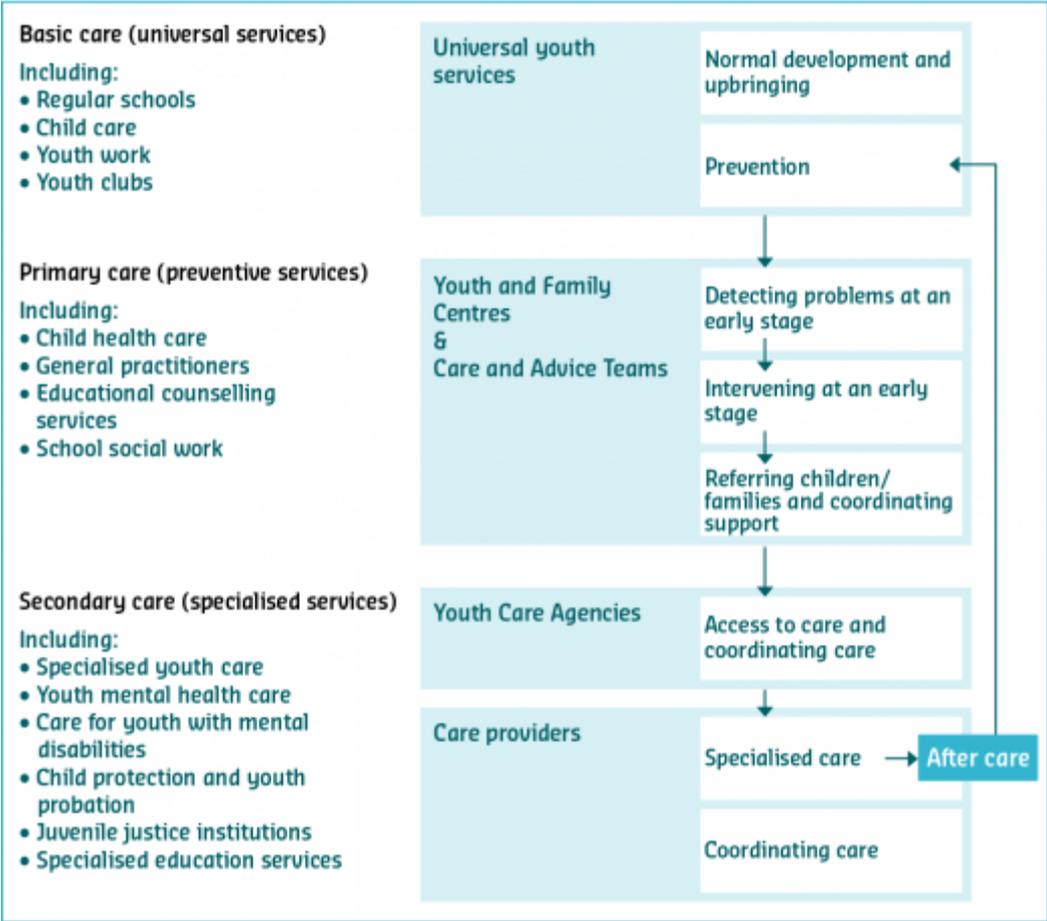
In the Netherlands, the term youth is applied to children and young people from 0 up to the age of 24. In 2011, there were almost 5 million children in this age group. One in five young people in Holland have an ethnic background. As in most other industrialized countries, the proportion of youth in the total population is decreasing. More statistical information about the situation of youth in The Netherlands can be found on the national Youth Monitor website (<http://jeugdmonitor.cbs.nl/en-gb/>).

Child welfare and child protection

In The Netherlands the Ministry of Health, Welfare and Sport is responsible for overall youth policy and most specialised services for families and children. The Ministry of Security and Justice is responsible for juvenile justice policy (<http://www.youthpolicy.nl/yp/Youth-Policy/Youth-Policy-subjects/Child-protection-and-welfare/Juvenile-justice-policy>) and related institutions. The Ministry for Security and Justice is responsible for the Child Care and Protection Board.

The 15 provincial authorities/large urban areas and 408 local authorities also have responsibilities regarding youth policy and related services. They carry out their tasks with a great degree of autonomy. The Dutch youth care system consists of different services:

The Dutch Youth Care System



Source: www.youthpolicy.nl

In The Netherlands the Ministry of Health, Welfare and Sport is responsible for overall youth policy and most specialised services for families and children. The Ministry of Security and Justice is responsible for juvenile justice policy and related institutions. The 15 provincial authorities/large urban areas and 408 local authorities also have responsibilities regarding youth policy and related services. They carry out their tasks with a great degree of autonomy. The Dutch youth care system consists of universal services, preventive services and specialised services. Different layers of the Dutch government are responsible for coordinating these services.

General and preventive youth policy

Municipalities in the Netherlands (of which there are 408 in total) are responsible for universal and preventive youth policy.

Universal services (basic care)

Universal services are for example youth work, child care and regular schools. These services aim to facilitate the normal development of children and to prevent small problems of children and families turning into severe problems.

Preventive services (primary care)

The municipalities are also responsible for preventive youth policy. Preventive services (or primary youth care services) are for example child health care, general social work, parenting support and the Youth and Family Centres. These preventive services aim to detect problems at an early stage, to intervene at an early stage, to coordinate support and to refer children and families to the provincial youth care services.

Specialised services (secondary care)

Both the regional and national government are responsible for the specialised services for youth and families. Specialised services are for example the provincial youth care services, youth mental health care services and child protection services. In The Netherlands, 12 provinces and 3 large urban areas are responsible for the so-called Youth Care Agencies and the youth care services.

Youth care agencies

The provincial Youth Care Agencies are access points for the provincial youth care services. These independent agencies assess the needs and the situation of children and families with serious development and/or parenting problems and refer them to these services. The provincial Youth Care Agencies are also responsible for the coordination of care, youth protection and youth probation.

Care providers

In contrast, several kinds of care providers provide specialised care, coordination of care and aftercare. This includes the provincial youth care services that provide specialised youth care, such as intensive ambulatory support and specialised pedagogical support at home for multi-problem families, semi-residential care, residential care, foster care and secure care. Other kinds of specialised care includes for instance youth mental health care and care for youth with mental disabilities as well as youth probation as child protection.

Relevant Dutch legislation on children and young people

In the Netherlands there is no encompassing law for issues on children and young people. However, two laws are very important:

The Social Support Act

On 1 January 2007 the Social Support Act (in Dutch: Wet maatschappelijke ondersteuning - Wmo) came into force. The Social Support Act (2007) holds municipalities responsible for setting up social support. The aim is participation of all citizens in all facets of society, if necessary with help from friends, family or acquaintances. The local authorities have a high degree of freedom regarding the implementation of the law's nine so-called 'performance areas'. Regarding preventive development for children and parenting support for parents all municipalities must:

- offer information and advice;
- identify possible problems;
- give guidance to help;
- offer pedagogical help;
- coordinate care.

The Youth Care Act

The Youth Care Act (in Dutch: de Wet op de Jeugdzorg), introduced in 2005, is the legal framework of youth care services for youth at risk and their families. It aims to ensure that high-quality care is available to young people and their parents and to strengthen the position of young people and their parents. According to this law, children that received an admission to care from a Youth Care Agency can claim their right to actually receive youth care. This act will be replaced by the Youth Act at some point at the end of 2013.

Separation of child protection and youth justice placement

Until a few years ago, young people with severe behavioural problems with a child protection measure were placed in the same institutions as young people who have committed an offence and who have been sentenced. This was not a satisfactory solution. Therefore, new secure

institutions have been created in The Netherlands for the care for the group of young people with severe behavioural problems.

Future of the child welfare system in the Netherlands

The Dutch government plans a decentralisation of all administrative and financial responsibilities related to youth policy from the national and regional government to the local government in 2015. This means that municipalities will become responsible for a wide range of services for children and families, ranging from universal and preventive services to the earlier mentioned specialised (both voluntary and compulsory) care. This is expected to enable municipalities to develop integrated policies and to offer care made to measure and support, geared to local and individual situations and needs. This decentralisation should also lead to a cost reduction. Within the new youth care system it is the local government's duty to help a child, within the range of its possibilities, in such a way that it can grow up safely and healthy.

The document 'The decentralisation and transformation of the Dutch youth care system' outlines the planned changes in the Dutch youth care system.

Related changes

The changes in the youth care system do not stand alone but is interdependent with decentralization measures in the budget and policy for special health care, employment (work according to ability) and suitable education. The government wants to enable youth to participate in a civil society. Important criteria are the own power of civilians, the application of social networking and work as demand driven as possible.

Generalist teams

Many professionals and local policy makers are now experimenting with new ways of working, for example in the so-called generalist teams. These teams consist of professionals from various social work and public health disciplines that work together to support children and families.

The document 'Generalist working with youth and families in The Netherlands' offers a first glance at these generalist teams, their aims and objectives. It also outlines the necessary competences of the professionals working in these teams.

From well-becoming to well-being

Within the Netherlands, there is also a growing emphasis to work towards strengthening the 'well-being' rather than the 'well-becoming' of all children and young people between 0 and 25 years. To work from a merely 'risk-oriented' towards a more 'development-oriented' approach. The focus is therefore to create a more inclusive policy for children and young people within the context of their families, on the streets, in school, in their leisure time in sports and cultural activities or within their youth (work) networks and associations. Programmes and projects do not only implement the values but it is crucial to realize that the view on wellbeing, on development and on participation is the basis.

The brochure 'Including all children and young people' contains several examples of this so-called positive youth policy.

Stakeholders' advice

In the last few years, many stakeholders in The Netherlands expressed their views on the ideal youth care system. Several stakeholders plead for a transformation of the youth care system, not just a decentralisation. For example, in its report 'De-caring and Normalisation' of April 2012 the Council for Social Development (RMO) advocates reinforcing primary services for youth and families. It also argued for normalising parenting problems, empowering families, activating families' social network, continuously investing in a strong social pedagogical environment and increasingly relying on professionals in the universal and preventive services.

The document 'Decaring and normalisation: towards strong primary services for youth and families' (Dorien Graas 2012), outlines the views of the Council for Social Development (RMO) in more detail.

2. Criteria for placement or supervision

Child Care and Protection Board

The Child Care and Protection Board has several tasks, including child protection. It can become involved with the family in cases where other forms of assistance have insufficient or no effect. The Ministry for Security and Justice is responsible for the Child Care and Protection Board. In some cases, the circumstances of a child and its family are so alarming

that voluntary assistance is no longer sufficient. Sometimes, a family does not accept the assistance.

In such cases, the Child Care and Protection Board (Raad voor de Kinderbescherming) will be called in. It reviews the necessity to impose a protective measure. During an investigation, the child welfare investigator of the Board will thus determine whether the child's development is indeed at risk, and if so, to what extent. When the Board concludes after an investigation that the child should be assisted, it will advise the court to impose child protection measures.

Child protection measures

There are different kinds of child protection measures the court can impose, namely family supervision order and a consensual or non-consensual divestment of parental responsibility.

Family supervision order

The most frequently implemented child protection measure is a family supervision order ('ondertoezichtstelling'/ OTS). The objective of the family supervision order is to find a solution for the problems that threaten the development of the child. With this order, a family supervisor from the Youth Care Agency is assigned to the child. The family supervisor provides help with a child's care and upbringing and counsels the child and the parents when resolving parental problems. The family supervisor draws up a plan for this purpose, together with the parents and remains involved until the situation of the child has improved. The family is required to accept this assistance of the family supervisor. In such cases, parents retain parental responsibility. They remain ultimately responsible for the child's upbringing. If necessary, their parental authority may be restricted at the request of the family supervisor.

The maximum duration of a family supervision order is one year. If necessary, it can also be extended for a maximum of a year. In principle, a child who is under a supervision order continues to live at home. In some cases it is in the best interest of the child to be placed in a children's home or foster home, at least temporarily. This requires agreement of the court in the form of a custodial placement authorisation.

(Non) consensual divestment of parental responsibility

In some cases, parents prove to be incapable of taking charge of the care and upbringing of their child. If this is the case, the parents may be deprived of parental responsibility by court.

- Consensual divestment of parental responsibility (relief)

Parents may temporarily lose their parental responsibility if they have shown themselves to be incapable of bringing up their child through incapacity or unsuitability. This is called consensual divestment or relief. The parents will remain involved with their child. The court cannot issue consensual divestment of parental responsibility without parental consent. However, there are some exceptions, for example when the parent has a mental disorder that impairs his/her judgment.

- Non-consensual divestment of parental responsibility (discharge)

The court may decide that parents should lose their parental responsibility if they have culpably ill-treated their child. In this case, the court may issue an order divesting them of parental responsibility without their consent. This is also called discharge.

In case of consensual as well as non-consensual divestment of parental responsibility, the authority of the child is delegated to someone else (a guardian). In most cases, the parental responsibility is delegated to the Youth Care Agency. The child will go to a foster family or residential care. After some time, parents may apply to the court to have parental responsibility restored. If it is in the interest of the child, the court will grant this application.

Child protection: figures

Family supervision orders

After an earlier increase, the number of implemented family supervision orders has been decreasing in The Netherlands since 2009. More specifically, from 2005 until 2008, the number of implemented family supervision orders increased by 34% and the number of extensions by 48%. The past decade, the number of family supervision orders reached its high of 33,168 at the end of 2009. Since then, the number decreased by around 2 percent per year. At the end of the third quarter of 2012, the number of implemented family supervision orders was 30,973.

Custodial placement authorisations

Because of recent changes in the way of registering custodial placement authorisations, it is difficult to describe trends for this topic. What we do know is that at the end of the third quarter of 2012, there were:

- 11,978 custodial placements authorisations with a supervision order

- 7,202 custodial placements authorisations with a guardian

In addition, the number of implemented custodial placement authorisations rose by 47% from 2005 until 2007 and the number of extensions by 58%. During the 2008-2009 period, this effect has levelled off or even decreased.

Possible explanations for earlier increases

There are three possible explanations for this temporary increase in the number of child protection measures:

1. An improvement in the detection of families at risk
2. A lowered threshold for reporting
3. A temporary so-called Savana effect: an increased fear in the escalation of problems that resulted in quicker reports and quicker applications for measures. Savana was a toddler who died after a long period of serious abuse by her mother, despite that she was under supervision of the child protection services.

Sources and additional reading

The English summary of a 2010 report about developments and regional differences in the number of family supervision orders and custodial placement authorisations contains these data about these child protection measures in the period 2005-2009.

A letter (in Dutch) from the State Secretary of Security of Justice to Parliament of January 2013 contains more recent data.

The data about increasing rates of out-of-home placements were taken from Gilbert's (2011) article 'A comparative study of child welfare systems: Abstract orientations and concrete results'.

3.Recreational activities and the issue of budget

As was clarified above, the youth care system as well as measures to prevent juvenile delinquency in the Netherlands are in a state of flux. It is difficult to predict how things will look and play out in practice after the transition of responsibilities to the municipalities takes

effect in 2015. But the general expectation amongst professionals is that there is a time of confusion upon us.

Prevention and community-based actions seem to be at the forefront, also because severe budget cuts will necessitate authorities and service providers to change many of their current approaches. If that will lead to more recreational activities for children and young people in their neighbourhoods, with the aim of preventing youth crime and so forth, is again impossible to predict. The effects of prevention are always the hardest thing to proof, and politicians are usually more interested in short-term impact, so it remains to be seen if more preventive approaches really will gain ground.

Youth work and participation

Youth work is a low-threshold provision for all young people. Youth work in the Netherlands is divided into age groups. There is work with children (4-12 years), work with teenagers (10-14 years) and youth work (12-23 years). A youth worker is a coach and counsellor for young people in their own living environment.

According to the Netherlands Youth Institute, youth work:

- takes place outside school, work and family
- focuses on (groups of) young people
- focuses on the age-group 12-23 years
- organizes activities for and with young people
- has a pedagogical purpose: promoting the personal development of youth and confront them with their own behaviour
- has a social target: promoting social inclusion of youth, and democratic citizenship, and preventing behaviour problems (vandalism, crime, school drop-out)

The main goal of youth work offered by professionals and volunteers is to offer trust-based guidance, support and group interventions to enable all young people to develop their competences and to participate fully in society. The job of a youth worker is varied and the work addresses the promotion of youth participation, non-formal training, education inside and outside schools, parenting issues, reinforcing of social connections in the community and meeting people and creating opportunities for recreation.

Youth participation

In The Netherlands, there is no specific definition of youth participation. Participation is a generic term. On one hand, participation can be described as young people's opportunities to influence decision making structures. On the other hand, it also relates to young people's opportunities to take initiatives to be actively involved in society.

The responsibilities for preventive youth policy, including participation, are laid down in various sections of the Social Support Act. In practice, youth participation is getting more and more attention in the Netherlands due to the growing positive approach to youth policy.

Volunteering

Leisure time and volunteering work are primarily the responsibility of the local authorities in the Netherlands. The way young people spend their leisure time has changed dramatically over the past decades. One important change is that where in earlier times many leisure time activities took place in public places – in the street or on the sports field – and often involved other people, today leisure time activities are far more individual in nature. As a result, social-cultural facilities and volunteer youth work have suffered a decline in interest.

C. Education system (10 - 18 years old) form the scope of Juvenile crime prevention

Access and levels of attainment

In the Netherlands, everyone has a right to education. The obligation to attend school is laid down in the Compulsory Education Act 1969. Each child must attend school full-time from the first school day of the month following its fifth birthday, although in practice, most schools accept children from age four. The participation in education of 5 to 14-year-olds in the Netherlands is 99 percent (Versteeg, 2013). The participation in education of the 15 to 19-year-olds is 86 percent. Compulsory education is free of charge. From the age of sixteen, education is partially compulsory (partiele leerplicht), meaning a learner must attend some form of education for at least two days a week. Compulsory education ends when learners turn eighteen years old or when they attain 'basic qualification' ('start kwalificatie'). This basic qualification allows them to enter the labour market and/or pursue further education.

The education system in the Netherlands is structured around interlinked trajectories of general and vocational education. The linkages between the general and vocational trajectories offer young people and adult students a variety of pathways to the labour market

and/or further studies. In elementary and secondary schools, pupils are assessed annually by a team of teachers who determine whether they advanced enough to move on to the next grade. Making a learner retake a year is considered to have a profound impact on a person's life and decisions regarding this matter are, therefore, not taken lightly. Mechanisms are in place to avert retaking years, such as remedial teaching and other forms of guidance. As a result, retaking a year is uncommon.

At the age of 12 years and having completed primary education, 94% of learners enter what is referred to as continued education (VO). Following completion of VO course year two, the majority (53% of all pupils) continue to Vocational Education and Training Preparation (or 'VMBO'), 39% go on to HAVO or VWO. HAVO and VWO are two different levels of general education, HAVO preparing young people for Higher Professional Education (HBO), and VWO preparing learners for university (WO) level studies.

Most VET (or 'MBO') students come from VMBO. They can finish at International Standard Classification of Education (ISCED) levels 1, 2, 3 or 4, the latter offering the possibility to enter Higher Vocational Education (i.e. HBO). Sixteen percent of any cohort of school starters continues education at HBO level. Another sixteen percent enters the labour market directly from VET (i.e. MBO).

The Law on Compulsory Education stipulates that young people need to obtain ISCED level two qualification before entering the labour market, which is equivalent to the 'basic qualification' referred to above. In practice, attaining ISCED level two means a learner has completed MBO2, HAVO, VWO or higher. Those who do not make this level are considered to be early school leavers. Young people who have not yet reached ISCED level two are required to study until the age of eighteen or until they reach this basic qualification ('start kwalificatie').

Education is seen as an important tool to combat poverty, social exclusion and marginalization. Early childhood education (Voor- en Vroegschoolse Educatie/VVE), the detection of potential disadvantages among young children and increased enrolment in pre-schools of children from disadvantaged backgrounds are important priority areas in educational policy in the Netherlands (Thijs e.a., 2009). By offering free early childhood education (during half of the regular school day and largely only to children from disadvantaged backgrounds), the government strives to address language and/or other educational disadvantages at an early stage.

International studies show that while overall scores of Dutch students are good, at secondary school level 2009 results in Dutch language and arithmetic show a decrease when compared with results from 2003 (Versteeg, 2013). To increase school retention and address disadvantage, the Dutch government is, therefore, paying particular attention to learners' abilities in terms of Dutch language and mathematics. Several policy initiatives are being taken to improve results, such as 'benefit focused work' (opbrengst gericht werken), which entails systematic evaluation of the benefits of the school programme in relation to a learner's needs and adaptation of the programme if and when necessary. Other initiatives that have been found to improve learners' achievements include the development of community schools ('brede scholen'), i.e. schools that collaborate with other social services such as health and welfare services, police, and sports and cultural institutes in order to enhance pupils' opportunities for development.

Overall, the enrolment of learners from ethnic minority in primary education is satisfactory (Versteeg, 2013). At the start of compulsory education at the age of 5, all children are enrolled in primary education. All pupils complete primary education, though, on average, their achievements in language and mathematics are lower than those of native Dutch pupils. Because of these lower accomplishments, more immigrant pupils enroll at lower levels of secondary education compared to native Dutch pupils. Pupils from non-Western origin more often enroll in a pre-vocational secondary education program and also qualify more often for learning support, than native Dutch pupils and non-Dutch pupils of Western origin (Thijs e.a., 2009).

Figure 1: Diagram of the Dutch education system, including transfers within the system

- a) deaf children or those that are hard of hearing, children with serious speech impairment or children with multiple disabilities who also have one of these disabilities,
- b) children with a physical disability, with severe learning difficulties and children that have been ill for a long time and have a physical disability, or children with multiple disabilities who also have one of these disabilities, or
- c) children with severe behavioural difficulties, psychiatric condition, such as ADHD, autism or Gilles de la Tourette.

The national policy is moving towards "suitable education" (passend onderwijs), whereby a learner's strengths and weaknesses are identified with a view to selecting the most appropriate educational pathway and level of qualification. A strong emphasis is placed on the specific needs and positive capabilities of the individual, rather than on limitations.

Early school leavers

Recent data shows that the number of young people leaving school without basic qualification is decreasing. In the school year of 2012-2013, 27,950 young people left school without a basic qualification. During the academic year of 2011-2012, the total number of early school leavers amounted to 36,560, while in 2002 it stood at 71,000 young people. The government intends to further reduce school drop out to a maximum of 25,000 young people by 2016 (Rijksoverheid, 2014).

In secondary education there is a reduction of new early school leavers from school year 2005/2006 1,7% to 2011/2012 0,9%. In vocational education there is a reduction of new early school leavers from school year 2005/2006 9,3% to 2009/2010 6,9%. The number of learners between 18-25 years old leaving education without basic qualification was 34.728 or 8,5% in 2005-2006, decreased to 29.796 or 6,9 % in 2011-2012 (Ministry of Education, Culture and Science, 2013).

Suspension and expulsion

At secondary level, a school may suspend a learner for a maximum of five consecutive school days (i.e. one school week). When the suspension is longer than one day, school management is obliged to inform the School Inspectorate in writing and provide a clarification of the reasons for the suspension. A secondary level school may expel a learner in certain cases, i.e. permanently refuse her/him re-entry into the school. Reportedly, this usually only happens

when a learner has ‘seriously misbehaved’ (<http://www.onderwijsinspectie.nl/onderwerpen/leerplicht/Schorsen+en+verwijderen#verwijderen2>) and judgments of this kind are made on a case by case basis. While it is the school board that is in charge of the process of suspension and expulsion, in case of the latter, a judge has the final say. In principle, schools are only permitted to expel a learner when s/he is assured of placement in another school. In practice, however, learners may find themselves without an alternative placement (<http://www.ouders.nl/artikelen/zittenblijven-en-van-school-gestuurd>).

The number of school expulsions and suspension has increased over the years, although in 2009/2010 a decrease was noted (Inspectie van het Onderwijs, 2011). Schools reported 4839 suspension and 629 expulsions. Most cases take place at the level of VMBO, and in the (four) major cities. Suspensions last an average of three days. 75% of cases of suspensions and expulsions concerns young men. Key reasons for suspension or expulsion include violence against school staff or other learners, intimidation of staff or other learners, bullying of other learners to the extent they feel unsafe at school, verbal violence against staff or other learners, theft, vandalism, fraud, and ‘other’. Schools report suspensions and expulsions using an electronic form, with the ‘other’ category being used most frequently to justify decisions to suspend or expel, followed by physical violence against other learners, disruptive behavior during lessons, and verbal violence against staff (Inspectie van het Onderwijs, 2011).

D. Short presentation of health system

Early screening of mental health and intellectual disabilities

Children aged 0 to 18 years are given free juvenile health care through juvenile health care centres (JGZ), which are part of the public health department (GGD). Municipalities are responsible for the management of child and youth health care services at local level. JGZ centres are responsible for screening of children and young people’s physical, social and cognitive development, as well as mental wellbeing. In order to ensure all young people are regularly screened, a series of set ‘contact moments’ have been set, e.g. to correspond with a standard vaccination.

JGZ has five interlinked areas of responsibility:

- a. Prevention: e.g. of illness, addiction, abuse and obesity through, for instance, vaccination programmes, parenting support, providing advice on safety in the home and healthy lifestyles.
- b. Early screening: given not all problems can be prevented the JGZ screens all children for illnesses, and any problems or developmental issues that can be addressed relatively easily.
- c. Support: the JGZ supports parents and caregivers in the day-to-day care for children and young people, as well as in case of special circumstances. For instance, the JGZ can advise parents on how to deal with a ‘difficult’ toddler or young person.
- d. Additional diagnostic and other support: where necessary, the JGZ can involve or refer caregivers to external experts.
- e. After care: the JGZ follows up with families after completion of a particular treatment or support programme. A JGZ might, for example, support families to learn to live with a child with a chronic disease so that a child is able to take part in society to the best of her/his ability.

The JGZ is embedded within the community and maintains contact with others that play a role in children and young people’s lives, such as schools, sport clubs, neighbourhood teams, and local general practitioners.

Prevention of psychiatric problems in the form of parenting support services and early screening constitutes a central priority of the Ministry of Health, Wellbeing and Sport (VWS). Given municipalities are responsible for the management and delivery of child and youth care, they also carry responsibility for the prevention of psychiatric problems among children and young people.

Prevention of drugs consumption and support for addicted children

Although there are no specific national level guidelines to diagnose and treat drug (ab)use by young people in the Netherlands, there are guidelines to support the early identification of drug abuse by and drug dependence of young people. The objective of these guidelines is allow for interventions to take place as early as possible to prevent possible harm caused by drug abuse. The guidelines are designed for young people between 12 and 24 years of age. In addition, a set of guidelines on addressing alcohol (ab)use is in place. The guidelines engages

with a broad range of issues relating to the diagnosis, pharmacotherapy and psychosocial interventions of alcohol related problems. While the guidelines do contain some recommendations for dealing with young people and young adults, the guidelines are not specifically targeted toward young people only (i.e. they are also used to support work with adults). The Netherlands Youth Institute (NJI) manages a databank which details ‘acknowledged interventions’ with regard to the prevention or treatment of drug (ab)use, i.e. interventions that have been assessed and accredited. Examples of preventive interventions that are delivered through schools include ‘Action anti-dote’, ‘The Cannabis show’ and ‘The Healthy School’. In addition, there exist a range of accredited prevention initiatives aimed at parents/ caregivers, teachers and staff working in bars and restaurants, e.g. ‘Growing up smoke-free’, ‘Home party’, and ‘Dealing with alcohol and drugs in restaurants, bars and hotels’. See <http://www.nji.nl/nl/Kennis/Databanken/Databank-Effectieve-Jeugdinterventies/Erkende-interventies> for more information (in Dutch only).

II. Promising practices in early juvenile crime prevention

Promising interventions in the Netherlands aimed at the prevention and reduction of delinquent behaviour can be divided in:

- a) interventions for a full population of children or juveniles (i.e., schools or neighbourhoods) (primary prevention);
- b) interventions for juveniles showing minor antisocial and delinquent behaviour, who are not yet classified as serious delinquents (secondary prevention) and
- c) interventions for juveniles who can be classified as chronic or persistent delinquents (tertiary prevention).

With regard to programme content, behavioural and cognitive-behavioural methods appear to work best for both juveniles and adults (reference). The following three types of intervention offer the best starting points for effective intervention:

- Life-structuring skills training and behaviour-therapeutic interventions, individual as well as group and system-interventions;
- Family- and system-oriented interventions in which staff members make use of different strategies and techniques in a flexible way;

– Multimodal intervention which draws on several complementary strategies of change oriented towards more than one context.

In addition, it has been found that, if possible, priority should be given to the following (reference):

- Ambulatory forms of intervention, so that members of the offender's family can be closely involved in the intervention.
- Interventions are most likely to succeed if children and juveniles are still young and have not gone too far astray.
- For most young people at risk, intensive forms of intervention seem to work best, especially if continuity of personal contact with the juvenile is pursued through his/her developmental stages and expanding social domains.
- A distinction is made between treatments of observed behavioural disorders and interventions primarily meant to prevent recidivism. For juveniles with serious behavioural disorders, Kazdin (1997) advocates a model in which both aspects are dealt with. First, the disorder is tackled. Then treatment is continued in order to prevent backsliding.

A meta-analysis (Put et al., 2013) showed that secondary prevention programmes are more effective if the following components are part of the intervention:

- a) Positive role models;
- b) Behavioural contracting;
- c) Parenting skills training and;
- d) Stimulating positive use of leisure time in a group setting.
- e) In addition, more effective interventions target the family system, including siblings.

The tables below provide a more detailed description of two promising practices in the Netherlands, namely the New Perspectives initiative, which is delivered in major cities in the Netherlands by Youth Care institutions, and The HALT Peer Mediation programme, which is delivered by HALT, a Youth Care institution that has a nation wide network of offices (linked to police regions).

1. New Perspectives (Nieuwe Perspectieven)

CONTEXT

New Perspectives is aimed at different groups of young women and men between 12 (sometimes 10) to 23 years of age who show what is considered to be socially unacceptable or delinquent behaviour and have problems in different areas of life (e.g. within the family, school or free time). Youth who are considered ‘hard core’ criminals are not a target group of the New Perspectives initiative. New Perspectives aims to provide young people new opportunities via a short-track mobile trajectory during which the young person learns to draw on ‘positive contacts’ within her/his social network.

New Perspectives is an accredited programme that has been positively evaluated and is included in the Netherlands Youth Institute data bank on effective interventions.

GOALS

On the assumption that the future perspectives of young delinquents or young people that are seen to display socially unacceptable behaviour are sub-optimal, the initiative strives to change the behaviour and circumstances of these young people by supporting them to develop new perspectives.

The goal of the initiative is to work towards a situation whereby young people at risk are or continue to be actively involved in society, get their life ‘back on track’, and offer them new social perspectives. More concretely, the primary goal of the initiative can be described as the prevention of criminal and risky behaviour, as well as the prevention of repeat criminal behaviour.

The programme strives to achieve this goal by giving young people “new perspectives” in different areas of life in which they have problems, such as housing, health, family life and friends, or budget control. Solving problems in these different areas can be understood as the sub-goals of the programme.

Where possible, parents and caregivers are included as much as possible. New Perspectives is not designed to resolve all of a young person’s problems in the space of three months but rather strives to serve as a bridge to regular care and support institutions and services.

DESCRIPTION

The initiative consists of 3 phases:

1.Meeting, enlisting and intake, resulting in a ‘social environment’ analysis and a plan of action for different areas of life identified as problematic. The young person and intervention worker commit to the action plan.

2.Working on solutions. The young person is provided intensive, individual support to realize the various sub-goals identified. In addition, the young person is given support to build her/his social network that s/he can draw on after the intervention has been rounded off. New Perspectives also serves as a bridge between the young person and follow-up trajectories and (regular) support services, for example with regard to employment, education, training and care.

3.After care. During a period of three months contact is maintained between the young person, the intervention worker and other members of the social network. If necessary support is given to the young person to resolve (new) issues.

BUDGET

The youth care organisation ‘Spirit’, which also offers NP gives a figure of roughly €5.000 per young person (Municipality of Amsterdam, 2007).

OUTCOMES

Spirit reports that only 6% of young people that have taken parting the New Perspectives trajectory moves into hard-core crime in a two-year period (Municipality of Amsterdam, 2007).

PROFESSIONALS INVOLVED

Young person

Youth care worker

‘Very Important Persons’ identified by young person and professional (youth care worker) within social network of young person

INSTITUTIONAL PARTNERS

Government (Municipal level)

Police

Youth care institutions

Justice system

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<http://www.nji.nl/nl/Kennis/Databanken/Databank-Effectieve-Jeugdinterventies/Nieuwe-Perspectieven>

Practice Evaluation			
Criteria	Satisfactory	Average	unsatisfactory
Programme relevance	X		
Programme efficiency and effectiveness	X		
Programme impact		X	
Programme sustainability		X	
Programme transferability	X		
Translating evaluation findings into statements of good practices	X		

N.B. The results reported above are based on a review of three evaluation studies that were reviewed by the NJI accreditation commission in 2009 (see:

<http://www.nji.nl/nl/Kennis/Databanken/Databank-Effectieve-Jeugdinterventies/Nieuwe-Perspectieven>). It should be noted that according to the NJI the methodological approach of the three studies may not be sufficiently robust to give definitive answers (e.g. as to programme impact).

Peer Mediation

CONTEXT	<p>Peer mediation is a form of conflict mediation in which pupils learn to find a solution under the supervision of one or two other students.</p> <p>Where people work together and live together differences of opinion, conflicts and arguments will arise. While conflicts are part of daily life, they can sometimes it gets out of hand and affect the atmosphere in a group, class or even the entire school. Schools cannot avoid conflicts but they can strive to manage them and work towards resolving them. Peer mediation can make a positive difference in this respect. Practice has shown that pupils are more inclined to listen to their peers. Children of the same age group find it easier to communicate with one another as they do not have to adapt their language and can just be who they are.</p>
GOALS	<i>Which short, mid, long-term objectives? Why?</i>
DESCRIPTION	<i>How is organised the programme?</i>
BUDGET	<i>Which amount? Comparison with other programmes? Who pays?</i>
OUTCOMES	<i>Data?</i>
PROFESSIONALS INVOLVED	<i>Who works?</i>
INSTITUTIONAL PARTNERS	<i>Who supports?</i>
CONTACT	<p>Halt Noord Nederland</p> <p>+31 (0)50 313 81 65</p> <p>info@haltnoordnederland.nl</p>

Practice Evaluation			
Criteria	Satisfactory	Average	unsatisfactory
Programme relevance	X		
Programme efficiency and effectiveness	X		
Programme impact		X	
Programme sustainability		X	
Programme transferability	X		
Translating evaluation findings into statements of good practices	X		

II. Evaluation mechanisms for early juvenile crime prevention programs

As discussed earlier, considerable attention is paid to ‘evidence-based’ interventions in the Netherlands. The Netherlands Youth Institute (NJI) collects a database of such interventions and applies certain ranking system based on how rigorously a certain programme has been researched (whereby a Randomized Control Trial set up is usually considered as the “highest” form of evaluating impact). In addition, the Ministry of Justice has a system of accreditation of certain interventions, which is similarly geared to identify and document initiatives that have proven a degree of efficacy.

That said, there are very few examples of (preventive) juvenile crime prevention programmes that have been researched rigorously in terms of effectiveness. Where attempts have been made to conduct this kind of analysis few can show substantial proof of impact. To name one

example: Bureau Halt, which can be considered as the largest scale programme geared to preventing juvenile crime in the Netherlands, was evaluated for its effectiveness in 2006 by the Commissioning Research Division (EWB) of the Research and Documentation Centre (WODC). One of the conclusions was that Halt measures had no positive effect on recidivism (source: <http://www.halt.nl/index.cfm/site/Halt%20English/pageid/D9989BCF-E081-2F5B-42151D164C61CC4D/index.cfm>).

In the Netherlands, responsible Ministries and other partners involved in the field of juvenile crime prevention are interested in, and give support to, evaluation of (preventive) interventions aimed at reducing juvenile crime. The question remains of course ‘When do we consider a programme to be effective?’ Is this when a programme does 10%, 20%, 30% etc. better than another programme or no intervention? And how do we measure results? Are only RCTs considered to provide sufficient evidence? And what do we do with the difference between ‘statistical evidence’ and ‘clinical evidence’? And most importantly: how are findings translated into practice? We do not have the answers to these, but neither do other stakeholders seem to have those answers (or they may not even be asking all the right questions!). The result is that there are a lot of different initiatives taking place in different places in the Netherlands, without this leading to a combining of efforts and results. It thus remains unclear if all the different policies and practices that have been developed and implemented in the past decades have in any way impacted on juvenile crime figures in the Netherlands.

Conclusion and Recommendations

In our view, the most effective ways of preventing juvenile crime may not be through juvenile crime prevention programmes, but early childhood interventions. One might think of ensuring access to good quality Early Childhood and Care Provisions for children from disadvantaged backgrounds and disadvantaged neighbourhoods. In addition, in the long-run the most effective interventions might be those that, at the earliest stage possible, provide support to parents in taking care of their children, particularly parents that are at risk of not being able to do so without help. This requires early monitoring and the availability of support services that are able to reach these various target groups and that have effective means and methods to their disposal. It goes without saying that tackling social and economic inequalities are crucial, such as preventing social exclusion and segregation, addressing income disparity,

reducing poverty, improving access to and quality of education, and improving job opportunities and chances on the labour market for young people.

Maybe a better way of putting it would be: only a country that can provide a rigorous implementation of all the articles of the UN Convention on the Rights of the Child to all its children will, in all likelihood, be able to show impressive reductions in juvenile delinquency. While this sounds “utopic”, if we talk about true juvenile crime prevention - which entails improving opportunities and rights for all - we believe that addressing these broader societal issues would be most effective. As it stands, what we have is primarily ‘patchwork’; a wide tapestry of policies and programmes which even when put together may not be truly ‘effective’.

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Abstract

Scotland is a small country with a commitment to social justice and inclusion, and public policy aims to respect the rights of children and young people. Current policy trends in Scotland include: emphasising early intervention rather than provision at the point of crisis; investing in early years services; integrated working across services for children; and holding services accountable by outcomes, rather than focusing on processes. There is much in Scottish children's services to celebrate, but equally much that is in need of improvement. Scotland is around the OECD average in terms of inequality in PISA outcomes. There is a wide gap in pupil attainment linked to social deprivation. Pupils with additional support needs and from deprived neighbourhoods are significantly more likely than others to be excluded from school. The Scottish Children's Hearings systems emphasises welfare rather than punitive approaches, and secure accommodation is used only rarely. However, the rate of imprisonment of 18-25 year olds in Scotland is one of the highest in Europe. The *Getting it Right for Every Child* programme emphasises inter-agency and preventative approaches, but there has as yet been no national evaluation of its effectiveness. Overall, levels of economic inequality in Scotland are high, and whilst children's services can ameliorate some of the difficulties that inevitably arise, major social change will require a fairer distribution of national economic and social resources.

Introduction: Overview of the Scottish context and preventative approaches

In this introductory section, we provide an overview of Scottish policy and practice relating to the support of vulnerable young people, with more detailed discussion following in subsequent sections. We provide an overview of current Scottish policies intended to enhance social inclusion, children's rights and life chances of young people at risk of exclusion. As

well as highlighting examples of policy that seem to be operating well, we also draw attention to the areas where there is a gap between policy rhetoric and social reality.

Key facts about Scotland

Scotland has its own Parliament, and devolved powers over most services for children and young people. Key exceptions include the benefits system and equal opportunities.

Local government provides a range of services for children and young people, from education to social work to housing. There are 32 local authorities in Scotland.

Scotland has an extensive welfare state, including a National Health Service ('free at the point of delivery', although this is somewhat qualified).

Compulsory school age is broadly from ages 5 to 16, although many pupils stay on for the final 2 years of secondary schooling. Primary schooling covers P1-P7 (roughly ages 5 to 11) and secondary schooling covers S1-S6 (roughly ages 12-18). Local Authorities must secure a funded part-time pre-school education place for every 3 and 4 year old whose parents wish it.

5.2 million people live in Scotlandⁱ or roughly 8% of the UK population.ⁱⁱ The Scottish population increased by almost 4% over the last ten years, largely due to immigration from overseas. Population density ranges widely from 8 people per square kilometre in Eilean Siar to 3,412 people per square kilometre in Glasgow.ⁱⁱⁱ

The Scottish population has been aging and the median age is now 41.ⁱⁱⁱ In mid-2012, 17% of the population was aged under 16.ⁱⁱⁱ Nearly 6% of all live births were to women under 20 years of age in 2011.^{iv}

Lone parent families make up 6.6% of all households.^v 15.3% of Scottish children lived in workless households in 2010, which was lower than other parts of the UK.^{vi} 13% of children lived in households with income below 60% of the median for at least three of the four years between 2005-2008.^{vii}

On average in 2012, three children per 1,000 were on the child protection register. At 31 July 2012 there were 16,248 children looked after by local authorities, an increase of less than one per cent since 31 July 2011.^{viii}

In 2012/13, 22,561 children were referred to the Children's Reporter (2.5% of all children in Scotland). Within this, 2.2% of all children were referred on care and protection

grounds. 0.8% of these children, aged between 8 and 16 years, were referred on offence grounds.^{ix}

During 2011-12, the young offender sentenced population showed a marked drop of 8%, to 556.^x

Scotland views itself as an inclusive society, and policy documents draw heavily on discourses of social justice and children's rights. The UK has ratified the *UN Convention on the Rights of the Child*, the *European Convention on Human Rights* and the *UN Convention on the Rights of Persons with Disabilities*; thus Scotland is obligated to implement these conventions.^{xi} However, as is the case in many European countries, there is some disjuncture between the rhetoric and the reality. International comparisons using PISA assessments suggest that Scotland is in the middle range with regard to educational inequality. Whereas about 13% of variance in mathematics performance in Scotland is explained by socio-economic background, in Norway the comparable figure is about 7.4%. Scotland's ambition is to become more like Norway, improving its educational performance, but also increasing levels of equity. There are also marked differences in the concentration of economic inequality in different parts of Scotland, which map onto patterns of educational inequality. Glasgow has one of the highest levels of sickness and disability in the UK, with about 30% of households having no one in employment. By way of contrast, Edinburgh, only 45 miles away, has relatively low levels of unemployment and economic inactivity.

Current policy trends in Scotland include: emphasising early intervention rather than provision at the point of crisis; investing in early years services; integrated working across services for children; and holding services accountable by outcomes, rather than focusing on processes.

The Children and Young People (Scotland) Act 2014

The Act's Policy Memorandum states:

It is the aspiration of the Scottish Government for Scotland to be the best place to grow up in. The objective of the Children and Young People Act is to make real this ambition by putting children and young people at the heart of planning and delivery of services and ensuring their rights are respected across the public sector.^{xiii} (Scottish Government Policy Memorandum)

The 2014 Act addresses 5 areas: strengthening the role of children's rights in the design and delivery of policy and services; legislating for *Getting it Right for Every Child* (GIRFEC, see below); improving early years provision; improving services for looked after children (i.e. children who are in the care of a local authority, who may be at home or may be living away from home); addressing certain legal gaps in secure accommodation (i.e. children are not able to leave freely from this accommodation) and other areas.

The 'Getting it Right for Every Child' Programme

Children's wellbeing is at the heart of the Scottish Government's *Getting it Right for Every Child* (GIRFEC) programme, which is the common thread connecting all children's services. GIRFEC aims to improve the learning outcomes and life chances of all children by ensuring they are safe, healthy, achieving, nurtured, active, respected, responsible and included. Great emphasis is placed on the 'team around the child' working together to 'get it right'. Families and children, it is argued, should be consulted and involved at every step because they too are part of the team. The underlying principle is that, if the right support is provided at the right time, this should help to prevent young people turning to crime.

The Children and Young People (Scotland) Act 2014 now provides the statutory underpinning of the GIRFEC programme. The Act makes provision for one Child's Plan, which will include all other statutory and non-statutory plans. Every child in Scotland will have a Named Person, to provide advice and support, and those who require more support will have a Lead Professional.

Scotland's Commissioner for Children & Young People

The Commissioner for Children and Young People in Scotland was established in 2004. The task of the Commissioner is to safeguard and promote children's rights in Scotland and to advocate for legislative and policy changes to underpin these rights. The Children and Young People's (Scotland) Act 2014 extends the powers of the Commissioner, who will have the power to investigate children's rights abuses. Scotland's Commissioner for Children & Young People has argued that the UN Convention on the Rights of the Child should be incorporated into Scots Law.

Education policy geared towards improving the outcomes of vulnerable young people

Education, as the universal service provided to all young people, is seen as central to the creation of a more equal and inclusive society. In 2004, Scotland abandoned the term 'special educational needs', used to describe children and young people with learning difficulties and

disabilities, and instead adopted the term ‘additional support needs’, intended to include all children experiencing difficulty in learning for whatever reason. The new umbrella concept aims to embrace the traditional categories of learning difficulty and disability, but also includes children growing up in poverty, looked after by the local authority, experiencing disrupted education or whose parents misuse drug or alcohol. There are staged levels of support, ranging from the provision of some additional help in the classroom through to multi-agency input. Different levels of support are underpinned by different types of plan, with Co-ordinated Support Plans (to be incorporated into a single Child’s Plan) available for children with multiple and complex needs requiring significant support from agencies outwith education such as health and social work. The legislation is explained more fully in the *Code of Practice: Supporting Children’s Learning* published by the Scottish Government^{xiii} and the *Parents’ Guide to Additional Support for Learning* published by Enquire, the national information and advice service for additional support needs.^{xiv}

If the Government’s ambitious goals of raising the attainment of the bottom 20% were being achieved, we would expect to see levels of educational inequality in Scotland decreasing. To date this has not been the case. In addition, about 4% of children are still excluded (mainly temporarily) from school in Scotland each year. School exclusion is still a problem within the Scottish system, and the Edinburgh Study on Youth Transitions and Crime has demonstrated a strong association between exclusion and subsequent entanglement in the youth justice system.^{xv}

Overall, there seems to be a particular problem in Scotland relating to boys living in areas of industrial decline, with high levels of economic inactivity, where work is scarce and jobs often of low quality. With regard to ethnicity, pupils identified as ‘White British/Scottish’ are more likely to be excluded from school and have lower educational outcomes than those from minority ethnic backgrounds (apart from children from Gypsy/Traveller families, who have declining educational outcomes and high rates of exclusion). On the one hand, this suggests a positive message that children from minority ethnic backgrounds are certainly not doomed to failure within the Scottish education system, but, on the other hand, it again points to the problems faced by Scottish working class young people living in post-industrial areas, who risk being left behind in a society which increasingly emphasises competitive individualism and where the standard of living of those who leave school with few or no qualifications is declining.

Youth Justice System

In the following sections, we provide an overview of the development and operation of the Scottish youth justice system. Since Scottish devolution in 1999, there has been an increased level of politicization of youth justice arena. Youth justice in Scotland sits within both children's services and criminal justice legislation. Policy and legislative developments such as the introduction of antisocial behaviour orders, restriction of liberty orders, electronic monitoring of young people and specialist youth courts have challenged the children's hearings welfare-based principles. The election of the Scottish National Party in 2007 ushered in a further 'phase' of youth justice. This phase is reflected in the overarching policy frameworks: *Preventing Offending by Young People: a framework for action* and *Getting it Right for Every Child (GIRFEC)* (see above).

The Scottish Children's Hearing System

Scotland's Children's Hearings system was introduced by the Social Work (Scotland) Act 1968 and is now governed by the Children's Hearings (Scotland) Act 2011. There was concern in the 1950s and early 1960s that change was needed in the treatment of children in trouble or at risk.^{xvi} The focus tended to be on the problem of juvenile delinquency, with little attention to the plight of children who were being abused. A committee, chaired by Lord Kilbrandon, was set up in 1960 to investigate possible solutions.^{xvii} The Committee began with the assumption that all children appearing before juvenile courts – whether for care or protection, or for offending – were exhibiting symptoms of the same difficulties. In 1971, the children's hearings system took over from courts most of the responsibility for dealing with children and young people under 16, and in some cases under 18, who had committed offences or were in need of care and protection. The hearings system is welfare-focused (although powers exist to recommend a placement in secure accommodation). Scotland continues to be proud of its Children's Hearings system, although it has also attracted some criticisms (see below).

The primary legislation affecting children who offend is the Children's Hearing (Scotland) Act 2011, implemented in 2013. The legislation aims to: strengthen, modernise and streamline the children's hearing system: ensure improved support for vulnerable children and young people; deliver consistent national practice; and simplify warrants and orders. The intention is for the children's hearing system to be robust, in light of the requirements of the European Convention on Human Rights.

The children's hearing system takes an holistic approach to children whether they are in need of care and protection or have committed offences. Children are referred to the Children's Reporter from a number of sources and for a variety of reasons (both offence and non-offence grounds). The Scottish Children's Reporter Administration has over 200 Children's Reporters who are located throughout Scotland in each local authority area.

The children's hearing system is an informal tribunal involving three lay panel members (trained volunteers, one acting as the chairperson) and an officiating Children's Reporter (usually from a social work or legal background). A hearing can only consider cases where the child and their parent/carer accept the grounds of referral (and/or the child and their parent/carer are able to understand the grounds). If they do not, the case will be referred to the Sheriff Court for the Sheriff to decide whether the grounds of referral are established. If the Sheriff finds the grounds for the case for referral are satisfied, the case is sent back to a hearing to decide whether compulsory measures of care are necessary. Decisions of the children's hearing system can be appealed to the courts.

The hearing, or the Sheriff in certain court proceedings, may appoint an independent person known as a 'Safeguarder'. A Safeguarder prepares a report to assist the hearing in reaching a decision in the child's best interests. The hearing is arranged if the Children's Reporter deems the child in need of compulsory supervision measures and one or more grounds for referral appear to have been met. A hearing takes place in private. Panel members, the child and his/her family discuss the circumstances and background of the child referred by the Reporter and then the hearing makes a decision about whether there are any measures of supervision necessary and, if so, what those measures will be. The child or young person has the right to attend all stages of his/her own hearing. On occasion the hearing may decide that the child does not have to attend certain parts of the hearing – or even the whole hearing – if, for example, matters might come up that would cause the child significant distress.

'Relevant persons' (typically the parents but also potentially other carers) should be present at the hearing so that they can take part in the discussion and help the hearing to reach a decision. Their attendance is compulsory by law and failure to appear may result in prosecution and a fine. The child or young person and the relevant persons may take a representative to help them at the hearing, and each may choose a separate representative. In certain situations, the hearing may appoint a publicly funded Legal Representative. Children

and young people have the right to have an advocate present at the hearing to ensure their views are heard.

A decision made by the hearing and Sheriff, in relation to a child or young person, is made based on a 'no order' principle. S. 29 of *the Children's Hearing (Scotland) Act 2011* requires that measures should only be put in place if this is better for child than taking no action, in relation to making, varying or continuing orders or granting a warrant. The Sheriff or children's hearing may issue, in urgent circumstances, an Interim Compulsory Supervision Order (ICSO), for the protection, guidance, treatment and control of the child. ICSOs require a test that the circumstances are urgent and intervening measures to protect, guide, treat or control a child are required. An ICSO can last no longer than 22 days. The hearing can reissue an ICSO if it were considered necessary and grounds for a continuance of the order were met.

The hearing or Sheriff can also issue a Compulsory Supervision Order requiring a child to comply with specified conditions and requiring the 'implementation authority' (like a local authority, or a health board) to perform duties in relation to the child's needs. A Compulsory Supervision Order may require the child to reside at a place specified in the order. Other measures that may be included in the Compulsory Supervision Order are: a movement restriction condition, a secure accommodation authorisation, a contact direction (between the child and a specified person or class of person) and a requirement that the child must comply with any other specified condition. When a children's hearing or Sheriff makes a Compulsory Supervision Order, they must consider whether to attach conditions to regulate any contact that the child may have with any other named person. A Compulsory Supervision Order and Interim Compulsory Supervision Order name an implementation authority responsible for the order's implementation.

Hearings do not have the power to punish a child or their family, for example, by fining a child, young person or their parents. All decisions made by the hearing are binding on that child or young person. The child and the relevant persons have the right to appeal to the Sheriff if they do not agree with the decision of the Hearing. Appeal must be made to the Sheriff **within** three weeks of the Hearing's decision.

The children's hearing system primarily deals with children under the age of 16 years. Some young people aged 16 to 17 years are also dealt with by the hearing system. For example they may still be subject to a compulsory supervision order from a children's hearing, or their case was remitted to the hearings system for disposal, following conviction in a court. Section 49(3) of the *Criminal Procedure (Scotland) Act 1995* outlines in detail the circumstances where a child or young person, found guilty of an offence in an adult court, may be remitted back to the children's hearings for disposal.

Secure accommodation

When making a compulsory supervision order, a children's hearing or the Sheriff can add an authorisation for the child or young person's movement to be restricted or be placed in secure accommodation. To include movement restriction or a secure accommodation authorization in a Compulsory Supervision Order, the hearing or Sheriff must consider certain criteria, including: whether the child has previously absconded and is likely to abscond again to the detriment of his/her welfare or where the child is likely to self-harm or injure another person.

A Compulsory Supervision Order with authorisation for the child to be placed in secure accommodation must be reviewed by a children's hearing within three months. If the Compulsory Supervision Order authorising the use of secure accommodation is continued, then it too must be reviewed within three months. There is no limit on how many times it can be reviewed.

Criminal courts

The children's hearing system deals with the majority of child offenders under the age of 16, rather than the criminal courts. Scots law provides that children under the age of 8 do not have the capacity to commit a crime. Reforms in the Criminal Justice and Licencing (Scotland) Act 2010 ensure children under the age of 12 cannot be prosecuted in the criminal courts. A small number of children are prosecuted in the courts (mostly 14 and 15 year olds), for serious offences. A child over twelve but under 16 years in Scotland cannot be prosecuted for any offence except on the instructions of the Lord Advocate and no court other than the High Court and the sheriff court can have jurisdiction over a child for an offence.

As well as the possibility of remitting a case to a children's hearing for disposal, a court may seek advice from a hearing on the treatment of a child. Disposal options open to a court when sentencing a child include: fines; community pay back; detention in secure accommodation (not in the prison system). Children and young people involved in the adult criminal justice

system are subject to services governed by the: *National Outcomes and Standards for Social Work Services in the Criminal Justice System*. Depending on the nature and severity of the offence, other frameworks may apply to young people in the adult system, including the Multi Agency Public Protection Arrangements (MAPPA), developed under the Management of Offenders etc (Scotland) Act 2005, which protect the public and manage the highest risk sex offenders in the community.

High risk young people

A small number of children and young people are perceived as being a significantly high risk to themselves and others.^{xviii} This group includes children and young people involved in sexual offending behaviour, sexually harmful behaviour and serious acts of violence. Current policy regarding this small group of individuals reflects a risk management approach based on individual risk assessment and coordinated intervention, dependent on the age, development, social and behavioural circumstances of the child.

Success of the Scottish youth justice system?

The children's hearing system has shown itself to be a long-standing welfare based system that has recently been buffeted by political pressure, public moral discourse regarding the 'deviancy' of young offenders and human rights scrutiny.^{xix}

The Kilbrandon's Committee's original reasoning for a unitary system was based on an assumption that there were similarities in the children's backgrounds. These assumptions, linking needs and deeds, have been upheld by several empirical studies.^{xx} The Edinburgh Study of Youth Transitions and Crime has found 'strong and consistent links between deeds and needs'.^{xix} The Scottish Children's Reporters Administration's research^{xxi} found that 72% of persistent offenders had been initially referred on non-offence (care and protection) related matters. This shows the connections between children who require care and protection, and who offend – as well as raising questions about why these children progressed to offending, if the children's hearing system had already sought to address their needs.

Despite Scotland's welfare approach for children, 16 and 17 year olds not on compulsory supervision orders have tended to be dealt with legally in the adult criminal justice system. Young people placed on remand or placed on a custodial sentence may be placed in secure accommodation or a young offenders' institution. Many young people still receive custodial sentences and more 16 and 17 year olds are imprisoned than almost anywhere else in Europe (although numbers have been decreasing). This directly contravenes Article 37 of the

UNCRC, which states that children should not be placed in a prison with adults.

Youth Care System

In Scotland, these issues are mainly dealt with under children, young people and families services – and not identified as ‘youth care’ as such. In this section, two areas of state intervention and support are reviewed: child protection and ‘looked after’ children.

Child protection

Protecting children from abuse and neglect is a top priority for Scotland’s Government and its children’s services. Systems, services, legislation and policies continue to develop to address child protection, but Scotland remains challenged in its attempts to ensure the safety and protection of all children.

The Children (Scotland) Act 1995 highlights the responsibility and provision for children in Scotland and their rights. The 1998 Scottish Office guidance, *Protecting Children – A Shared Responsibility*,^{xxii} encouraged the shift to recognising that all services, and indeed the public, are responsible for protecting children. The Scottish Government’s Child Protection Reform 2003-2006 attempted to broaden the understanding of protecting children, viewing children as citizens with rights, and looking at wider issues of child safety. A number of national guidance documents were subsequently published in 2004 such as *Protecting Children and Young People: the Charter*^{xxiii} and *Framework for Standards for Professionals in Child Protection*.^{xxiv}

GIRFEC (see above) was a fundamental change for child protection, in emphasising prevention and early prevention rather than crisis provision. In 2010, the Scottish Government introduced *The National Guidance for Child Protection in Scotland*,^{xxv} which brought GIRFEC and child protection together for the first time in policy and highlighted responsibility for the protection of children in line with the United Nations Convention for Rights of the Child (UNCRC).

The 2010 National Guidance gives the following definition of ‘child protection’:

‘Child protection’ means protecting a child from child abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for a risk assessment to have identified a likelihood or risk of significant harm from abuse or neglect.^{xxvi}

In law, the threshold for certain state interventions is a child being at risk of 'significant harm'. Significant harm is defined as "events... that interrupt, change or damage the child's physical and psychological development".^{xxvii} (National Guidance for Child Protection, 2010) This concept has no further definition and requires professional judgement, which has been seen as both an advantage (individualised assessments) and a disadvantage (relying too much on professional judgement, which can be particularly difficult for a less experienced professional).^{xxviii} A child is defined as someone up to the age of 16, within the child protection system or 18 if the child has a disability or under local authority supervision.

Through GIRFEC, all children should have universal support. If two or more agencies work together to support a child or family, the Named Person can co-ordinate that support. If intervention fails to ensure the child's well being, then a child may require a plan to escalate service intervention and a lead professional (who may be a social worker) would co-ordinate that support.

If there are concerns about the child being at risk of significant harm, a meeting called a Child Protection Case Conference is organised. The Conference focuses on the child's safety, actions to reduce indicators of risk and whether the case should be reported to the Children's Reporter. A child can be placed on the Child Protection Register, if there are reasonable grounds to believe or suspect that a child has suffered or will suffer significant harm from abuse or neglect, and a Child Protection Plan is needed to protect and support the child. The Register is non-statutory, aiming to alert practitioners of concerns and to ensure actions are taken to reduce risk to the child. As of July 2012,^{xxix} 2,706 children were on the register (approximately 3 in 1000 children, across Scotland). More than half of the children were under the age of 5. Nearly one-third (31%) of those on the register are looked after children.

A core group of professionals, from the Child Protection Case Conference, is appointed to monitor the Child Protection Plan's implementation. Guidance sets out timescales for the convening of meetings, reviews and the notification of significant changes. The Conference and subsequent core group meetings discuss the actions required to protect the child. Professionals identify the specific support to be provided and by whom.

In an emergency, a Child Protection Order can be granted by a sheriff (or in exceptional circumstances a Justice of the Peace), where the child is at risk of significant harm and such an order is considered necessary. Anyone can apply for a CPO, but they tend to be sought by local authorities where there are child protection concerns about a child. There are strict legal

procedures and timescales governing their use. Child assessment orders can also be granted by the courts when: there is a risk of significant harm; the local authority wants to carry out an assessment; and it is unlikely to be carried out without the order. This must happen in three days. A ‘Place of safety’ warrant can be issued, so that a child is kept in a place of safety as an interim measure whilst another measure is sought.

To encourage interagency working, Child Protection Committees provide strategic partnerships responsible for child protection policy and practice across the public, private and third sectors in their local areas. The Child Protection Committee carries out a ‘significant case review’, when there is near-death or when a child dies and there are other listed circumstances (like abuse or neglect was known). The review aims to learn lessons and ensure action is subsequently implemented. Guidance on Child Protection Committees was issued in 2005.^{xxx}

Emerging themes such as child sexual exploitation, child trafficking, internet grooming, female genital mutilation and forced marriage are challenging Scottish services. An exploratory research study suggests that disabled children disproportionately experience abuse and neglect but this is not systematically recorded in statistics.^{xxxi} Changes in how indicators of risk are recorded at Child Protection Case Conferences will result in a more informed position of children with a disability on child protection registers.

Looked After Children

Children gain the legal status of being ‘looked after’ in several ways:

- they are subject to a compulsory supervision order by a children’s hearing, with no condition of residence – i.e. they may be living in their family home;
- they are subject to a compulsory supervision order with a residence condition;
- they are provided with accommodation through a voluntary agreement with someone who has parental responsibilities and rights, if no-one has parental responsibility, if they are lost or abandoned, or if the person who has been caring for them is prevented from providing suitable accommodation or care; or
- they are subject to various warrants or orders, such as a Child Protection Order.

Thus a child could become looked after due to child protection concerns and/or offending behaviour. Since 2009, a child can also be looked after under a Permanence Order. This flexible order intends to provide for longer-term placements. It can be a prelude to adoption but it can also enable long-term fostering or kinship care. Parental rights and responsibilities can be shared between the local authority and the carer.

Children who are looked after can thus be living in their birth family home, in kinship care, in foster care, residential home or schools, or secure accommodation. While the practice of children being looked after by kin is long-standing, in 2009 this was given formal statutory status, with kinship carers and local authorities having a range of responsibilities and duties towards the looked after child. Foster carers are approved by a fostering agency, which in turn has to be registered with Social Care and Social Work Improvement Scotland and inspected against National Care Standards.

As of July 2012,xxix 16,248 children were looked after by local authorities. This number has been increasing since 2001, primarily because of the increased numbers being looked after away from home. Almost one-third of children were looked after at home (32%), in July 2012, while 25% were looked after by friends or relatives. About one-third (32%) of looked after children are in foster placements. Foster and community placements have increased every year since 2001. The number of children looked after in residential care has remained fairly static but as a proportion of looked after children it has gone down (to 9%). Eighty-four children were in secure accommodation, in July 2012.

Local authorities have duties towards looked after children: i.e. to safeguard and promote the child's welfare, to promote contact with those with parental responsibilities, and to take account of the child's views. There are assessment, planning and review requirements. Reviews should consider what the permanent placement for the child should be. Concerns continue about children having too many, impermanent placements and not gaining a permanent placement.

When young people leave care, the local authority has ongoing duties for those who were looked after or accommodated at their school leaving date (approximately age 16). They must carry out a needs assessment. A care leaver is entitled to "advice, support and guidance" from the local authority (this can include cash payments) until they reach the age of 19 and, if they request it, until the age of 21. A local authority can make payments to a care leaver, to support them in education and training or accommodation near to their education, training or

employment. These payments can continue until the care leaver is 21 years or finishes the course of education or training.

Despite these local authority duties, looked after children as a group continue to have poor educational, social and employment outcomes. They have poorer health, educational attainments and positive destinations post-school than the more general population. For example, Who Cares Scotland (a Scottish voluntary organisation working with looked after children) presents the following statistics for children leaving care:

Table 1: Outcomes for looked after children, in Scotland 2001-2011

	2001	2011
No of Looked after children	Over 11,000	Over 15,000
Mental Health Issues	45%	50%
Homeless	30%	30%
Positive destinations (i.e. further education, higher education, employment or training)	46%	55%
Higher education	1%	2.6%
Time in prison	27%	48%

Source: Presentation by Who Cares? Scotland^{xxxii}

Young people looked after in residential homes can gain a record of criminal offences, as residential workers may call for the police over behaviour than in other settings would be managed in other ways.^{xxxiii}

Successful attempts have been made to improve these outcomes, with Scottish Government initiatives on education, health, positive destinations, improved training and skills and more. Looked after children are now presumed to have additional support needs, and assessed for whether they need a co-ordinated support plan. Research with children and young people, with experience of care, continues to show the importance to children and young people of: having trusting and on-going relationships with staff; having a sense of control over their own

lives, which includes having their views duly considered; smooth transitions between where they live, and minimising disruption.^{xxxiv}

In 2011, the Scottish Parliament Information Service summarised progress for looked after children and areas that required further attention.^{xxxv} Looked after children were more of a priority, within planning and strategic priorities, amongst senior council staff and members and more generally for council and other service staff. The prioritisation of looked after children was more prominent, amongst senior council staff and members, in planning and strategic priorities, and across council and other services' staff. Where GIRFEC was implemented, joint working arrangements were strengthened. Throughout Scotland, almost all looked after children had care plans, but few care plans considered the child's needs in the longer-term. Most plans were not sufficiently focused on outcomes. Schools sought to work with parents and carers but had fewer support staff and were not always confident in addressing looked after children's needs. Some progress had been made in attainment but this was still far behind children in general.

The Children and Young People (Scotland) Act 2014 seeks to improve outcomes for looked after children in several ways. The Scottish Government wants to strengthen public bodies' responsibility towards looked after children, through the concept of 'corporate parenting'. Under Part 7 of the Bill, 23 public bodies as well as health boards and all local authorities are defined as 'corporate parents' of looked after children and care leavers. This will require them to be "alert to matters which, or which might, adversely affect the well-being" of looked after children and care leavers, to promote their interests, to assess their needs for the services that public body provides, and to provide opportunities to participate in activities. These provisions both widen which agencies are responsible and give greater specificity of their duties.^{xxxvi} From April 2015, looked after young people in residential, foster or kinship care will be entitled to remain looked after until the age of 21. When leaving care, young people can be supported up to the age of 26 years.

Youth work

Young people across the developed world have often been constructed as a social problem, being seen as either at risk or in trouble. A more recent policy discourse attempts to construct young people as active social citizens, capable of understanding and exerting agency over the world they inhabit. Fyfe identified the following typologies of youth which are identified in contemporary social policy and reflected in youth work practice:

Table 2: Typologies of youth in contemporary society

Dominant policy discourse	Young people at risk	Young people as or in trouble	Young people as active citizens
Policy context	Risk society	Community safety	Active civil society
Focus	Deficit	Deviance	Development
Social purpose of intervention	Social care/protection	Social care/prevention	Social change/participation

Source: Fyfe, 2010^{xxxvii}

In 2007, the Scottish Executive published a National Youth Work Strategy.^{xxxviii} The strategy attempts to emphasise the active citizenship discourse and involved short term and long term actions including the following: the establishment of a Youth Opportunities Fund for bids to run local events, projects and volunteer campaigns; the instigation of a Youth Work Facilities Improvement Fund; the creation of a co-ordinator post to work with schools and the youth work centre; and a commitment to work with higher education institutions to ensure that key elements of the strategy are reflected in degree programmes. Subsequent Scottish administrations have re-iterated their commitment to developing the youth work sector in order to ensure positive outcomes for all young people. Currently, there is considerable emphasis on the involvement of young people in community planning partnerships, consisting of multi-agency teams focusing on addressing the problems associated with place. The aim is to develop young people as active citizens in many different types of communities, including those affected by unemployment and poverty.

Fyfe provides the following examples of different approaches to youth participation in Scotland:

Table 3: Approaches to youth participation

<p>Testing opinion: In Edinburgh, the city-wide <i>Viewfinder</i> survey is conducted every three years to gather the opinions of young people on a range of topics including safety, work and money, the environment, leisure and transport. In 2007, over 18,000 young people participated in the study and the findings helped shape the development of youth services in the city. The biennial <i>Being Young in Scotland</i> survey collects data from young Scots aged between 11 and 25 and is used to inform national service provision.</p>
<p>User involvement: The Rock Trust is a charity that works in Edinburgh and West Lothian with homeless and socially excluded young people between the ages of 16 and 25. The organisation seeks to actively involve young people in all its activities to build confidence and ensure that its work is useful and relevant.</p>
<p>Civic participation: The Scottish Youth Parliament (SYP) was established in 1999 and is made up of young people aged 14 and 25 representing different geographical areas and voluntary organisations. The MSYPs periodically debate issues affecting young people and consult their constituent members and organisations. The MSYPs are not elected according to political or group affiliation.</p>
<p>Political activists: The Amnesty International UK Youth Urgent Action network is a team of activists aged 11-18 who take rapid action to support individuals at risk and oppose human rights violations. Amnesty supports over 670 school groups in the UK who write letters, fundraise and organise events.</p>

Source: Adapted from Fyfe, 2010^{xxxvii}

Youth work has been badly hit by the Council Tax freeze in Scotland since 2007, which has led to annual reductions in local government provision and cuts in grants to projects run by the third sector. In addition, university departments have reduced their degree programmes for youth and community workers due to the dearth of future employment possibilities. At the time of writing, youth and community work remains an under-resourced area, which nonetheless has considerable potential to enhance the lives of vulnerable young people.

Education and vulnerable children^{xxxix}

We begin with a discussion of the Scottish educational policy landscape as it relates to children with additional support needs, including those with social and emotional difficulties who are particularly at risk of school exclusion and subsequent involvement in the youth justice system.

Additional support needs policy and inclusion

Scottish education legislation has underlined the on-going commitment to the inclusion of all children in mainstream schools. The Standards in Scotland's Schools etc. Act 2000 included a presumption of mainstreaming, establishing the principle that every child would be included in mainstream school unless this was detrimental to the education of that child or other children in the class, would involve unreasonable public expenditure or was against the wishes of the child's parents.^{xi} Education planning legislation passed in 2001 placed an obligation on local authorities to produce accessibility strategies to plan and record progress over time in creating inclusive environments, paying attention to policies and procedures, the physical estate and pedagogy and the curriculum.^{xii} The Education (Additional Support for Learning) (Scotland) Act 2004 (the ASfL Act), amended in 2009, broadened the definition of additional support needs to include children with difficulties in learning for whatever reason, but also placed a duty on local authorities to assess and meet the needs of all children requiring additional support. The Record of Needs (RoN), a statutory document summarising children's difficulties in learning and the measures proposed by the local authority to meet these needs was abolished, and replaced by the statutory Co-ordinated Support Plan (CSP). This document was intended to summarise the child's needs, which might stem from learning difficulties, disabilities or social factors, and the measures proposed by education and other agencies such as health and education to meet these needs. The rights of children with additional support needs and their parents were underpinned by enhanced rights to challenge local authority decisions on educational provision through independent mediation, adjudication or by making a reference to the Additional Support Needs Tribunals for Scotland.^{xlii}

Scottish education legislation was reinforced by British equalities legislation. The Disability Discrimination Act 1995, extended to education in 2001, prohibited discrimination against disabled pupils in schools, which was defined as failing to make reasonable adjustments or treating a disabled person less favourably for reasons associated with their disability. The Equality Act 2010 placed a duty on all public sector bodies to produce equality schemes,

monitoring progress towards more equal outcomes in relation to protected grounds, including disability. Under the terms of the 2010 legislation, all providers of educational services, including independent schools, are obliged to make reasonable adjustments for disabled pupils by providing auxiliary aids and services. Previously, independent schools had sometimes charged additional fees to parents whose children required learning support. This practice was made unlawful by the Equality Act 2010, and as a result there is some anecdotal evidence that fee-paying private schools are less likely to offer places to children with conditions such as autistic spectrum disorder where a classroom assistant might be needed.

The provision of additional support is further underpinned by more recent programmes and initiatives. Scotland's national curriculum, *Curriculum for Excellence*, incorporated the principle that all children are entitled to personal support which will enable them to benefit from available learning opportunities. Curriculum for Excellence is aligned with a broader children's services perspective as set out in the GIRFEC programme, discussed above.

One of the key elements in GIRFEC is a commitment to the development of a Child's Plan, intended to incorporate all other plans, and to summarise the input of a range of services including health, education and social work. Whilst supporting the broad principles of GIRFEC, those involved in the policy process have raised concerns about poorly co-ordinated IT systems and a failure to address issues around confidentiality and the sharing of sensitive information:

The idea behind [the legislation] is I think to simplify processes, which I would definitely support. You know that's a good thing. But it's making sure the information infrastructure, the IT and everything works to enable that to happen properly. And I think that...could cause a bit of difficulty along the way. (Interviewee, National Advice and Information Service)

During the passage of the legislation, an organisation called Schoolhouse, which champions home education, objected strongly to the fact that the Act places a duty on the Named Person to both gather and share information with others. Schoolhouse described this duty as legitimising unwarranted levels of intrusion into the private lives of adults and children, and suggested that this provision should be scrapped. The Scottish Parliament Information Centre Briefing noted these concerns, but explained that the duty referred to the 'appropriate' rather than 'inappropriate' sharing of information.^{xliii} It was noted that enquiries into child deaths

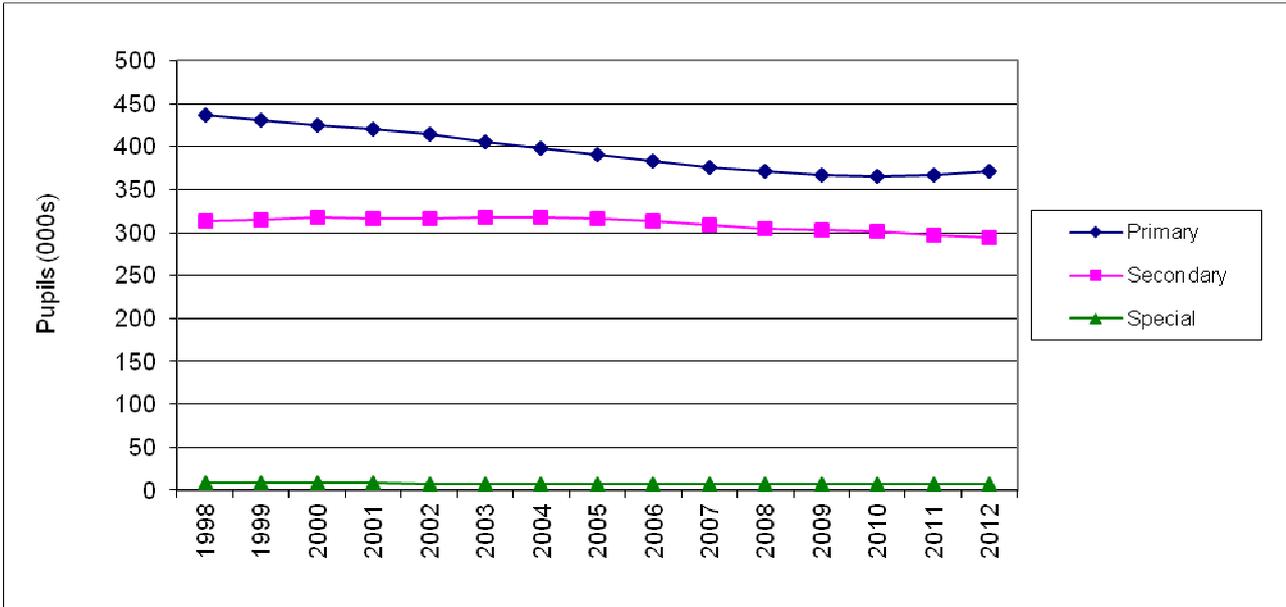
and non-accidental injury often pointed to a failure of professionals to share information with each other, so the gains in child protection outweighed the danger of loss of privacy.

There have been some concerns from within the Scottish policy community that whilst the new legislation was well intended, it was not necessarily well thought through and might prove difficult to implement. In the following sections, we consider the outcomes of inclusive education policies as reflected in special school placement patterns, the use of statutory documents to underpin support for children with additional support needs and patterns of exclusion from school.

Has the policy of inclusion led to a shift away from the use of special schools in Scotland?

Figure 7 shows the total pupil population in primary, secondary and special schools over the period 1998 to 2012. As can be seen, there has been a steady drop in numbers in primary schools from 1998 to 2010 and then a slight increase possibly due to immigration. In secondary schools, numbers have been declining less and the drop in numbers is only noticeable in the last 3 years. This probably reflects the impact of measures, such as the educational maintenance allowance, aimed at encouraging pupils to stay on at school post 16. The pupil population in special schools has remained stable over this period, suggesting that there has certainly not been a major shift towards mainstream.

Figure 7: Number of pupils in state-maintained schools, 1998-2012



Source: Scottish Government, 2012^{xliv}

Table 4: Number of pupils in state-maintained schools, 2000, 2003, 2006, 2009 and 2012, and percentage of total population

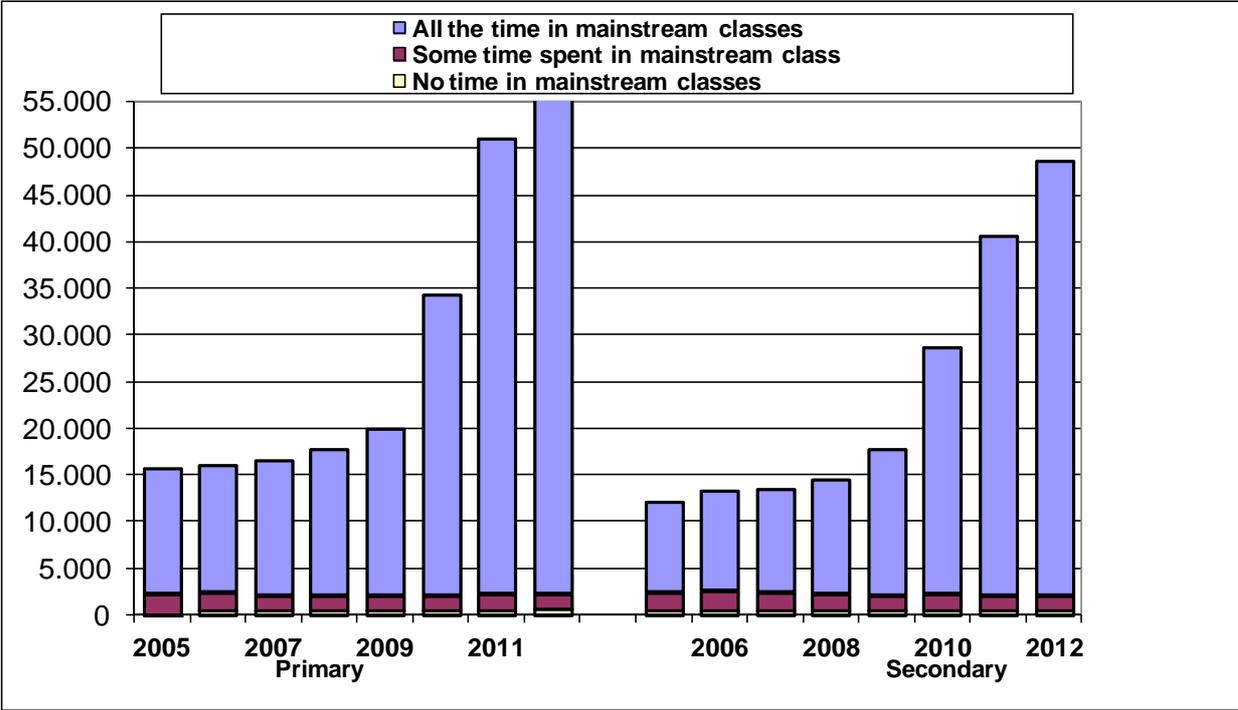
School Sector	2000		2003		2006		2009		2012	
	Nos	%								
Primary	425,221	56.6	406,015	55.5	382,783	54.5	367,146	54.3	370,680	55.2
Secondary	317,704	42.3	318,427	43.5	312,979	44.5	302,921	44.8	293,562	43.7
Special	8,318	1.1	7,680	1.1	6,975	1	6,673	1	6,976	1
Total	751,243	100	732,122	100	702,737	100	676,740	100	671,218	100

Source: Scottish Government, 2012^{xliv}

The proportion of children with additional support needs in mainstream and special schools in Scotland

On the basis of the number and proportion of children in mainstream and special settings, there is little evidence of a major shift of children with additional support needs from special to mainstream, despite the anxieties sometimes expressed by teachers' unions. About 1% of children continue to be placed in special schools. As well as showing little change in the use of special schools, Scottish Government data show a steady increase in pupils recorded as having additional support needs in mainstream schools. In 2004, children with additional support needs (those with an Individual Educational Programme and/or a Co-ordinated Support Plan) made up only 4.5% of the total pupil population, whereas in 2012, this proportion had risen to just under 18%. The increase appears to be most marked in primary schools, and the vast majority of children are recorded as spending all of their time in mainstream classes (Figure 8).

Figure 8: Proportion of time spent in mainstream classrooms by pupils with additional support, 2005-2012

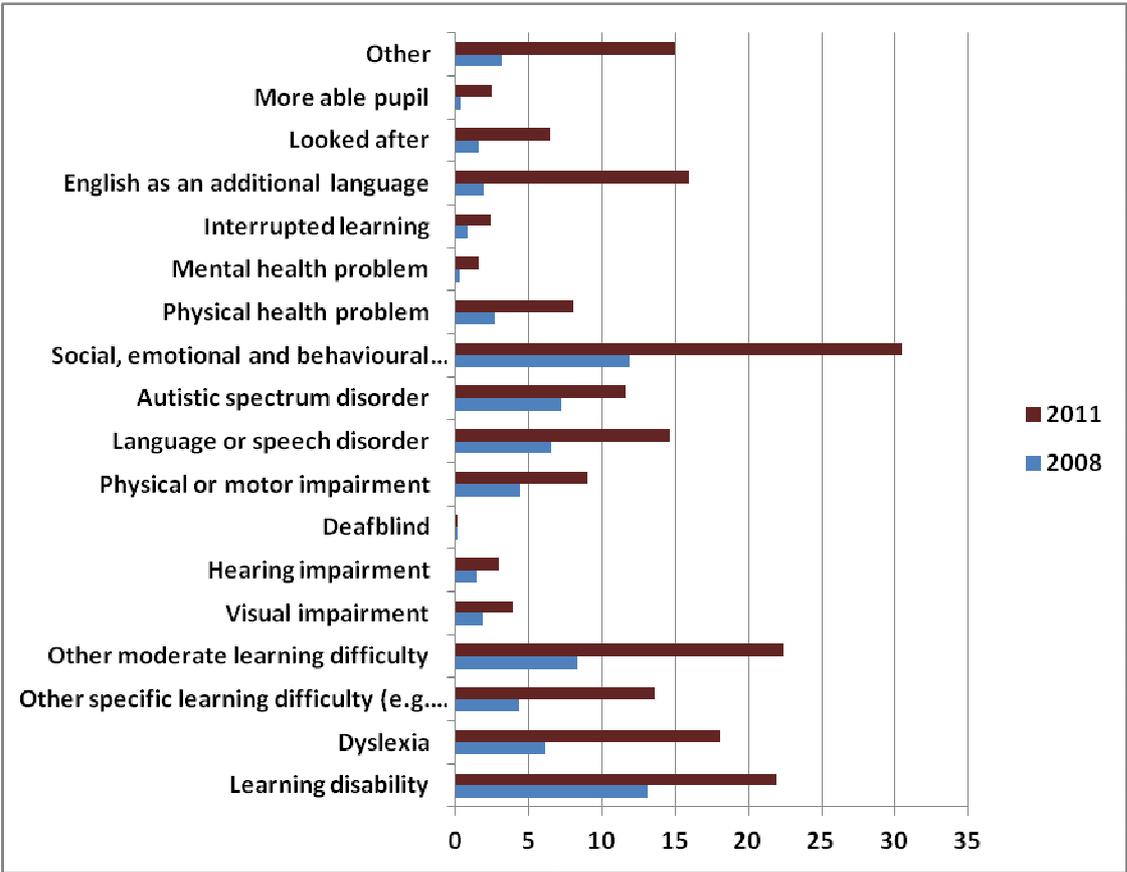


Source: Scottish Government, 2012, supplementary data available online, updated February 2013^{xliv}

What accounts for the rapid increase in the number and proportion of children with additional support needs?

It is clearly important to examine the underlying reasons for the apparent increase in the number and proportion of children identified as having additional support needs, and being educated in mainstream classes. Examination of data collection criteria and procedures suggest that most of the change may be attributed to the expanded definition of additional support needs, rather than changes in incidence or educational placement patterns. Scottish Government data are derived from the annual school census which takes place in September of each academic year. Each school is required to complete a statistical return, and the reliability of the data is entirely dependent on the accuracy and consistency of the figures which are entered. The task is often delegated to the school administrator, and there does not appear to be any moderation or checking of data, so those completing the form may interpret questions and categories differently.

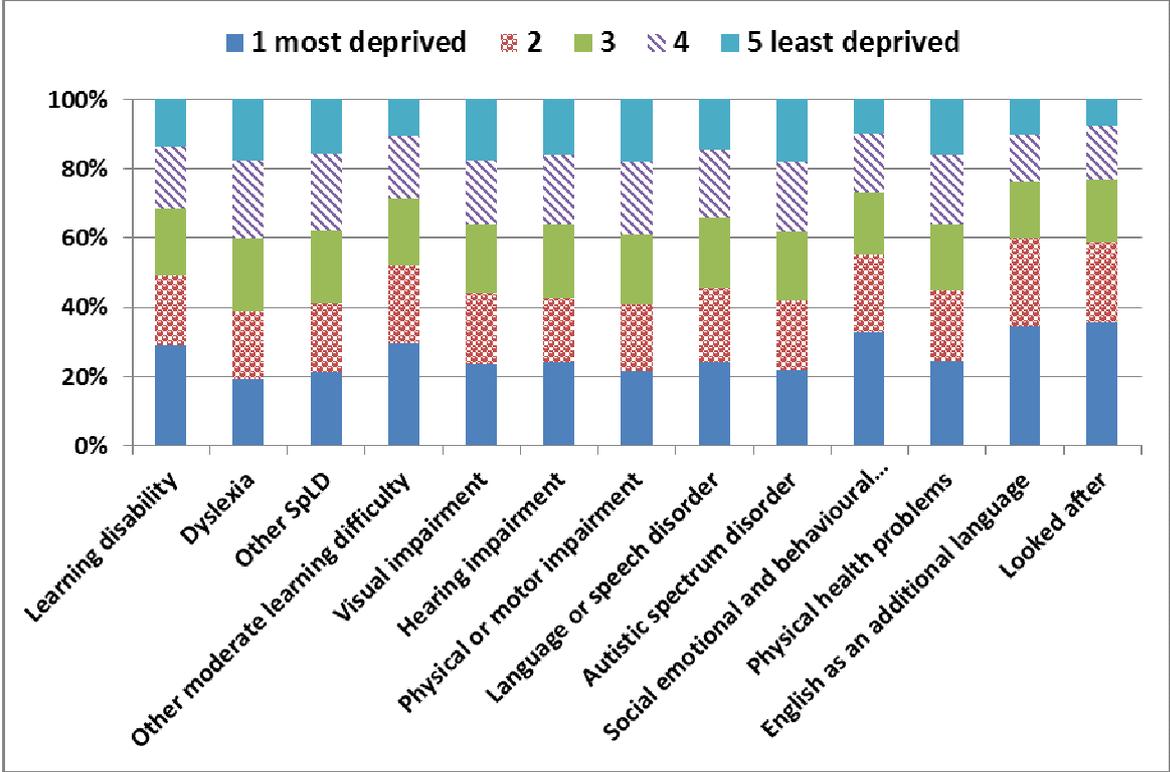
Figure 9: Reason for support for pupils with Additional Support Needs, 2008 and 2011, Rate per 1,000 pupils



Source: Scottish Government, 2009^{xlv} and Scottish Government, 2011 (supplementary tables updated Feb 2012).^{xlvi}

The expansion of the use of the category of social, emotional and behavioural difficulties is particularly significant, given its close association with social deprivation compared with other categories (see Figure 10 below). This shows that all types of difficulty are more likely to be identified in the most deprived compared with the least deprived areas in Scotland. However, whereas normative difficulties such as physical and hearing impairment are only slightly more likely to be identified in poorer areas, social, emotional and behavioural difficulties are five times more likely to be identified in poorer neighbourhoods.

Figure 10: Reason for support by SIMD quintiles, as proportion of those with the same Additional Support Need, 2011



Source: Scottish Government, unpublished data supplied by government statistics department, Feb. 2012

1. SIMD 2009 is used here

Has the policy of inclusion in Scottish education led to a reduction in exclusions?

In Scotland, pupils may be temporarily excluded from school or, in less than 1% of cases, removed from the register. Figures on school exclusions document a trend towards a reduction in rates of exclusion since 2006:

Table 5: Cases of exclusion and rate per 1,000 pupils by type of exclusion, 2005/06 to 2011/12

	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
Exclusions in total	42,900	44,794	39,717	33,917	30,211	26,844	21,936
Of which:							
Temporary exclusions	42,726	44,546	39,553	33,830	30,144	26,784	21,918
Removed from register	264	248	164	87	67	60	18
Exclusion rate per 1,000 pupils	60.4	63.9	57.5	49.9	44.7	40.0	32.7
Of which:							
Temporary exclusions	60.0	63.5	57.3	49.7	44.6	39.9	32.7
Removed from register	0.4	0.4	0.2	0.1	0.1	0.1	0

Source: Scottish Government, 2011,^{xlvii} Scottish Government, 2013^{xlviii}

Government data indicate a strong association between school exclusion, disability, additional support needs, being looked after by the local authority and deprivation, as shown in the table and figure below.

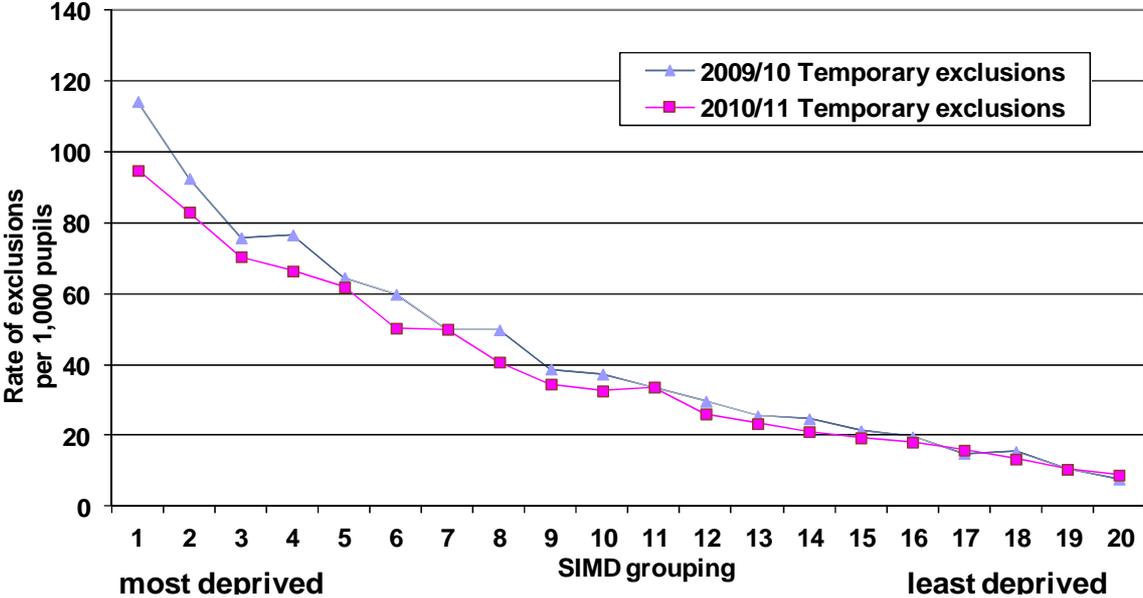
Table 6: Cases of exclusion and rate per 1,000 pupils by looked after status, disability, additional support needs and Scottish Index of Multiple Deprivation (SIMD 2009), by sector, 2009-2011

	2009-10		2010-11	
	Cases of exclusions	Rate per 1,000 pupils	Cases of exclusions	Rate per 1,000 pupils
Assessed or declared disabled ¹	798	70	N/A	N/A
Not assessed or declared disabled	29,114	44	N/A	N/A
Looked after by local authorities ²	3,875	355	N/A	N/A
Not looked after by local authorities	26,336	40	N/A	N/A
Pupils with Additional Support Needs	7,651	174	8,406	121
Pupils with no Additional Support Needs	22,261	35	18,267	30
Lowest 20% of SIMD (Most deprived)	13,076	91	11,372	79
Highest 20% of SIMD (Least deprived)	1,614	12	1,579	12

Source: Scottish Government 2010^{xlix}, Scottish Government 2011^{xlvi}

1. Note that cases of exclusion for children declared as disabled were not published in 2010-11 due to lack of data
2. Note that cases of exclusion for looked after children are no longer published due to data unreliability

Figure 11: Rate of exclusion per 1000 pupils by Scottish Index of Multiple



Deprivation, 2012

Source: Scottish Government, 2013 (Exclusions from school supplementary data updated Feb 2014)¹

In its statistical bulletin on pupils in Scotland of 2011, the Scottish Government attributes this trend to ‘the adoption of a wide range of approaches to manage behaviour and a range of provision beyond the classroom where needed for children with social, emotional and behavioural needs. Identification of behaviour issues and intervention at an early stage prevents the need for exclusions in many cases’. However, there may be other reasons for this decrease. Dips in exclusions in 2002/03 and 2007/08 coincided with the publication of Scottish Government guidance on exclusion, strongly advising that it should be used as a very last resort. Additional requirements were placed on schools to document the processes which led up to exclusion and to institute meetings between the school and parents.

Recent reports from England^{li} and from Wales^{lii} document the existence of informal or illegal exclusion from school. Research conducted by Harris and Riddell^{xlii} on dispute resolution in England and Scotland also documented the use of illegal exclusions of children with additional support needs, with parents being phoned up at work or home and requested to remove the child from school. It is impossible to know to what extent the apparent drop in

exclusion reflects the situation on the ground or is indicative of a growing trend towards unlawful exclusion.

Health system

In Scotland, health services have a role in the identification and service delivery to support children and young people with learning difficulties and disabilities, and have a legal duty to co-operate with education in this regard. However, during the compulsory school years education is the lead service provider, since this service is universal. Psycho-metric testing to identify learning difficulties is rarely used. Educational psychologists are employed by the local authority rather than the health board. Whilst they undertake individual pupil assessments, they also have a major role in advising on aspects of institutional organisation and behaviour management.

The *Mental Health Strategy for Scotland 2012-2015*^{liii} covers all aspects of mental health, but has a particular focus on children's and young people's mental health. Key themes are:

Working more effectively with families.

Embedding more peer to peer work and support.

Support for self-help and self-management approaches.

Extension of the anti-stigma agenda.

Focus on the rights of those with mental health illness.

Personal, social and clinical outcomes approach.

Effective use of IT to provide information and evidence based services.

Priorities for children's and young people's mental health are:

Infant and early years mental health.

Conduct disorders.

Attachment issues.

Looked after children.

Learning disability and the Child and Adolescent Mental Health Services.

Access to specialist Child and Adolescent Mental Health Services.

Reducing admissions of under 18s to adult wards.

NHS Scotland is also responsible for undertaking research and producing health education materials and information to be used in Personal and Social Education in schools. Personal and Social Education forms part of the core curriculum in Scottish schools. Schools are responsible for the delivery of the Scottish Government's *Guidance on the Conduct of Relationships, Sexual Health and Parenthood Education*.^{liv} For example, in 2011, Information Services Division of NHS Scotland produced an analysis of the Scottish Schools Adolescent Lifestyle and Substance Use Survey 2010.^{lv} This showed, for example, that amongst 13 year olds and 15 year olds, levels of smoking are now the lowest they have been since the survey began in 1982. By way of contrast, a higher proportion of 13 and 15 year olds reported that they had consumed alcohol in the past week (14% of 13 year olds and 34% of 15 year olds). There also appeared to have been a national reduction in drugs use amongst both boys and girls.

There are on-going concerns about the extent to which high quality sex and relationship education is available in all Scottish schools, particularly in Roman Catholic Schools, which may object to providing young people with information on gay relationships and lifestyles.

Juvenile Crime Prevention Strategies

Juvenile crime prevention is a priority in Scotland, across services. It fits within the general emphasis on early intervention and prevention, moving from crisis to preventive spending. *Preventing Offending by Young People: A Framework for Action* (2008)^{lvi} is the key policy document, in relation to preventing youth offending in Scotland.

The Framework demonstrates several overarching changes of emphasis, after the election of 2007. One, the Government instigated a shift in national youth justice policy, towards early intervention, prevention and diversion. Two, the Government and COSLA (the Convention of Scottish Local Authorities) published the Concordat, agreeing to work together in policy development. Fifteen national outcomes were set, to lead public delivery. The Scottish Government directs policy by making Single Outcome Agreements with local authorities – the focus is then on these high-level outcomes. Third, ring-fenced funding was thus abolished, including that for tackling offending by young people. Local authorities now determine how to spend their resources, with their accountability to the Scottish Government through the single outcome agreements.

Following this partnership approach, the Framework is formally owned by the Scottish Government, COSLA, the Association of Chief Police Officers Scotland (ACPOS), the Scottish Children’s Reporters Administration (SCRA) and the Crown Office and Procurator Fiscal Services, as they are considered the key delivery agencies. Other important agencies – such as the relevant inspectorates – are also involved. Thus, the Framework is seeking to bring together key agencies in a partnership approach.

The debate around young people who offend is often unhelpfully polarised: needs and deeds; victim and offender; individual and community; prevention and intervention. In reality, the evidence shows the only way to prevent “deeds” is to address “needs”.

The Framework mainly focuses on children aged 8 to 16, while recognising that prevention starts pre-birth and the need to consider transitions to adulthood including the “vulnerable” ages of 16 to 21. Clarity between ‘early intervention’ and ‘prevention’ was given by the *21st Century Social Work Review* and supported by the Framework:

Early intervention is targeted assistance for vulnerability towards offending and other problems. It is actively aimed at halting the development of a problem which is already evident.

Prevention refers to activities to “stop a social or psychological problem arising in the first place”. Prevention services are available as part of universal provision.

The Framework has five themes:

Prevention.

Early and effective intervention.

Managing high risk.

Victims and community confidence.

Planning and performance improvement.

The Framework was re-considered in 2012, with the follow-up report *Preventing Offending by Young People: A Framework for Action – Progress (2008-2011) and Next Steps*. The initial key objectives are reported under each of the five strands:

Prevention

Work together to develop and deliver the Early Years Framework, ensuring the needs of the most vulnerable are addressed.

Building on the work of the Health Inequalities Task Force, seek to ensure that all children and young people get the help they need to be mentally and physically healthy.

Expand positive opportunities for young people, for example through the Curriculum for Excellence, CashBack for Communities and the Government's forthcoming Youth Framework.

Develop practice on promoting positive relationships and behaviour in schools, including dealing with serious indiscipline.

Early and Effective Intervention

Embed the principles and practice of GIRFEC across our agencies.

Ensure that all our systems are more effective in sharing information to support identification and intervention for young people at risk.

Develop an evidence base around what works in early and effective intervention.

Identify and disseminate good practice, including supporting local learning partners to develop knowledge and understanding around applying the principles and practice of GIRFEC to young people who offend.

Managing high risk

Develop integrated processes and services across children and adult systems.

Increase opportunities for diversion from formal measures targeted at young people.

Increase opportunities for community alternatives to custodial sentences designed for young people.

Develop and introduce a range of evidenced based approaches and programmes to improve reintegration from secure care, prison and community based orders back into the community.

Victims' and community confidence

Develop an evidence base on the views of victims and effective interventions in order to strengthen support to all victims of youth crime.

Continue to work as partners to demonstrate the potential benefits that can be achieved in certain circumstances by adopting a restorative approach to youth offending.

Address issues around media perceptions of young people through the Government's Youth Framework.

Promote positive messages about young people and support engagement with communities, including opportunities for intergenerational communication.

Planning and performance improvement

Developing a voluntary framework for management information to support work to tackle offending by young people, populated by national and local information.

Improving the quality and availability of national management information relevant to this agenda.

Supporting the dissemination and analysis of comparative performance information. This is not about league tables, but helping local areas to identify their strengths and areas for improvement and access good practice.

Supporting the development and dissemination of the evidence base for work to tackle offending by young people through the effective use of national analytical resource, in consultation with stakeholders.

Ensuring that the inspection regime for relevant services reflects the objectives set out in this framework, while minimising the bureaucratic burden on agencies.

Progress is reported under each objective. Overall, the attempt to reorient services towards prevention and early intervention is notable, across services (e.g. Early Years Framework, GIRFEC, Equally Well in health). Other developments include guidance for the police, on a Flexible Approach to Offending Behaviour by Children and Young People. The guidance recommends against unnecessary use of formal systems. Instead, the police are encouraged to divert young people away from statutory measures in a streamlined and consistent way. In 2011, guidance was published for professionals in the court process, to improve engagement with, and understanding of, 18 year olds. In 2010, the Criminal Justice and Licensing

(Scotland) Act 2010 increased the minimum age of prosecution to 12 years. Victims and improving community confidence has been another significant emphasis, including supporting positive media, intergenerational pilots and restorative practice. A voluntary planning and performance improvement framework has been developed: it is voluntary due to the Concordat and the reliance on single outcome agreements.

Considerable attention has been given to managing high risk, within a broader programme of reducing re-offending. One strand focuses particularly on young people. National guidance on risk assessment and management of young people was published in 2011. Efforts have been made to improve transitions for those under age 18 leaving custody. In the local authority of Aberdeen, a 'whole system' approach for young people under age 18 was piloted. A 2011 evaluation found efficiencies in time and costs for all partners, quicker responses for children and young people and the number of young people committing crimes went down by 16% in one year of the approach.

Key priorities were identified in the 2012 progress review and are currently being taking forward. These include:

Whole Systems Approach: aims to achieve positive outcomes for the most vulnerable young people. This requires streamlined and consistent assessment, planning and decision-making processes. Guidance supports local areas in this approach.

Victims and community confidence: seeks to improve community confidence and support young victims of crime. Legislation has been passed to better support and recognise victims of crime.

Reintegration and transitions: recognises more support is needed for young people leaving secure accommodation or custody, and for those moving from childhood to adulthood (and children's to adult services). Guidance sets minimum standards for key partners.

Extending early and effective intervention to those aged 16 to 17.

Attention to the support for young women, who may require different support than young men.

Stronger links with employment policy.

Further work on risk assessment, management and evaluation for young people who sexually offend or have sexually harmful behaviour.

The Framework, and its implementation, is not without criticism. Several commentators note inconsistencies in its ethos: while it may begin with the Kilbrandon Philosophy, it continues on to emphasise responsabilisation, accountability and risk management.^{lvii} As part of this approach, an increasing number of children involved in offending are dealt with by relevant agencies *without* referral to the children’s hearing system. McAra and McVie are concerned that such emphases in early intervention only serve to criminalise young people rather than to discourage offending.^{xix} As Scotland seeks to move to preventive spend and emphasise early intervention, it remains to be seen if it delivers on lessened offending in later years.

**Promising practice in early juvenile crime prevention:
Edinburgh Pre Referral Screening (PRS)^{lviii}**

CONTEXT	Pre Referral Screening (PRS developed in response to the Scottish Government’s principle to ensure children and young people receive the help they need, when they need it and are only referred to the Scottish Children’s Reporter Administration (SCRA) when compulsory measures are necessary. This is underpinned by the Scottish Government’s <i>Getting it Right for Every Child</i> approach.
GOALS	The aim of PRS is to divert young people involved in offending behaviour to appropriate interventions through partner agencies that ensure those children and young people receive the help they need, when they need it.
DESCRIPTION	The Pre Referral Screening (PRS) is a weekly operational group meeting of key partners agencies. They meet to discuss young people aged 8 to 17 years who have been reported for an offence. Where appropriate, the young people discussed will be diverted from the Scottish Children’s Reporter Association or the Procurator Fiscal to professional services. An information sharing protocol has been agreed between partners. Representatives from partner agencies who attend the PRS meeting have the authority to allocate the resources identified.

BUDGET	<p>No existing budget.</p> <p>The cost of the service is absorbed into current budgets by all partners</p>
OUTCOMES	<p>The PRS has had a significant impact in the number of young people referred to the Children’s Reporter – there has been a 31% reduction in referrals on offence grounds between 2008 and 2012. This has led to a reduction in the number of report requests from the Children’s Reporter and thus helped to ensure that services for young people involved in offending and antisocial behaviour are provided in an appropriate, proportionate and timely manner.</p>
PROFESSIONALS INVOLVED	<p>Edinburgh PRS partner agencies are:</p> <ul style="list-style-type: none"> • Police Scotland - Juvenile Liaison Officer • City of Edinburgh Council Children and Families – Team Leader, Youth Offending Service • City of Edinburgh Council Children and Families - Senior Education Welfare Officer, Education Welfare Service (EWS) • City of Edinburgh Council Children and Families – Team Leader, Early Intervention Service • City of Edinburgh Council Services for Communities – Community Safety Officer • National Health Service Child and Adolescent Mental Health Service (CAMHS) – Mental Health worker
INSTITUTIONAL PARTNERS	<p>Police Scotland</p> <p>NHS Lothian,</p> <p>City of Edinburgh Council: Social Work, Community Services and Education sections;</p> <p>Scottish Children’s Reporter Association.</p> <p>Scottish Government</p>

CONTACT	<p><i>JANINE MCGOWAN</i></p> <p><i>Team Leader</i></p> <p><i>Edinburgh Youth Offending Service.</i></p> <p>Janine.mcgowan@edinburgh.gov.uk</p>
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Practice Evaluation			
Criteria	Satisfactory	Average	Unsatisfactory
Programme relevance			
Programme efficiency and effectiveness			
Programme impact			
Programme sustainability			
Programme transferability			
Translating evaluation findings into statements of good practices			

Source: http://www.ipjj.org/fileadmin/data/documents/strategies_planning/IPJJ_CriteriaDesignEvaluationJJProgrammes_2011_EN.pdf

Research suggests that serious offending is linked to a:

... broad range of vulnerabilities and social adversity; early identification of at risk children is not an exact science and run the risk of labelling and stigmatizing; pathways out of offending are facilitated and impeded by critical moments in early teenage years ... and that diversionary strategies facilitate the desistance process (p.179).^{xix}

Pre Referral Screening (PRS) began in Edinburgh in July 2008. The model was developed in response to the Scottish Government's principle to ensure children and young people receive the help they need, when they need it and are only referred to the Scottish Children's Reporter

Administration (SCRA) when compulsory measures are necessary. This is underpinned by the Scottish Government's *Getting it Right for Every Child* approach.

The aim of PRS is to divert children and young people involved in offending behaviour, to appropriate interventions through partner agencies. Thus children and young people will receive the help they need, when they need it.

The objectives are:

To ensure children and young people are only referred to the Children's Hearing system where it is likely that compulsory measures may be required

To support a faster, more focused and appropriate response to children and young people who have been reported for offending

To promote better information sharing and consistency in decision making

What is Pre Referral Screening?

The Pre Referral Screening (PRS) is a weekly operational group meeting of key partners, including police, social work, community safety, education and the Child and Adolescent Mental Health Service (CAMHS). They meet to discuss children and young people aged eight to 17 years who have been reported for an offence. Where appropriate, the children and young people discussed will be diverted from SCRA or the Procurator Fiscal to services. An information sharing protocol has been agreed between partners. Representatives from partner agencies who attend the PRS meeting have the authority to allocate the resources identified.

Edinburgh PRS partner agencies are:

Police Scotland – Juvenile Liaison Officer.

City of Edinburgh Council Children and Families – Team Leader, Youth Offending Service.

City of Edinburgh Council Children and Families – Senior Education Welfare Officer, Education Welfare Service (EWS).

City of Edinburgh Council Children and Families – Team Leader, Early Intervention Service.

City of Edinburgh Council Services for Communities – Community Safety Officer.

National Health Service Child and Adolescent Mental Health Service (CAMHS) – Mental Health worker.

The Pre Referral Screening process

Each week the Police Juvenile Liaison Officer screens all juvenile offence notifications forms, commonly referred to as TA83s, that have been submitted by officers across Edinburgh.

The Juvenile Liaison Officer sends a list of children and young people to be discussed at the PRS to representatives for individual agency database checks. Information available for each case forms the basis for the weekly PRS discussion. The following options are available to the PRS for every case:

- Police: the case is retained by Police Scotland to issue a Police Warning or restorative justice warning.
- Community Safety: The child or young person is diverted to Community Safety who may address the offence by issuing a warning letter, Acceptable Behaviour Contract (ABC) or community based activity.
- Education: The child or young person is diverted to the Education Welfare Service for the issues to be addressed either by the Education Welfare Officer or school staff. Information is passed to the head teacher and kept on the pupil's school record.
- Diversion to either Youth Offending Service or Social Work practice team.
- Referral to the Children's Reporter.

The PRS does not discuss children and young people when:

The case has been jointly reported to SCRA and the Procurator Fiscal.

The case is currently open to SCRA and being investigated.

In August 2012 the criteria for young people discussed at PRS was widened to include those on compulsory supervision from the Children's Hearing system, where appropriate. The criteria were widened further in 2013 with the introduction of 16 and 17 year olds; this development was supported by the UN Convention on the Rights of the Child and the Lord Advocate who provided clear guidance on cases which were appropriate for diversion via PRS.

What impact has the PRS had so far?

The PRS has had a significant impact on the number of children young people referred to the Children’s Reporter – there has been a 31% reduction in referrals on offence grounds between 2008 and 2012. This has led to a reduction in the number of report requests from the Children’s Reporter and thus helped to ensure that services for children and young people involved in offending and antisocial behaviour are provided in an appropriate, proportionate and timely manner.

Table 7: Number of young people referred to SCRA on offence grounds in Edinburgh

Reporting year	2006 /07	2007 /08	PRS introduced in June 2008	2008 /09	2009 /10	2010 /11	2011 /12	2012 /13
Number of children referred to SCRA on offence grounds in Edinburgh	792	732			432	357	355	299

Source: Youth Offending Service 2013

What makes PRS work?

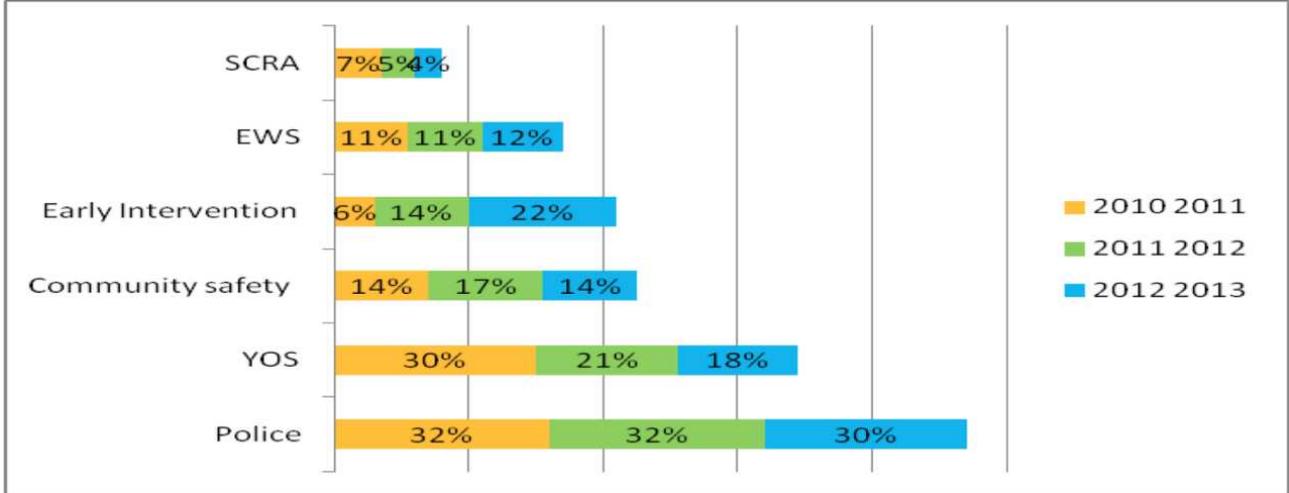
All key professionals being around the table means we share responsibility in making sure all the needs of the child are met. (Janine McGowan, Team Leader Youth Offending Service)

Anecdotal evidence suggests PRS’s success stems from its holistic view of the child, where the child’s wellbeing is discussed alongside his or her deeds, by a number of key agencies at an early point in offending behaviour.

Partner agencies now take responsibility to support a child or young person at an early stage of intervention - prior to the child or young person being referred to the Children’s Reporter, where previously they may have waited to become involved until after the Children’s Hearing or investigation by the report via a report request from social work. An increased level of information sharing provides a forum for improved and informed decision making (and

recording), enabling timely and appropriate action without drawing children or young people inappropriately into the formal youth justice systems.

Figure 12: Percentage of reports taken off table by partner agencies



Source: Youth Offending Service 2013

Summary

PRS is now a well-established model involving police, social work, education, community safety and health colleagues in Edinburgh. Since its implementation in 2008, PRS has resulted in a significant reduction in the number of children and young people referred to SCRA on offence grounds. PRS is GIRFEC compliant, identifying which outcome and/or which service best meets the needs of the child or young person.

An increase in the number of children and young people, and their Police Juvenile Offence Reports discussed at PRS, is anticipated in the coming year due to the widening of the PRS criteria which will now include:

- Children and young people subject to a Supervision Order;
- 16 and 17 year olds who were previously referred to the Procurator Fiscal Service.

**Promising practice in early juvenile crime prevention:
Restorative Practices in education (RP)**

CONTEXT	Restorative Practice in education developed in response to Scottish Government’s concerns about increasing rates of indiscipline and exclusion from school. RP is underpinned by Scottish Government’s policy on behaviour, rights and wellbeing in schools.
GOALS	<p>The aim of RP is to</p> <ul style="list-style-type: none"> • restore good relationships when there has been conflict or harm; and • develop a school ethos, policies and procedures that reduce the likelihood of such conflict and harm.
DESCRIPTION	<p>RP in schools includes attention to ethos building, curriculum focus on relationships/conflict prevention, restorative language and use of scripts, circles, restorative conversations, mediation restorative meetings, informal and formal conferences. In the best examples, RP shapes how adults interact with each other as well as how they interact with pupils.</p> <p>There is compatibility with other initiatives such as Staged Intervention, emotional literacy/empathy development, Solution Focused and person centred planning approaches.</p>

BUDGET	<p>Scottish Government</p> <p>No budget figures available. The cost of support and training is borne by Education Scotland, the Government agency responsible for improving the country's education system.</p>
OUTCOMES	<p>The findings of national evaluations have been very positive, with most schools, and in particular primary schools, making significant progress in key areas of school discipline and staff and pupils relationships. The Scottish Government attributes reductions in exclusion rates, in part, to implementation of RP.</p>
PROFESSIONALS INVOLVED	<p>Scottish Government supports local authorities and schools through the work of its Behaviour, Rights and Wellbeing team, led by Maggie Fallon and based within Education Scotland</p> <p>http://www.educationscotland.gov.uk/supportinglearners/positivelearningenvironments/positivebehaviour/approaches/restorative/Index.asp.</p> <p>RP is led by schools and happens within school premises and during the school day. RP may also be used in work with partner agencies such as the educational psychology service, social work, community police and voluntary agencies where a child or young person is thought to be especially vulnerable.</p> <p>There is no accurate data on the variety and number of professionals involved.</p>
INSTITUTIONAL PARTNERS	<p>There are no formal institutional partners. There are informal links with:-</p> <ul style="list-style-type: none"> • International Institute for Restorative Practices, http://www.iirp.edu • SACRO http://www.sacro.org.uk • Transforming Conflict http://www.transformingconflict.org <p>Scottish Government also supports:-</p> <ul style="list-style-type: none"> • Scottish Mediation Network http://www.scottishmediation.org.uk
CONTACT	<p>Maggie.Fallon@educationscotland.gov.uk, Lead Officer, Behaviour, Rights and Wellbeing Team, Education Scotland.</p>

Practice Evaluation			
Criteria	Satisfactory	Average	Unsatisfactory
Programme relevance	✓		
Programme efficiency and effectiveness	✓		
Programme impact	✓		
Programme sustainability	✓		
Programme transferability	✓		
Translating evaluation findings into statements of good practices	✓		

Source: http://www.ipjj.org/fileadmin/data/documents/strategies_planning/IPJJ

[CriteriaDesignEvaluationJJProgrammes_2011_EN.pdf](#)

Research has indicated that a focus on learning *and* relationships together can be the most effective way to raise achievement for children and young people. National evaluation of Restorative Practices provided evidence that RP was able to provide a useful framework for this focus on learning and relationships in school. RP began in Scotland in 2004, when Scottish Government funded a 2 year pilot with three local authorities. Ten high schools, 7 primary schools and one special school were involved in this pilot. Each of the three local authorities received around £45,000 annually for the period of the pilot.

The aims of RP are:-

- To restore good relationships when there has been conflict or harm; and
- To develop a school ethos, policies and procedures that reduce the likelihood of such conflict and harm.

What is meant by Restorative Practices?

Restorative practices, as developed in Scotland, involve a set of principles, strategies and skills. The underpinning principles include:

The importance of fostering social relationships in a school community of mutual engagement.

Responsibility and accountability for one's own actions and their impact on others.

Respect for other people, their views and feelings.

Empathy with the feelings of others affected by own actions.

Fairness.

Commitment to equitable process.

Active involvement of everyone in school with decisions about their own lives.

Issues of conflict and difficulty returned to the participants rather than behaviour pathologised.

A willingness to create opportunities for reflective change in pupils and staff.

Restorative Practices emphasise the human wish to feel safe, to belong, to be respected and to understand and have positive relationships with others. They acknowledge the potential of social and experiential learning approaches that enable pupils (and staff) to understand, and learn to manage, their own behaviour. They recognise the fundamental importance in schools of both effective support and clear control and boundaries. Practices range on a continuum from whole school approaches to those used in more challenging situations or with individual students. They include restorative ethos building; curriculum focus on relationships/conflict resolution; restorative language and the use of scripts; restorative enquiry; restorative conversations or discussions; circles; restorative meetings, informal conferences, classroom conferences, mini-conferences and formal conferences.

Restorative ethos building

Staff and pupils discuss and work on improving school ethos, culture and climate. Features of a restorative ethos would include:

All participants in the school understand the importance of preventing harm to others and of resolving harm and conflict in helpful, supportive and restorative ways.

Respect between staff and pupils and among pupils.

Pupils and staff feel included and treated equitably.

All feel that school processes are carried out with fairness and justice.

Pupils and staff feel safe and happy.

Curriculum focus on relationship/conflict prevention

This involves either particular programmes, or a permeative approach to Personal and Social Education with the aim of promoting social skills that avoid conflict and harm and enable pupils (and staff) to learn restorative strategies.

Restorative language and scripts

Early work on restorative justice emphasised the use of restorative scripts. They derived from a particular theoretical perspective on psychotherapy, explaining how we make sense of our histories and organise our emotional lives^{lix} but have become used a broader way. Such scripts were often used by a conference co-ordinator, using the following or similar questions:

What happened?

What were you thinking at the time?

What have you thought about since?

Who has been affected by what you did?

In what way?

What do you think you need to do to make things right?

Such scripts help to structure and enable the Restorative approach, to make the process clear and standard, to enable participants to experience a feeling of responsibility. Participants would be familiar with the script before the conference. In some schools such scripts are used quite formally in Conferences. In others they become a pocket-sized guide for staff and sometimes also for children, a resource for easy reference in case of need, used in a range of both formal and informal settings, for example in the playground. The use of a script can reinforce knowledge and awareness as well as practice, according to the principle of using language to shape cognition and values. It can also be very helpful, in an emotionally charged situation with a high potential for conflict amplification, to have a set of ready, calm words practised.

Restorative language is broader than the idea of a script and involves staff reflecting generally on their use of language in school, and promoting effective listening, open-

ended questioning, empathy and using non-judgemental words. It involves incorporating a Restorative approach into the daily language of school interaction. 'People's identities are created through the ways they are spoken about by others, and in the ways they learn to speak about themselves'^{lx}

Restorative enquiry

Restorative enquiry forms the starting point for all restorative processes involving active non-judgmental, listening. It is intended to illuminate the problem or situation. The process can be used with one person to help them reflect on a situation and find ways for forward for themselves. It is also useful before and during face-to-face meetings.^{lxi} Restorative Enquiry involves curiosity: *'How do you feel about that?'* It can involve actively owning a problem: *'I have a problem that I would like to discuss'*. *'Can I tell you what happened from my perspective?'* and aims to resolve issues: *'Why don't you tell me how you see things. I'll do the same and then we can try and sort this out.'* Restorative Enquiry also describes a way of listening and responding to other people's points of view. It also involves the use of open body language, listening with empathy and listening for feelings and needs. The listener takes a neutral perspective and aims to help the other person identify what needs to be done in order to put things right or move on. In a school setting this could include a discussion between a teacher and a student following an incident that has caused concern to either person.

Restorative conversations or restorative discussions

Restorative conversations occur when the skills and language of restorative language and enquiry are used in an informal conversation, for example a teacher with a pupil in a corridor. Skills include expressing and listening for feelings and needs, and understanding why each has acted the way they have.^{lxii}

Mediation

This approach is particularly useful when two or more people believe the other person(s) may be the cause of the problem or has caused harm. The mediator should remain impartial, and helps both sides to consider the problem as a shared one that needs a joint solution. This can be undertaken by adults in school and by trained pupils acting as **Peer mediators**. It may also involve shuttle mediation.

Circles – checking in and problem-solving circles

The term 'circle' is used in a number of different ways, although there may be common ideas and practices. Also confusingly the terms conference and circle are sometimes used

interchangeably. The latter sometimes simply refers to the style of organisation of a meeting or conference; for example Thorsborne and Vinegrad say that ‘meetings/conferences are conducted in a circle’ (p.12).^{lxii} In this context the term circle means that people sit round in a physical circle, there are some ground rules about listening and not interrupting and the coordinator acts in a facilitative rather than directive manner, often using a talking piece and a script.

In Scotland many primary teachers will be familiar with Circle Time, which is aimed at whole classes and has a general aim of promoting good relations within the classroom, fostering self-esteem, respect and developing communication skills. Circle time is intended to happen in a positive, warm and confidential context, often using strategies like a talking piece or games and exercises. Circle time is not mainly about solving particular issues or discipline problems. In some classrooms staff operate ‘**checking-in**’ and ‘**checking-out**’ circles, to start or finish the day or lesson, to set an open climate, to ensure good communication, or to establish what the class thought of a lesson. Such circles can also be used then reactively to deal with a problematic incident in class.^{lxiii} **Problem-solving circles** differ, in most views, from meetings or conferences in that they tend not to have such a formal structure - they may be used in a classroom or with a small group and may focus on a general difficulty as well as than a particular incident. They may not use formal script but make a general democratic invitation to members to address the issue or difficulty facilitated in the style discussed above. They are more informal than meetings or conferences. More ‘**healing**’ or **therapeutic circles/groups** or social skills small groups also happen in schools, focussing on particular difficulties experienced or presented by pupils. Their structure and facilitative style has much in common with restorative circles.

Restorative meetings, informal conferences, classroom conferences and mini-conferences

Restorative meetings often involve taking a Restorative approach or introducing Restorative practices to meetings that would already happen in schools, e.g. case reviews, meetings with parents, reintegration after exclusion and pupil councils. These meetings will be conducted using Restorative principles and language, although they may have wider purposes than addressing conflict or harm. **Informal conferences**, sometimes called corridor conferences occur when a group of people gather to address an issue, using methods of Restorative Enquiry, perhaps using a script, to discuss and resolve an issue. For example if there has been difficulty among a group of pupils in class a teacher might ask them to come out of the classroom and hold an informal conference. **Classroom conferences** occur in response to

issues in a whole class, for example a ‘disruptive’ class. This is prepared for and in many ways structured like a conference, but includes all the class members, who are willing to participate. **Mini-Conferences** have some of same features of conferences, for example a formal structure and script, however they are not on the same scale as a full Conference and may not include all relevant personnel or supporters. **Conferences** involve those who may have been involved in conflict or caused harm or distress, meeting formally in a pre-arranged conference with those affected and ideally with key others involved, such as peers and or families. The purpose of such conferences is to allow all parties to be heard, to find ways to restore and repair relationships and prevent future harm. In practice it can be quite difficult to make definite distinctions between the different practices – boundaries and definitions are somewhat blurred and terms used interchangeably.

What impact so far?

The findings of national Restorative Practices evaluations have been very positive, with most schools, and in particular primary schools, making significant progress in key areas of school discipline and staff and pupils relationships (*Restorative Practices in Three Scottish Councils: Final Report of the Evaluation of the First Two Years of the Pilot Projects 2004 – 2006*^{lxiv} and *Restorative Practice Pilots and Approaches in Scotland - Follow Up*.^{lxv} Together, these comprise the largest evaluation of Restorative Practices undertaken to date in the UK.^{lxvi}

As a result of these positive findings, the Scottish Government has supported local authorities and schools nationally to introduce Restorative Practices through the work of its Behaviour, Rights and Wellbeing team, led by Maggie Fallon and based within Education Scotland

<http://www.educationscotland.gov.uk/supportinglearners/positivelearningenvironments/positivebehaviour/approaches/restorative/Index.asp>. This website gives information about the approach, with some video examples.

Evaluation of Early Juvenile Crime Prevention

Scotland has an extensive system of audit, inspection, statistical gathering and a government research programme, that seeks to provide accountability, oversight and evidence in regards to juvenile justice in particular and children’s services more generally. In addition, there is a thriving research culture through Universities and other interested organisations, where funding is raised from a range of sources in the UK and outwith. This means there is a considerable range of evaluative material that could be accessed, particularly across the range of services, policies and initiatives relevant to early juvenile crime prevention.

This section thus concentrates on a major source of challenging and robust information, the Edinburgh Study of Youth Transitions and Crime. It then address further research on the Scottish children's hearing system and what is known on the current policy initiative driving children's services in Scotland, GIRFEC.

Edinburgh Study of Youth Transitions and Crime^{lxvii}

The Study is longitudinal research, which has followed a cohort of around 4300 young people who started secondary school in Edinburgh in 1998. The young people were thus on an average of 12 when they joined the study. The study has involved self-report surveys of the young people, interviews with a selection of young people, questionnaires with their teachers and parents, and linked record data collection. 6 sweeps of data collection were undertaken annually, from 1998 to 2003. Phase 7 followed up a selected cohort of the sample, at age 24. The study seeks to: investigate and identify the factors that impact on young people's involvement in offending behaviour and distance from it; to examine differences between males and females; and to explore these in relation to individual development, interactions with official agencies, and the social and physical structures of neighbourhoods.

The Study has striking findings, that have challenged children's services and policies, and suggested a considerably more universal and preventive approach. Its findings are congruent with the long-standing evidence that offending is a 'normal' part of growing up for many young people, but persistent serious offending is less common. Serious offending is at least partly an expression of identity, which is reinforced by labelling practices – often resulting from service intervention. The findings demonstrate that agencies disproportionately target and label the most vulnerable and dispossessed young people from deprived communities. For example, the Study analysed what predicted serious offending at the age of 15 (see Table 8). Age 15 was chosen as the age where offence referrals peak for the children's hearing system.

Table 8: Predictors of Serious Offending at age 15

Domain	Variable at age 14	Involved in serious offending at age 15 (Yes=1037, No=1761)	
		Odds ratio (95% CI)	P value
Gender	Male	12.0 (1.6-2.4)	.000
Deprivation	Family socio-economic status (manual/unemployed)	1.4 (1.2-1.8)	.001
Family factors	Scale of family crises	1.1 (1.0-1.3)	.045
Personality/ identity	Moral attitude: accepting of violence	3.3 (1.6-6.6)	.001
	Scale of risk-taking	1.3 (1.2-1.4)	.000
Formal and informal exclusionary practices	Warned or charged by police	2.1 (1.5-3.0)	.000
	Excluded from school by age 14	1.5 (1.1-2.3)	.023
	Excluded by peers in previous year	1.6 (1.2-2.1)	.001
Exposure to risk	Scale of victimisation	1.2 (1.1-1.4)	.007
Previous offending	Scale of serious offending	15.3 (11.7-20.2)	.000

Source: McAra and McVie, 2013^{lxviii}

The analysis shows that the risk of serious offending is increased amongst: boys; those from low socio-economic backgrounds, as measured by the head of household being unemployed or engaged in unskilled manual labour; those from ‘chaotic’ families; those who engaged in greater risk taking activities; those who morally accepted violent behaviour in a range of circumstances; and those who were more frequently victims of crime. The most testing findings were: the extent that previous behaviour was a predictor of later behaviour; and the relationships with exclusionary practices and later offending. Young people who were warned or charged by the police at an early age, excluded from school and/or excluded from their peers at an earlier age were at a far greater risk of serious offending than other young people.

Police and school interventions, arguably meant to ‘warn’ young people and divert them from further trouble, thus did not seem successful. For example, the Study looked more closely at the increased risk of police warnings and charges amongst young people at age 15. The Study found factors such as living in poverty and young people’s own self-reported offending. The Study also found that the risk of a policy warning/ charge more than doubled for those with

increased adversarial police contact (such as being stopped, searched, told off and/or moved on) and more than doubled for those with a previous history of being warned or charged and for those who ‘hung out’ with peers who also had warnings and charges. Thus, concludes the Study, young people’s own behaviour is relevant to the increased risk of police warnings and charges, but so also is being labelled by association and by virtue of being already known to the police.

Phase 7 tracked criminal justice and self-reported offending careers, at age 24. It compared two groups: ‘early cases’, of young people who had been referred to the Children’s Reporter for an offence, before the age of 12; and ‘early matches’, matched on the basis of self-reported offending, school exclusion and other background characteristics, but who had *not* been referred on any ground to the Children’s Reporter by the age of 12. The findings show very similar patterns of subsequent offending careers in terms of violence (robbery, weapon carrying, assault) and ‘serious’ offending (robbery, weapon carrying, assault, fire-raising, house-breaking, riding in a stolen car or theft from a motor vehicle), albeit with a slightly lower percentage with the ‘early matches’ group. But the ‘early cases’ were significantly more likely to have convictions in the adult system and custody by the ages of 24.

The study reports on the ‘revolving door’ of residential care and imprisonment, for those young people who become engaged within the juvenile justice system:

77% of those with experience of residential care by their 16th birthday, have a criminal conviction by the age of 22.

9% of those with no experience of residential care by their 16th birthday, have a criminal conviction by the age of 22.

31% of those with experience of residential care by their 16th birthday, have experience of imprisonment by the age of 22.

0.3% of those with no experience of residential care by their 16th birthday, have experience of imprisonment by the age of 22.

The Study concludes that youth justice needs to minimise intervention and maximise diversion, to concentrate on and invest in holistic and universal services, and to create opportunities for pro-social identities.

Children's Hearing System

Beyond the Edinburgh Study, certain evaluative research is available on the children's hearing system. Key concerns repeat themselves over time: children and young people's participation and experiences of hearings and the system more generally; and the outcomes for children and young people.

First, criticisms have been ongoing about children and young people's difficulties in engaging with the children's hearing system.^{lxi} **Error! Marcador no definido.** Despite the principle of children and young people's participation (which has legal backing), many children and young people say they find information about the hearings inaccessible, communication difficult within the hearings and overall dissatisfaction with their experiences. More positively, many children and young people do recognise that the hearing system is there to help them and some report feeling happy with the outcomes. Most of the research was done to inform the recent legislative changes to the hearings and changes were made, such as an advocacy service for children and young people and a programme for improvement within the Scottish Children's Reporter Administration. The most recent survey 2012-13 of children, young people and relevant adults' experiences^{lxx} finds fairly positive feedback about their last hearing, in terms of clear explanation about decisions. Over 71% of responding young people 'felt they were the most important person at their last hearing'.

Second, concerns are ongoing about the implementation of supervision requirements and positive outcomes as a result. Research undertaken by SCRA^{lxxi} considered 90 children who had been on supervision for over 5 years, as of March 2010. An extensive range of supports and services were offered to children and their families. Most children and young people had multiple moves in where they lived, with over two-thirds having at least three moves. Over half of moves were not planned. The most unstable type of supervision requirement was when children were looked after at home. The research graded outcomes, at the point of study or if a supervision requirement had ended, as poor, mixed or positive. 11% of children were deemed to have poor outcomes, while 30% had mixed outcomes and 59% had positive outcomes. Most positive effects took over a year to become apparent.

Getting it Right for Every Child

Research is limited on GIRFEC to date, as a relatively new policy initiative and one that has only recently been extended nationally. Evidence^{lxxii} does suggest that GIRFEC has had an effect at both systems and practice levels:

Systems: establishment of integrated assessment frameworks; a shift to holistic assessments of children's needs; a decrease in referrals to the Children's Reporter; more integrated. planning; and greater involvement of children and their families in the process of service planning and evaluation.

Practice: staff have developed new ways of working and stronger collective thinking, greater confidence in working with other service staff and involve children and other family members more in planning and reviews.

The Scottish Government has legislated for GIRFEC in 2014 because it perceived insufficient progress on implementing GIRFEC across all local authorities; further evaluation is thus required to see how whether the successes of early pilots will be repeated on this national roll-out and whether outcomes are indeed improved by GIRFEC.

Conclusions

Education and inclusion

Scottish education has generally been shaped by ideas rooted in meritocracy and universalism. Over the past decade and a half, there has been an increasing focus on the inclusion of children with additional support needs, with this principle enshrined in legislation passed in 2000. Official statistics have been used to demonstrate that children with additional support needs are increasingly being included in mainstream classes, and that fewer children are being excluded from school. There is little evidence, however, to suggest that there has been a major transfer of children from special settings to mainstream, since the proportion in special schools and settings has remained constant for a long period of time, and indeed may be slightly increasing. Since the passage of the additional support for learning legislation, official statistics suggest there has been a quadrupling of children identified as having additional support needs. However, this has been achieved by widening the definition of which children are counted, so that now children with any type of plan are included.

There has been a particularly marked expansion of the category of social, emotional and behavioural difficulties over recent years. Sally Tomlinson suggested that, in the 1980s, the expansion of the category of special educational needs was used to obscure underlying economic problems contributing to a collapse in the youth labour market.^{lxxiii} The identification of growing numbers of children with learning deficits, particular clustered into the non-normative and highly stigmatised category of social, emotional and behavioural difficulties, may be used as an explanation and justification of their lack of employment. This

may be a useful deflection of attention from the main source of the problem, which is the rise in youth unemployment across Europe in the wake of the on-going economic crisis.

Despite the challenges faced by education in an era of declining public spending, some Scottish schools have been innovative in their efforts to deal with potential behavioural problems through restorative rather than punitive approaches. These are described above, and suggest approaches which may be used to reduce exclusion and promote positive pupil engagement in the future.

Inter-agency working

The GIRFEC programme emphasises inter-agency working, data sharing and has a particular focus on the importance of place. However, serious questions have been raised about operational and ethical matters. There are unresolved issues around connecting different agencies' IT systems. Some parents' groups have raised concerns about data protection, privacy and the inappropriate sharing of information across agencies without the consent of the child or the parent. There is a considerable emphasis on the role of the Named Person and the lead professional, but a lack of clarity about how such responsibilities should be allocated and resourced. Whilst Pathfinder projects have evaluated the programme in specific locations, there has as yet been no national evaluation, even though the programme has been rolled out over the past decade.

The youth justice system

Scotland has for a long time been proud of its children's hearings system, which also eschew a punitive approach to youth justice. Instead of punishing children and their families, the focus is on identifying problems in children's social lives and mobilising family and community resources to address these difficulties. Scotland has achieved some success here, but major problems remain. Despite the emphasis on social welfare within the youth justice system, Scotland imprisons large numbers of young adults in the 18-24 age group, most of whom are men from socially disadvantaged areas. As pointed out by McAara and McVie (2010)^{xix} many young prisoners have been identified as having additional support needs and excluded from school. A high proportion has been looked after by the local authority. This suggests that efforts to promote social inclusion by the education and youth justice systems are unable to counter-act the negative effects of poverty and social inequality. In the long run, reducing economic inequality might be a more effective strategy.

Realising the rights of children and young people

A major theme in the Children and Young People (Scotland) Act 2014 is the realisation and extension of children's rights, although the new provisions are in fact legally weak. Scotland already confers considerable rights on children and young people, for example, allowing them to make independent references to the Additional Support Needs Tribunals for Scotland. The main challenge for the future appears to be translating formal rights into practice. This may be linked with wider questions of economic distribution and social justice, since children and young people living in poverty, and their parents, are unlikely to be able to effectively challenge inadequate service provision through formal routes.

The impact of austerity

Since the establishment of the Scottish Parliament in 1997, successive governments have attempted to promote the principles of inclusion, achieving a broader understanding of needs of children requiring additional support to benefit from education and promoting inter-agency working to achieve these goals. However, the achievement of these goals has been limited by the worsening economic climate. In Scotland, approximately 25% of local authority funds are raised by the council tax, a local property tax which has been frozen since 2008. As costs have risen, this freeze has forced local authorities to cut services and borrow more funds to meet their existing commitments. In return for agreeing to a council tax freeze, the Scottish Government struck an agreement with local authorities to abolish the hypothecation of funds, so that money earmarked for additional educational support was no longer ring-fenced for this purpose, and could, if the local authority chose, be spent instead on maintaining roads. A major reduction in the block grant from Westminster to the Scottish Government has also led to squeezed local authority funding, which is likely to continue for the foreseeable future. This will have continuing impact, though may also be affected by the result of the national referendum on independence due to take place in Scotland in September 2014.

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Introduction

The English concept ‘juvenile delinquency’ has no direct equivalent in the Swedish legal system. Instead, in Sweden we usually speak of juvenile criminality, a concept which differs from juvenile delinquency in that it does not include so-called status offences i.e. acts committed by juveniles which constitute a crime but are legal if they are committed by adults”. Janson⁵⁰¹ observes “It takes some ingenuity to identify a status offence in the Swedish justice system. Several activities are prohibited for minors and underage persons, but have no legal sanctions against the young perpetrators, so this acts are not offenses”. He gives the examples that a minor sneaking to watch an adult movie or having sexual intercourse may concern social authorities but no legal sanctions can be made. Youth aged 15 or older are tried in the adult criminal justice system, although youthfulness is an important mitigating factor in sentencing⁵⁰².

Juvenile delinquency is law breaking by young people and as a social problem it takes different meanings both to an individual and to the society. Thus, different countries have different approaches as regards prevention, treatment, public attitude, legislative control and administrative practices. The legal distinction between adult crime and juvenile delinquency stems from the belief that juveniles are immature and in need of nurturance and protection. According to Swedish law, no legal sanctions can be imposed for acts committed by persons under age 15. Between 15 and 17, a young person may not, except under special circumstances, be sentenced to prison but must be referred to the institutional care facilities of the social welfare authorities.

⁵⁰¹ Janson Carl Gunnar (2004:419), *Youth Justice in Sweden in Tonry and Door’s Youth Crime and Youth Justice, Comparative and Cross National Perspectives*, University of Chicago, Chicago

⁵⁰² Feld, Barry (1994), “Juvenile Justice Swedish Style: A Rose By Another Name?” in the *Justice Quarterly*, Vol. 11 No. 4, Pp 625 – 649

Farrington et al.⁵⁰³ identifies seven situational settings under which juvenile prevention programs can be implemented, these are; families, schools, communities, labour markets, places, police agencies and courts and corrections. Delinquency often starts at home and is manifested by disobedience, absence from home, loitering, immoral conduct yet parents are responsible for the quality of life at home, it therefore follows that the problem could be attributable to parental failure. The problem is later manifested by truancy in school, taking drugs, bullying and associating with peers of questionable conduct. It follows that schools provide a good arena to address the problem of delinquency. Crime prevention takes different forms aimed at reducing criminality. However, some approaches may achieve little if any positive change within the target group. It is thus generally accepted that crime prevention is defined not by its intentions but by its consequences, (Farrington et. al.). Different measures may be aimed at reforming or deterring the offender or protecting individuals or the community. Hughes⁵⁰⁴ argues “All correctional ideologies can be legitimized by the rhetoric of prevention, ranging from ideologies of incapacitation, deterrence and retribution to those of restitution, reparation and rehabilitation right through those of diversion, decriminalization and finally abolition. According to Kùhlhorn and Svensson⁵⁰⁵ “Crime prevention measures are technical, informative and educational methods aimed at preventing criminal acts and effected in a way that allows an evaluation of the extent to which the aim is achieved”. Crime prevention programs are initiated depending on how criminality is perceived. By studying the criminal prevention approaches, it is possible to know what is perceived to be the risk factors since most programs seek to address these risk factors.

Approximately five out of ten youths admit to having stolen something, purchased something stolen or done something else related to theft in the past year. Quite often, this involves shoplifting, whilst car theft and other more serious thefts are uncommon. Crimes are unevenly distributed and a small selection of youths is responsible for a significant part of the total amount of crimes committed amongst youths. Those who commit a lot of crimes quite often have problems in school and at home. They often associate with other youths who commit crimes and they have a permissive attitude regarding crime. This information comes from

⁵⁰³ Farrington David et. al.(ed.) (2002), “Evidence-Based Crime Prevention”, Routledge, London

⁵⁰⁴ Hughes Gordon (1998), “Understanding Crime Prevention: social control, risk and late modernity” Open University Press, Buckingham

⁵⁰⁵ Kùhlhorn, E. (2002): Slutten ungdomsvård. Rättliga reaktioner på de ungas brott före och efter införandet 1999. [Institutional Care of Youths. Juridical reaction on youth crime before and after introduction 1999] Stockholm, Statens institutionsstyrelse.

Swedish National Council for Crime Prevention's (Brå) large school survey⁵⁰⁶, which describes the presence of criminality and other problem behaviour amongst young men and women in year nine.

Young men are more likely to commit serious theft and violent crimes than young women. Shoplifting, trying drugs and having drunk alcohol to the point of intoxication are examples of behaviour that are more evenly distributed between the sexes. The survey also points out the vulnerability of youths to anxiety from crime. Young men are slightly more exposed to violence than young women are. Twenty-seven percent have experienced less severe violence and eight percent have been subjected to serious violence, compared with twenty-one and five percent respectively for young women. Slightly more young women than young men state that they have been threatened so as to feel afraid.

In the latter half of the 1990s, the proportion of youths who stated that they had committed theft and vandalism lessened, whilst those levels have been more stable in the 2000s. The trend has also been stable during the latter period of time regarding the proportion of youths who committed acts of violence.

VI. Developing a prevention at early stages, overview of the systems

⁵⁰⁶ <https://www.bra.se/bra/publikationer/arkiv/publikationer/2013-02-26-brott-bland-ungdomar-i-arskurs-nio.html>

A. Youth Justice System

The UN Convention on the Rights of Children, which Sweden has signed and ratified, states that all decisions about children should be based on an assessment of what is best for the child. This is the ground principle in the Swedish justice system for young offenders. The whole system since 1900 is also based on the common understanding that the youth do not have the knowledge and experience of the societal norms, meaning that they are more exposed than adults to commit offences. In most cases youth concerned by offences live under vulnerable conditions and have themselves been victims of offences.

In Sweden the responsibility for handling young people is shared by the social authorities and the judicial system and regulated by the Young Offenders (special conditions) Act from 1964(1964:167)⁵⁰⁷ that was amended in July 1st 2010. The law aims at protecting the juveniles from interfering with criminals and to undertake the hard conditions in a prison and promoting those to a descent future life free from criminality. The Swedish model is a treatment-oriented one. The city where the youth has his address is responsible for this person and should provide her/him with support and help.

1. Division of roles and responsibilities between the social services and the police

In Sweden, individuals under the age of 15 are not criminally responsible and can therefore not be convicted of criminal offences. Social services, rather than the police, handle youth under the age of 15. According to the Swedish system, the Social Services always have to be informed when a child (meaning a person under the age of 15) is suspected of a criminal offence. Social services are responsible and have to be involved in any action taken towards that child. But under certain circumstances the Police can investigate offences even if the suspect is not 15 years of age, according to the so-called Section 31 Investigation. This is regulated in Section 31 of the Swedish Young Offenders (Special Provisions) Act (1964:167). Please note that there are no juvenile courts in Sweden, meaning that a young offender will, if tried and founded guilty, be sentenced by an adult court.

⁵⁰⁷ <http://www.notisum.se/rnp/sls/lag/19640167.htm>

The Social Services do not sentence young people for their offences but decide on appropriate and suitable measures that will take into account the person's social situation, including of course a possible history of prior criminality. The Swedish legislation places the entire responsibility for responding to crimes committed by individuals under the age of 15 on the social services, as this is seen in Sweden as a welfare problem issue. The Swedish legislation aims to helping the young offender out of the social situation that is led him/her to commit crimes⁵⁰⁸.

2. The role of the social services

A major change in the role of the social services was introduced by one of the amendment done to the Young Offenders Act from 1964 (1964:167) that states that from now on the social services are responsible for requesting that the police initiate a section 31 investigation if this is to form the basis of a decision on whether social services measures are required (more information on section 31 can be found in the text below, under the role of the police)

The *Social Services Act* (SoL) that regulates the responsibility of the social services and the work of the social workers. The Act does not include any coercive measures. The Social Services Act's measures aim to remove the causes of an individual's criminality and imply cooperation between the individual himself, his parents and the social services. The *Social Services Act* states that social services are to build on the foundation of democracy and solidarity. They are to promote people's financial and social security, equality of living conditions and active participation in the life of the community⁵⁰⁹.

Regarding individuals with minor criminal histories, these measures are usually limited to one or a series of talks with the young offender and his parents. If it becomes apparent through these talks that there are serious problems in the home (economic problems, internal conflicts,

⁵⁰⁸ <http://www.regeringen.se/content/1/c6/14/87/01/e6d5b9d9.pdf>

⁵⁰⁹ <http://www.government.se/sb/d/15473/a/182986>

etc.), an attempt will be made to resolve these problems. The family is then given certain opportunities to receive economic support, therapy, a contact person and other forms of support. In certain cases the family may get a social worker who can meet with them at home over a longer period in order to help the family members resolve various problems (e.g. the family's economic planning, their leisure time problems, and conflicts in relations). Other types of measures can be taken in order to prevent the youth to further engage in criminal activities. Those measures are presented under the section of the report which defines sentences.

3. The role of the police:

According to Swedish law the police shall prevent, discover and investigate crimes. In other words an important mission for the police is to prevent young people from committing crimes and developing a criminal lifestyle. When a young person is suspected of committing a crime, the police are obliged to investigate what happened with particular promptness. A national initiative was implemented aiming to improve the police's crime preventive and investigative work with a special focus on young people. The initiative has brought important lessons and forms a good basis for the police's future work within this field. The Swedish National Police Board has developed a training program for investigators of juvenile delinquency⁵¹⁰ including that the police authorities have:

- surveyed the processing of juvenile cases to find out why the deadlines
- are not adhered to;
- established measures to reduce the investigation time;
- identified environments and situations where young people may
- commit crimes; and
- established measures to prevent crime.

The Young Offenders Act from 1964 (1964:167) is regulating the actions of the police regarding juvenile offenders. Regarding investigations and according to some studies from the National Council for Crime Prevention⁵¹¹, the police investigations did not always work as

⁵¹⁰ https://www.polisen.se/Global/www%20och%20Intrapolis/Informationsmaterial/01%20Polisen%20nationellt/Engelskt%20informationsmaterial/Polisen_en_presentation_110506.pdf

⁵¹¹ National Council for Crime Prevention 2007:16

well as expected by the legislators. This is one of the reasons why some amendments were made to the Young Offenders Act in July 2010.

As mentioned earlier, the social services are now responsible for requesting a Section 31 investigation from the police. But in accordance to the 2010 amendments, the Police shall always conduct a Section 31 investigation for particularly serious offences, where the young offender risks a custodial sentence of at least one year: this is the so-called the presumption rule!

The amendments to the Young Offenders Act from 1964 (1964:167) give the police more room to initiate an investigation and carry out effective crime prevention work as well as improve the chances for the person that was injured to gain personal and financial redress. The police is also given the possibility to conduct drug tests on children (persons under the age of 15) and the legislation requires a three-month time limit for police investigations.

Most investigations of juvenile crimes are relatively simple since the crimes committed by young people are usually not of a particularly serious nature. By law, the police are required to show great regard and care in their interrogations of juveniles. Parents and/or representatives of the social authorities should be in most cases present during an interrogation⁵¹².

What means a Section 31 investigation? According to the Young Offenders Act, article 31, section 1 investigations can be conducted for children under 15 that committed offences, in order for the social services to gather useful information in order to decide on appropriate measures to support and help the youth. Such investigations can also be conducted for youth over 15 years of age in order to find out if a juvenile was involved in a offence, to search for goods that disappeared during the offence or can be subject to forfeiture; or for any other reason conducted by the general or individual interest. If the child is under 12 years of age a section 31 investigation can also be conducted, but only under extraordinary circumstances.

In different parts of Sweden the juvenile crime investigation issue has been resolved organisationally in variety of ways. In some areas, special units have been established which

⁵¹² J. Sarnecki and F. Estrada, *Juvenile Crime in Sweden, A trend report on criminal policy, the development of juvenile delinquency and the juvenile justice system*, Stockholm University, Stockholm.

specialise in crimes committed by juveniles, or in some instances even certain types of juvenile crime, such as mugging, for example. In other areas, the less serious offences committed by juveniles are investigated by local community police officers whilst investigations into more serious offences are transferred to the central criminal investigation departments at the police district level. Irrespective of the way in which the police organise investigations of juvenile crime internally, this work always takes place in collaboration with the local social services⁵¹³.

4. The role of the courts

As previously mentioned there are no juvenile courts in Sweden. This means that in case of serious crimes and offences, the young offender will be tried and if founded guilty, sentenced by an adult court. But following the welfare system principles used in Sweden, special policy have been put in place for young offenders: for example have been introduced waivers against prosecution, restrictions on prison sentences and handling over offenders to the social services.

In Sweden youth under the age of 21 are extremely rarely sentenced to jail but are mostly given fines and discharge from prosecution. For those who committed serious crimes, the juvenile offenders under the age of 18 will most probably be sentenced to institutional youth care than prison. According to some data from 2009: 31 800 persons aged 15-20 were suspected for crime; 29 700 decisions to prosecute for persons ages 15-20 were issued (there is an over representation of youth in the statistics of suspects, that shows that a person is more likely to commit offence in their childhood); 38 per cent of the youths were sentenced for shoplifting or theft and only 1 person younger than 18 was sentenced to prison. Most of the young offenders were sentenced to institutional youth care⁵¹⁴.

- The prosecution:

⁵¹³ J. Sarnecki and F. Estrada, *Juvenile Crime in Sweden, A trend report on criminal policy, the development of juvenile delinquency and the juvenile justice system*, Stockholm University, Stockholm

⁵¹⁴ BRÅ, juvenile delinquency, december 2012

In Sweden there is a real cooperation between the different authorities and social services are in close contact with the prosecutors. They shall also express their opinion about the youth, this will be taken into account by the prosecutor when deciding on whether prosecute the youth or not.

- Waivers:

The Swedish criminal justice system and the Young Offenders Act from 1964(1964:167) provide specialized prosecutors for juveniles. Youth between the age of 15 and 18 are normally not prosecuted and the legislation gives a very wide possibility for the prosecutors to waive the case (see articles 16 and 17). If the prosecutor has waived the case, the prosecutor will have a meeting with the juvenile perpetrator and his or her parents. The social authorities should always be informed if the juvenile has not reached the age of eighteen. A representative from the social authorities should be present at the hearings during the preliminary investigation of this juvenile if possible and if it does not damage the investigation. The investigations realised by the prosecutor should always be executed as fast as possible and the law prescribes specific time limits. A legislative change in 1994 (SFS 1994:1760)⁵¹⁵ introduced a situation whereby waivers of prosecution may in principal no longer be used for youths who have previously been registered in connection with offences.

The legislation details precisely the specific ways of prosecuting juveniles that allow the prosecution to choose between different alternatives: the court may sentence the juvenile to a special sentence as treatment or issue an order for summary penalty in cases that should normally be tried at court.

The juveniles are very seldom detained as a specific rule states that the juveniles should not be deprived of their freedom. In order to prevent the youth from destroying the investigation or commit other crimes, there are very often handed over to the social agencies. The public prosecutors dealing with juveniles are in contact with the social agencies working in the field of juvenile delinquency. This contact is crucial as the youth is seldom placed in detention. This is necessary as the juvenile, as said above, very seldom is in detention but is taken care of by the social authorities.

⁵¹⁵ SFS 1994: 1760: *Lag (1994:1760) om ändring i lagen (1964:167) med särskilda bestämmelser om unga lagöverträdare.*

Prosecutors in Sweden conduct investigations involving youth offenders and this should be realised in a limited amount of time: a decision within six weeks from the day when the suspicion was communicated to the juvenile (section 4) should be taken. The prosecutor may, concerning juveniles between 15 and 18 of age, ask for a remark from the social authorities before he or she prosecutes the juvenile. There are special provisions about the quite extensive information that should be covered in the remark (Sections 10 and 11). Consequently, during the investigation, the prosecutors are involved in the contacts with the social authorities and take notes from their remarks.

In Sweden the prosecutors are dealing only with criminal cases. So there is no interference from prosecutors dealing with juvenile issues such as education, living issues etc unless these issues include criminal acts. The same goes for placement of the youth in the name of their self protection or placement of children pending expulsion or any other case. Measures taken in those areas are executed by the social authorities and can also be executed by the Police.

According to current legislation, the police are to have a prosecutor assigned to an investigation if the offense is not of a “straightforward nature” and where there is a suspected offender aged fifteen or older involved. In certain cases the prosecutor is the head of the formal investigation. The prosecutor is also responsible for deciding whether the suspect should be arrested and whether an application should be made to a court for a detention order. However neither arrests nor detention orders are utilized very often in relation to offenses committed by juveniles. For an individual aged fifteen to seventeen to be detained during an ongoing investigation, the law requires “exceptional cause”. Prosecution waivers are issued only in extremely rare cases in relation to violent crimes or vandalism⁵¹⁶. One of the prosecutor’s important tasks is that of deciding which measures should be taken regarding the suspect once the police investigation is finished⁵¹⁷:

- Should the preliminary investigation be discontinued?
- Should the prosecutor issue a prosecution waiver?
- Should he issue a summary sanction order?
- Should he prosecute the suspect in court?

⁵¹⁶ J. Sarnecki and F. Estrada, *Juvenile Crime in Sweden, A trend report on criminal policy, the development of juvenile delinquency and the juvenile justice system*, Stockholm University, Stockholm

⁵¹⁷ idem

- Prosecution:

Another option available to a prosecutor is to determine the sanction for a crime himself. The conditions for the prosecutor to be able to issue a summary sanction order are similar to those for a prosecution waiver: the crime must be relatively minor and the suspect must have confessed. In addition, the suspect must have accepted the size of the sanction. Summary sanction orders may be issued only in the form of day-fines, where the number of days is determined by the seriousness of the crime while the size of each day-fine is determined by the guilty party's economic circumstances. Approximately 33% of all the entries into the police register involve summary sanction orders. Among the youngest youths (i.e. those aged fifteen to seventeen), the proportion is somewhat higher at 37 per cent.

Finally, as was mentioned above, the prosecutor may decide to prosecute. Of the fifteen to seventeen year olds who were convicted of offenses in 2001, 61 per cent received these convictions in the form of a prosecutor's decision whilst a public court, having been indicted by the prosecutor, convicted 39 per cent. The corresponding proportions for eighteen to twenty year olds were 51 per cent and 49 per cent respectively. Thus the majority of the younger youths and approximately half of the older ones are convicted by means of a prosecutor's decision. By contrast, fifteen years ago a significantly larger proportion (83 per cent) of fifteen to seventeen year olds were convicted by means of a prosecutor's decision, as were 61 per cent of the older group. Thus a considerably larger proportion and number of youths are today indicted for their crimes in a public court, whilst at the same time, the proportion and number of young people being convicted by means of a prosecutor's decision has fallen substantially.

- Sentences:

The Swedish Penal Code Chapter 30, section 5 states that if a crime has been committed by a person who has not attained the age of eighteen, the court may impose imprisonment only if there are extraordinary reasons for so doing. It follows from the provisions of article 31, Section 1a, stating that "the court shall, in the first place, sentence to closed juvenile care if a person who has attained the age of eighteen but not twenty-one has committed a crime, the court may impose imprisonment only if, in view of the penal value of the crime or other special reasons, this course of action is justified".

According to article 32, section 1 of the Care of Young Persons Special Provisions Act that deals with committal to special care for persons who are under the age of twenty one and can be sentenced to treatment or other measure. These are the same institutions where youths are placed in compulsory care by the social services and focus on treatment of young people and have a staff to ‘inmate’ ratio approximately three times that of prisons (approximately three staff members per youth in care)⁵¹⁸.

Placement of the juvenile offender outside of the family home should always be first recommended by the social services. In this case the young person is usually placed in a family home or a so-called home for residence and care (HVB). HVB placements are also used relatively often in relation to compulsory (LVU) placements. (In 33 % of compulsory care orders, the young person is placed in a HVB home). The most common form of placement used in connection with compulsory care orders is placement in a youth care facility. Unlike the other institutions, these facilities have the right to use compulsion to keep the youth in place, and they often have secure units. In addition to placements in accordance with LVU, and in rare cases SoL, youths sentenced to secure youth care are also placed in these institutions. Thus both youths placed in care in accordance with LVU and those sentenced to secure youth care are given compulsory care at these institutions. The difference is that youths in the LVU group are placed in these institutions by the social services (once the care order has been confirmed by the county administrative court) and are discharged in accordance with a decision reached by the social services which must however be re-examined every six months, and which may in this context be appealed in the county administrative court, whilst those sentenced to secure youth care are placed in these institutions by means of a court sentence and stay throughout the term of this sentence. It is common that young people who have been placed in youth care facilities by the social services or by the courts are there for the same reason – i.e. involvement in crime. The social services may however also take a decision to issue care orders and place youths in institutions (although not usually youth care facilities of this kind) as a result of other problems experienced by the young person, such as the parents inability to look after the young person,

⁵¹⁸ Brå et al (2002): *Sluten ungdomsvård – en uppföljning*. [Institutional care of youths – follow-up] Stockholm: National Council for Crime Prevention, National Board of Health and, National Board for Institutional Care.

for example, and different forms of behaviour which are self-destructive but not criminalized⁵¹⁹.

Article 32, section 2 of the Care of Young Persons Special Provisions Act says that a person who is under twenty-one may be sentenced to youth service if the juvenile consents and the sentence is appropriate to his or her person and the circumstances in the specific case. A person who is older than eighteen may be sentenced to youth service only if there are reasonable grounds for it.

The other sanctions, which a court can use in sentencing minors, are:

- Suspended sentences (approx. 1% of convicted persons aged 15 to 17 and 13 % of those aged 18 to 20, were given this sanction in 2001) and,
- Probation (without prison) (approx. 1 % of convicted persons aged 15 to 17 and 11 % of those aged 18 to 20, were sanctioned in this way in 2001).

Certain of the sanctions presented above may be combined with each other or with other forms of sanction. Thus probation may for example be combined with contractual care or community service. Combinations of this type are rare, however, for young persons under the age of eighteen. On the other hand, surrender into the care of the social services may be combined with the sanction youth service, which comprises community service specifically adapted to younger people. For approximately twenty per cent of the fifteen to seventeen year olds sentenced to care within the social services, the sanction is combined with youth service in this way. In rare instances, youth service is also applied in combination with probation for young people over the age of eighteen. Fines too may also be awarded in combination with other sanctions. Finally, young people are in rare cases sentenced to psychiatric care. This sanction is however extremely rarely used in relation to the youngest age group.

In cases of extensive antisocial behaviour that constitutes a threat to a young person's ongoing development, a law containing coercive measures known as the *Act with Special Provisions on the Care of Young People* (LVU) may be utilised. Another law containing coercive measures, which can be used by the social services, is the *Act on the Care of Drug Abusers in Certain Cases* (LVM). The rules governing when an individual may be forcibly taken into

⁵¹⁹J. Sarnecki and F. Estrada, *Juvenile Crime in Sweden, A trend report on criminal policy, the development of juvenile delinquency and the juvenile justice system*, Stockholm University, Stockholm

custody for the purposes of social services care are very restrictive. According to the Social Services Act (1982) the local social welfare boards have the right to decide about taking a child or young person into custody for social care. Law in every Swedish municipality has established these boards, which are made up of local politicians and reflect the political party breakdown at the local government level. In the larger municipalities, additional local boards have been set up. A county administrative court must approve all decisions on custody for social services care made by these boards. These courts have an organisation, which is completely separate from that of the criminal courts. Decisions arrived at in the county administrative courts may be appealed to higher courts⁵²⁰.

5. The role of other actors:

In Sweden, just as in other countries, there is a strong correlation between behaviour in school and criminality as well as other forms of deviant behaviour, both in the teenage years and in adulthood⁵²¹. Swedish teachers recognize very well the symptoms related to a heightened risk for persistent criminality, alcohol and drug abuse, etc., even if not all teachers are conscious of how important these observations might be.

Schools usually have their own organisation for dealing with student problems. Many schools have a school psychologist, a social worker (school curator) and medical personnel (doctor, nurse) attached to them. These personnel, along with those heading the administration of the school and certain teachers, constitute a student care team, which, among other things, has the task of deciding how to react when students show symptoms of deviant behaviour. Most schools also have teachers who are specially trained to take care of students with school problems, behavioural difficulties, etc. Initially schools try to resolve problems that arise by means of talking with the student and his parents. Another possibility open to schools is that of taking students out of normal classes and placing them in special education groups, where they may receive more support and be subject to more control. In certain difficult cases the students can be placed in special separate schools run by local school boards. The goal, however, is to separate students with adjustment problems as little as possible from other students and to make sure that they are kept in their ordinary classes to as great an extent as possible. In addition, according to current law, schools within the compulsory school system

⁵²⁰J. Sarnecki and F. Estrada, *Juvenile Crime in Sweden, A trend report on criminal policy, the development of juvenile delinquency and the juvenile justice system*, Stockholm University, Stockholm

⁵²¹ Sarnecki, J (1986): *Delinquent Networks*. Stockholm: National Council for Crime Prevention Report.

cannot completely exclude students from the educational system. Instead, students with serious problems among the older age groups are given the option of taking a part-time class schedule and working the rest of the time (without pay) at some workplace nearby. In such cases, the school is responsible for providing the student with suitable guidance.

In general, the school staff will initially try to resolve a student's behavioural problems themselves. The social services are usually not contacted until the measures put in place by school staff have been seen not to produce the desired results. Even though school personnel see their students' behavioural problems at an early stage, schools make relatively few reports to the social services. In Sweden, the level of cooperation between the social services and schools varies from municipality to municipality.

The social services and the schools are also supposed to cooperate with the mental health care authorities responsible for children and juveniles, which have an independent status in Sweden. Parents, especially parents of younger students with behaviour problems, are often given a recommendation to make contact with this institution which offers various forms of individual, family and group therapy. However, contacts with the mental health care authorities are in principle voluntary and in most places they do not accept clients who are not clearly motivated regarding treatment. Sometimes the social services also use psychiatric experts to analyze young people with more serious behavioural disturbances. Certain young people with substantial criminality in their backgrounds can also be taken in for observation and in rare cases even for treatment in the county's psychiatric clinics for children and juveniles.

In the context of the debate on juvenile delinquency, the issue of leisure time is usually ascribed major importance. Sometimes juvenile criminality is simply defined as a leisure time phenomenon. A significant portion of the leisure time activities available to young people in Sweden are either financed or directly organized by public sector agencies. The financing of leisure activities for young people is provided through payments to an extensive number of organisations. It is estimated that at least half of the young people in Sweden are members of one or more organisations, most often sporting associations. In many places, especially in some of the country's smaller cities, the degree of association membership is significantly higher. However, associational activity seems to a large extent to be characteristic for young people from socially well-functioning families and, accordingly, for young people among

whom the risk of developing serious antisocial behaviour is relatively low. The number of organisations that successfully recruit young people in the risk zone for criminality, and that may serve as an effective alternative to their antisocial network is relatively small⁵²².

As was mentioned earlier, the economic problems affecting Sweden at the beginning of the 1990s resulted in certain cutbacks within the public sector. The local authorities, which are responsible for schools, the social services and the leisure sector, have been forced to make savings and have done so primarily in areas of activity that are less well regulated in law than the social services. Amongst other things, substantial savings have been made in the area of leisure provision for young people and student care within schools. During the second half of the 1990s, as the economy has improved, more resources have once again been devoted to these sectors, but one has to work on the assumption that preventive efforts, not least within schools, are less comprehensive than they were previously. At the same time as the resources available to schools for social measures have been reduced, schools have turned to an increasing extent to the police for support in connection with criminality among pupils⁵²³. Several local authorities have made policy decisions that all crime in schools is to be reported to the police.

B. Youth care system from the scope of juvenile crime prevention

In the case of young persons with little or no previous criminal record or other social problems, the reaction of the social services is often limited to one or more interviews with the juvenile and his/her parents. If on the strength of the interviews and any other investigate measures takes it is decided that no further action is necessary, the matter is left as that. An assessment (without available statistics) indicated that the majority of cases are wound up in this way. If the problems of the juvenile or family are felt to demand on action from the social services, the social welfare committee makes an order to this effect. A coercive order has to be confirmed by the county administrative court.

Sweden's municipalities have a number of obligations according to the Local Government

⁵²² Sarnecki, J (1983): *Fritid och brottslighet* [Leisure and criminality], Stockholm: National Council for Crime Prevention

⁵²³ Estrada, F. (2001). "Juvenile Violence as a Social Problem. Trends, media attention and societal response", *British Journal of Criminology*

Act. One of these is the provision of social services. This consists of care for the elderly, support and service for people with functional disabilities, and care of families and individuals. The task involves the provision in various forms of support, protection and help to the most vulnerable groups in society. It is consequently the municipality, which, through the social services, has the main responsibility for the care of those with addiction problems. There are also a large number of special laws, which regulate in more detail the activities in the municipalities. The Social Services Act regulates social services. The work of the social services is monitored in various ways. The county administrative boards are responsible for supervising municipal social services while the National Board of Health and Welfare is responsible for supervising social services at national level. The National Board of Health and Welfare also issues directives and provides general advice in the area of social services.

The municipality has the main responsibility for ensuring that people with addiction problems receive the support and help they need, in order to overcome their addiction. This responsibility includes providing information on the harmful effects of alcohol and drugs and seeking out people who might be considered in need of help. Stockholm's municipality is divided into 14 neighbourhoods. Each neighbourhood has a neighbourhood administration, which has responsibility for most of the municipal service within its geographical area. There are, for example, social welfare secretaries to whom the residents of the neighbourhood can turn for support and help in difficult situations, e.g. temporary financial support or care and treatment of their addiction. Each administration has a council with political responsibility.

It is the municipal council that allocates funds and decides on the overall objectives and guidelines for the whole city's operation including that for which the neighbourhood council administrations are responsible. The neighbourhood administrations in turn dispose of their allotted funds according to local needs. The Social Services Administration, which is a central administration in Stockholm's municipality, is responsible for services across the city that supplements and strengthens the measures carried out by the neighbourhood council administrations within the area of social services, sell social services, especially to the city's 14 neighbourhood councils. The administration also draws up guidelines for all the social services in Stockholm's municipality. The city also has a special "Outreach Department for Adults" for people with addiction problems, mental illness, homelessness and other socially vulnerable people living in the city of Stockholm.

C. Education system (10-18 years old) from the scope of Juvenile crime prevention

Schools are an important arena for crime prevention and all programs that aim at giving youths self-control have been identified as among those that work. Moreover is school compulsory in Sweden and should therefore be a safe place for children to be.

1. Level of attainment and what is available to all children

Sweden spends USD 11 400 per student from primary to tertiary education, more than the OECD average of USD 9 249. Enrolment rates for early childhood and primary education are relatively high in Sweden. Some 90 % of three-year-olds attend school (compared with the OECD average of 69 %), and 94 % of four-year-olds do (the OECD average is 81 %). Since 2005, the enrolment rate among three-years old increased by 6 percentage points, compared to an average of 2 percentage points among all OECD countries. Early enrolment can be seen as a sign of equity insofar as PISA data show that students who have attended pre-primary school outperform students who have not, even after students' socio-economic background are taken into account. Relatively few young people in Sweden are neither in education nor employed (NEET). In fact, Sweden has one of the lowest percentage 10 % of NEETs among all OECD countries. Only 5.4% of 15-19 years old in Sweden are in this group. Meanwhile, 87 % of 24-65 year olds have attained at least an upper secondary education, compared with 74 % across OECD countries. This difference is widest among the oldest age cohort. While some 91 % of 24-35 year olds have attained at least an upper secondary education (the OECD average is 82 %), 77 % of 55-64 years old in Sweden have attained this level of education, which is 15 percentage points more than the OECD average⁵²⁴.

Schools have great potential as a locus for crime prevention. They provide regular access to students throughout the developmental years, and perhaps the only consistent access to large numbers of the most crime-prone young children in the early school years; they are staffed with individuals paid to help youth develop as healthy, happy, productive citizens; and the community usually supports schools' efforts to socialize youth. Many of the precursors of delinquent behaviour are school-related and therefore likely to be amenable to change through school-based intervention.

⁵²⁴ <http://www.oecd.org/sweden/EAG2012%20-%20Country%20note%20-%20Sweden5.pdf>

Schools are a central and relevant actor for prevention work and work with decreasing delinquency and harassment taking place in schools. They also contribute to reducing future delinquency among pupils/students. Youth spend most of the awake time at schools, this means that schools have and the possibility to influence the protective and risks factors that will be meaningful if the youth will turn criminal. According to Swedish legislation, “skollagen”⁵²⁵ (2010:800), schools in Sweden have a prevention mission.

According to the Swedish law on discrimination (2008:567)⁵²⁶ and law on schools, schools in Sweden must prevent discrimination and humiliation. Most of the work will be about values and can definitely be considered as juvenile crime prevention as it aims to decrease criminality and increase safety.

Moreover there also plenty of projects and different actions run daily in Swedish schools, in cooperation with different actors and that aims at:

- Preventing violence among students
- Reducing use of drugs and alcohol among students
- Supporting students so that they dare to report or witness an offense/crime

This is very important as a study from BRÅ⁵²⁷ shows that 2 students out of 9 in 9th grade, under 2012, have been victims of light violence. About 45% of those offenses happened within their school or just outside the school. And more than 10% of the students have been bullied during the same period and about 10% confessed they bullied other students. Another report from BRÅ⁵²⁸ shows that students that have been bullied represent twice the amount of victim compared to the one that have not been victims of bullying. They also have higher risk to be victim of violence or be rubbed.

Anti-bullying programs are definitely an asset in juvenile crime prevention actions in schools. They aim at reducing the amount of kids being bullied and kids that were buller. In order to be successful BRÅ⁵²⁹ listed key factors to be included in the programmes aiming at reducing the amount of bullers:

⁵²⁵ <http://rkrattssdb.gov.se/SFSdoc/10/100800.PDF>

⁵²⁶ <http://rkrattssdb.gov.se/SFSdoc/08/080567.PDF>

⁵²⁷ Se referens nr.6

⁵²⁸ <https://www.bra.se/bra/publikationer/arkiv/publikationer/2009-03-25-grovre-vald-i-skolan.html>

⁵²⁹ <https://www.bra.se/bra/forebygga-brott/forebyggande-arbete-i-skolan.html>

- Involvement of the parents and parental training
- More surveillance in schoolyards
- Disciplinary measures
- Conferences and seminars at schools on the topic
- Information to parents
- Rules of conduct in each class
- Leadership in the classrooms
- Training videos

For programmes aiming at reducing the amount of students been bullied, the programmes should focus on:

- Training videos
- Disciplinary measures
- Introducing the concept of solidarity and peer-to-peer communication
- Parental training
- Working groups with experts
- Increased surveillance on schoolyards

Bullying is really something that should be fought as soon as possible as it can have serious consequences for the kids. We know that youth that have been bullied have higher risk to develop depression and those who bullied risk to be engaged in a criminal lifestyle.

2. Special schools

Children with learning disabilities can attend the compulsory school for pupils with learning disabilities as an alternative to the compulsory school. The compulsory school for learning disabilities consists of nine years of schooling. And within the school there is a special orientation called the training school. This is intended for pupils who have a lack of knowledge in all or parts of compulsory schooling for pupils with learning disabilities in some subjects.

Special school is for children and young people with learning disabilities who cannot attend normal compulsory and upper secondary school. In academic year 2008/09 the number of students in special schools amounted to approximately 22 600. Of these some 13 300 study at one of 714 special compulsory schools and 9 300 in one of the 271 special upper secondary schools. Of all pupils in the compulsory school system, the share of pupils in the special compulsory school has nearly doubled from 0.8 percentage points at the start of the 1990s to 1.4 percentage points in academic year 2007/08. Every seventh pupil in the special compulsory school was integrated, i.e. attended compulsory school in the academic year 2008/09. An ever larger share of the special school pupils have been integrated into compulsory school since the end of the 1990s. The teacher-pupil ratio is 27 teachers per 100 pupils.

Special school is also for pupils with seriously impaired vision, hearing or language disabilities. The majority of pupils are educated using the special teaching assistance in the normal compulsory school. The number of pupils has steadily decreased since 2000 and in the academic year 2008/09 amounted to 516. Out of 516 pupils in special school 233 were girls. The majority, 94 percent, were deaf or hearing impaired. The number of teachers in service in academic year 2008/09 amounted to 259, of which 202 were women. The share of teachers with special needs training from their university education was 36 per cent and has decreased by 12 percentage points over the last eight years⁵³⁰.

The compulsory school for pupils with learning disabilities is to provide pupils with developmental disabilities an education that is adapted to the capabilities of every student. The education is, among other benefits, to provide knowledge and values, to contribute to personal development and social togetherness, and to give a good foundation for active participation in society. The compulsory school for pupils with learning disabilities includes education in specific subjects or within subject areas, or a combination of these. The education can also include subjects in accordance with the curriculum of the compulsory school.

Within the compulsory school for pupils with disabilities, there is a special orientation called the training school. The training school is intended for pupils who cannot benefit from all or

⁵³⁰ http://www.scb.se/statistik/_publikationer/UF0527_2009A01_BR_UF08BR0901.pdf

part of the education in specific subjects. Instead of the separate subjects, the training school has five subject areas:

- Aesthetic activities
- Communication
- Motor skills
- Everyday activities
- Perception of reality

The same rules apply for assessment and for grades as in the compulsory school. The Sami school has six years of schooling and grades are given only in year 6, after which pupils go on to the compulsory school. Grades A, B, C, D and E are passing grades. Grade F indicates that the pupil did not achieve a pass. The symbol (-) is used if the pupil's knowledge cannot be assessed, as the pupil has been absent.

The compulsory school is part of a goal steered system with a high degree of local responsibility. The Swedish Parliament (Riksdag) and Government decide on the framework in laws and ordinances. The municipality or the organisers of the independent school (owner) and head teacher have primary responsibility for daily operations.

3. School dropouts

Youths who are absent from school tend for example to commit more offences than others and it is difficult to know whether the results would have been different if pupils absent on the day of the survey had in fact participated. The Swedish Council for Information on Alcohol and other Drugs (CAN) has followed up the external non-response in national alcohol and drug use surveys on two occasions – in 1979 and 1993. Their findings showed that the youths included among the non-response reported a higher average level of drug consumption than those included in the study sample, but that the survey findings would not have been affected to any major extent by their inclusion.

Figures released by the Swedish Association of Local Authorities in Regions⁵³¹, show that 31 percent of students are unable to complete Swedish secondary education programmes, known as *gymnasieskola* or *gymnasiet*, within the expected three years. In Sweden, students can choose to enrol in variety of secondary school programmes with different educational content, some of which emphasize studies to prepare students for university, while others are more vocational in nature.

Even after four years, about a quarter of students have yet to receive their high school diplomas. In the worst performing municipality, only 43 students completed secondary school on time, while the best-performing municipality saw 88 percent of its students finish high school on time. However, many Swedish high school drop outs do go on to complete their secondary education studies in adult education programmes, resulting in 90 percent of 24-year-olds in Sweden have attained a high school degree. According to the study, which is based on figures from students who started high school between 2005 and 2007, about three to five percent more boys than girls fail to complete high school in Sweden. Every student who leaves high school without a degree is seen as a tragic failure for the individual and a blow for the school. The organization recommends five strategies to bring down Sweden's high school dropout rate. Among the five "success factors" outlined by the group are ensuring that school staff engage with students in a positive manner and that the schools present clear goals and emphasize results. In addition, schools interested seeing more of their students graduate on time should see to it that students choose programmes that suit their skills and interests, that they are involved in shaping the work of the school, and that school's make accommodations based on students' individual needs.

The reasons for why people abandon their studies vary. In order to successfully implement the measures, there needs to be a common view on the part of school staff as well as cooperation between schools, home, the business community, civil society, and social services. With goal oriented, hard, and persistent work, municipalities and schools can prevent students from dropping out of high school.

⁵³¹ <http://www.thelocal.se/20120612/41386>

D. Short presentation of health system

In Sweden the responsibility for providing health care is decentralised to the county councils and, in some cases, the municipalities. A county council is a political body whose representatives are elected by the public every four years on the same day as the national general election. According to the Swedish health and medical care policy, every county council must provide residents with good-quality health services and medical care and work toward promoting good health in the entire population. Sweden is divided into 20 county councils. One municipality, the island of Gotland, carries the same responsibilities as the county councils for health care. Around 90 per cent of the Swedish county councils' work involves health care but they are also involved in other areas, such as culture and infrastructure.

1. Early screening of mental health and intellectual disabilities

In Sweden there is a long tradition of screening for speech and language disabilities in pre-school children. Ever since the early 1970's language examination has been a part of a nationwide and comprehensive general health screening for four-year-olds.

Behaviour disorder and attention deficit/hyperactivity are seen as early and hardcore risk factors when it comes to later in life develop a criminal lifestyle. These disorders occur early in a child's life and many children exhibit both disorders simultaneously, which further complicates the child's growth. Other severe and early disruption in the child's development may be cognitive difficulties, learning difficulties and emotional disorders. The more these problems will increase during the child's development, the more increases the risk of future criminal lifestyle. As said earlier there is a tradition in Sweden of early screening of mental health and intellectual disabilities. Professionals and parents are very much involved in the process and closely in order to get the best possible support for helping the child diagnosed with mental health and intellectual disabilities.

2. General health mechanisms and support for vulnerable families and children

The responsibility for providing health and medical care lies mostly at regional level with the county councils. The county councils are responsible for tasks that may be difficult for municipalities to handle and which require coordination across a larger region and often-large resources. The county councils are obliged to offer the inhabitants of the county health and medical care and to work preventively towards a better level of health among the population as a whole.

At regional level Sweden is divided into 21 counties. Each county has a county council whose decision makers are elected directly by the county's population every four years.

Health and medical care is the most important area of responsibility for the county councils. It represents around 90 per cent of the operation. Other important county council areas include public dental care and responsibility for public transport. The county council is also responsible for improving public health and carrying out preventive work focusing in particular obesity, smoking and alcohol/drug abuse.

The operation of the county councils is financed through state subsidies, county council taxes and charges and is regulated through, among other things, the Local Government Act. Municipal self-government means that county councils and regions can adapt their operation to local conditions. The operation is financed to a large extent by tax. The common finance guarantees that all Sweden's inhabitants receive the same access to high-quality care. Each county council and region has the right to decide for itself the level of tax and how to allocate its resources.

As an example, the Stockholm County Council collaborates with the municipalities in the county of Stockholm over the care and treatment of people who have an abuse or dependency problem and who need long-term care. The municipality has the main responsibility for the care of those with addiction problems and is responsible for supporting them in daily living and with accommodation. The county council is responsible for medical treatment. Throughout the county there are special outpatient clinics where people with addiction problems may come initially for help. A municipality and the county council jointly run some of these clinics. The out-patient clinics have various practitioners working there, e.g. specialist doctors, nurses trained in psychiatry, psychologists, alcohol/drug therapists, care staff and welfare officers. The clinics offer help with advice, assessment and treatment, long-

term support in remaining sober or drug-free, training in preventing a relapse. For acute measures there are special acute clinics that are open 24 hours a day. Sweden's entire population has equal access to health care services. The Swedish health care system is government-funded and heavily decentralised. Compared with other countries at a similar development level, the system performs well, with good medical success in relation to investments and despite cost restrictions.

II. Juvenile prevention strategies

A. Broad principles of the Youth Justice prevention and early prevention systems

In Sweden, as elsewhere, restorative justice as a crime prevention measure has emerged and is gaining wide appreciation among those working in the area of crime prevention. It seeks to bring the victim and offender together to 'heal the wounds' that resulted from the criminal act. According to Steven Lab⁵³², the shift in restorative justice is to make the victim a key actor in addressing the criminal act, "An underlying assumption that the offender can benefit or be 'repaired' by participating in the restorative process". An example of the restorative justice approach is victim offender mediation.

In the developed countries, a partnership approach is one of the recent developments to crime prevention. "Crime prevention and community safety lie beyond the competence of any one single agency. Crime by its nature is multi faceted, both in its causes and effects. And yet the social response to crime is segmented and compartmentalized ... a partnership approach allows the coordination of expertise and the pouring of information as resources".⁵³³

Imprisoning young offenders does not receive support for most of the professionals in Sweden neither do corporal punishment at home or in school. Contrary to the popular adage that sparing the rod spoils the child, this form of deterrence is seen as counterproductive to the extent that it promotes violence. Durrant⁵³⁴ has reviewed the views of various authors on corporal punishment which includes arguments that it is harmful to children and predicts

⁵³² Lab Steven (2004), "Crime Prevention; Approaches, Practices and Evaluation", Anderson

⁵³³ Crawford Adam (1998), "Crime Prevention and Community Safety; Politics", policies and practices, Longman, Harlow

⁵³⁴ Durrant Joan (2000), "Trends in Youth Crime and Well-Being since the Abolition of Corporal Punishment in Sweden, Youth Society 31; 437

higher levels of aggression, that it should be there as a disciplinary tool and its abolishment is an infringement on parental rights, it violates a child's right to physical integrity and that the interests of the child should prevail whenever the interest of the parents and those of the child conflict. Sweden was the first country to abolish corporal punishment; the Swedish law states "Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person, and individuality, and may not be subjected to physical punishment or other injurious or humiliating treatment (Chapter 6, Section 1, Föraldrabalken⁵³⁵). In the report examining trends in youth crime since the abolishment of corporal punishment, Durrant concludes, "Swedish youth have not become unruly, under socialized or self-destructive following the passing of the 1979 corporal punishment ban.

Arguing against corporal punishment, Hirschi⁵³⁶ notes that "control theory predicts that change in certainty, severity or alacrity of such punishment will have little effect on crime rates... criminal justice penalties are typically too far removed in time for individuals low on self control to incorporate them into decision-making, however harsh such penalties might be" The role of young offender's institution in rehabilitation has not been without question marks, the extent to which these institutions succeed in reforming and reducing recidivism has been doubted. Professionals emphasis on early intervention to the extent that some believe that we may not need these institutions if there are early and effective measures to prevent criminality at an early age. But there might be limitation for success in reforming offenders, one problem with those institutions is that they work with all the children even if they have different problems but are kept together and influence each other, a bad mixture. This refers to social contagion where ideas, beliefs and behaviour relevant to crime are transmitted in a social environment.

B. Is juvenile prevention a priority?

Juvenile prevention is definitely a priority in Sweden and focus is given to drug prevention and bullying.

Drug use is one of the means of predicting or identifying potential problems in society. Targeting those involved in drugs may serve to alleviate the problem of crime⁵³⁷. Whereas

⁵³⁵ http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Foraldrabalk-1949381_sfs-1949-381/

⁵³⁶ Hirschi Travis (2002), "Causes of Delinquency" Transaction, New Brunswick

⁵³⁷ Se referens nr. 27

there is a strong correlation between drugs and crime, the extent to which drugs cause crime and vice versa is unclear since the relationship is complex. Since drug use causes criminality to some extent, then drug prevention and treatment programs could serve to curb crime. Sweden has been hailed for its restrictive drug policy, which aims at a drug free society. The levels of drug use in Sweden (0.44% of the population aged 15-64) are slightly below the EU average, (UNODC 2007⁵³⁸). Mackenzie (2000:467⁵³⁹) reviewed what is promising in crime prevention and noted that drug courts combining both rehabilitation and criminal justice control were a promising strategy.

Lab notes that prevention programs that aim to keep individuals from initially using drugs usually target juveniles since it is during adolescence that most people experiment with drugs, such strategies involves giving information about drugs, building self esteem, handling peer pressure and learning to make choices.

The need for early and swift measures when a person commits crime was also identified as crime prevention strategy. The belief underlying this view is the sometimes some offenders commit crimes but no one responds. They walk away with it; this could have been their first shoplifting but builds up to a life of criminality. It then becomes a difficult task to try to entangle the youngster from the intricate web of criminality. The need to look beyond the person, a consideration for their social environment particularly the home situation was also proposed. In other words, in case an offence has already occurred, the response should be fast and firm. Society should look at the underlying causes, why they have started shoplifting for example and when that is found, there is need to look at the entire background, are the parents employed... You have to help the parents sometimes, providing help to parents with drug problem for example would go a long way in helping the child as well.

The first time a child commits a crime like takes a candy bar in the store, it is important that there is a reaction to it because if you get away with something in the first place, it is easier to try to get away with it a second time. It is important to intervene early even if you think it is a really small thing, it is important that the child notice that if the people think it is serious, then it is something that I shouldn't do anymore... Young offenders make a significant percent of criminals; they require special attention since they are immature, have a potentially long life

⁵³⁸ http://www.unodc.org/pdf/annual_report_2007/AR06_fullreport.pdf

⁵³⁹ MacKenzie Doris (2000), Evidence-Based Corrections: Identifying what works. Crime Delinquency 46; 457

ahead of them and are easier to reform than adults. From this point of departure, any efforts aimed at addressing juvenile delinquency from the onset can effectively reduce crime in society.

Early prevention is a crime reduction strategy whose time has come. Challenges remain for sure, but the evidence base is robust and growing steadily. Like a strong and sound investment, early prevention may prove more and more difficult for decision makers to exclude.

If the measures against crime taken within the judicial system are to be effective, it is necessary to cooperate with actors outside the judicial system. The reverse is also true. Measures against crime taken by those outside the judicial system's agencies must be given support by the Swedish Police Service and other actors within the judicial system.

It is important that those who are most familiar with a community's problems conduct crime prevention efforts at local level. Crime reduction efforts require cooperation and involvement at all levels. Crime prevention efforts must therefore be adapted to the situation in the community. There are currently some 300 local crime prevention councils in Sweden's municipalities and districts. Various actors such as the police service, schools, social services and the business sector cooperate to prevent crime and increase security. In addition, many values-based organisations at local level actively contribute in crime prevention efforts.

Local crime prevention efforts must be based on the knowledge of what works in practice if they are to create the potential for achieving good results. The Swedish National Council for Crime Prevention has been tasked with ensuring that crime prevention actors at local level have access to knowledge so as to be able to prevent crime and insecurity, based on local conditions. To help the Swedish National Council for Crime Prevention support these efforts effectively, the Riksdag has been allocating special funds for this purpose for several years.

C. Juvenile Crime Prevention strategy budget

It is unfortunately not possible to give any Juvenile Crime Prevention strategy budget for Sweden. The authorities contacted in this matter pointed out that prevention work is a very wide concept and depends very much on what is included in it. One could combine the annual budget for the police and probation services together with the budget for schools and social

services. One could also argue that budget for the Swedish regions should also been included.

III. Promising practises in early juvenile crime prevention

Crucial to the success of any national early prevention strategy is the ability of a council to support the implementation and delivery of evidence-based programs at the local level. National crime prevention councils in other countries that have been successful in Sweden have emphasized the three main mechanisms:

- Collaboration with other government departments
- Development of local problem-solving partnerships
- Involvement of citizens

Good examples of juvenile crime prevention work in Sweden

There are plenty of projects and actions being conducted in Sweden in order to keep youth away from crime. It is extremely difficult to choose a couple of those as they all contribute to the solution; they are all a part of the puzzle. But I have chosen to describe the following as they have been evaluated, are based on studies and for most of them are national projects covering big parts of Sweden. Regarding the SSPF information platform, its uniqueness and success convinced me to include it in the report.

- Social Action Groups

Gang criminality is a raising problem in Sweden and all actors are now involved in helping youth with some kind of exit programs. But the police alone cannot handle crime problem, there are factors underlying crime and disorder in the community that cannot be handled solely through arrest, prosecution and incarceration. Across Europe, North America and Australasia crime prevention has become intimately bound up with the proliferation of a partnership approach where various relevant agencies, organizations and the public are summoned into being active co-producers of crime prevention and public safety, Crawford (1998). Sweden is no exception and has not been left behind in this regard, a very good example of this partnership approach in Social Action Groups or SIG (Sociala

insatsgrupperna). It is an initiative from the government from 2012 that brings together the police, social services, the schools, the unemployment agency, the local business actors and the civil society. The initiative gives the groups the mission to cooperate in order to propose the criminal youth individual support that fits just his/her situation. The social services have the head responsibility for the work of the group, in the city where the youth lives. The goal of this initiative is to fight recruitment to criminality and gangs and to help youth who already started a career but want to leave it. Those social groups are really about quick and concrete actions and the success is really based on the cooperation between different authorities.

- Information platform - SSPF

A useful complement to the social action groups is the forum for information exchange SSPF between schools (inclusive extracurricular activities), social services and the police. This forum was launched in Gothenburg. The exchange of information about kids in a risk-zone has always been considered as relevant. But this forum goes deeper and allows the functioning of a settled structure with continuous information on youth that drop from schools, commit offenses, have an addiction or live in dysfunctional relations or homes. All neighbourhoods in the city of Gothenburg have access to this system. But this system is also based on the authorisation given by the parents to the three instances to brake the usual secrecy and to share information about their kid.

- Young KRIS projects

This organisation started as a project with grants from the Swedish Inheritance Fund. It has developed fast and successfully and is since 2010 is an independent organisation. The uniqueness of Young KRIS is that this organisation was created by youths and for youths, a truly peers-to-peers organisation. The organisation that is present in 14 cities around Sweden offers the youth a meeting place, a new social network free from drugs/alcohol and criminality (zero tolerance) and offers support for youth that want to change their lives or to get a new start. The organisation programs are based on tools that can be adapted to any individual's situation. They do not give the youth "ready-to-go" solutions but offer them tools to find what they want to achieve and how to be helped on the way.

The organisation offers its members early prevention actions that aim to offer youth very early actions in cooperation with the authorities. Young KRIS offers the youth a contact person 1 and if it is necessary the contact person will be affected to this youth and follow him/her under 3 months. The social services are paying for this service. When a youth commit an offence is of utmost importance to act as quickly as possible to "stop the process" and discourage the youth to continue on that path. This method is very successful but requires high collaboration with the police, the social services, the prosecutor, the probation services, etc. A working group where all the actors are represented is available in all cities where the early intervention project is run.

The early intervention is available to youth between 13 and 25 that:

- o Are released after trial or from custody
- o Are suspected of drug offenses and released from custody after drug testing
- o Are suspected of other offenses and released after interrogation

- Mentors in Violence Prevention – MVP

This is also a project financed by the Swedish Inheritance found and the owner of the project is the organisation called men for gender equality (män för jämställdhet – MFJ). The long-term objective is to reduce gender-based violence, including sexual, homophobic and dating violence. The mid-term objective is to break the culture of passiveness and silence around violence and replace it by social norms of caring, responsibility and leadership. The short-term objective is to increase the readiness for and the frequency of bystander interventions among youth and adults working with youth. The universal and primary violence prevention program Mentors in Violence Prevention (MVP) is implemented by staff and youth within the institution/organization itself. Guidance, training and support are provided by Freedom from Violence, a branch of Men for Gender Equality Sweden.

The core of the program consists of 7 sessions with groups of youth, providing training in

- o The identification of different forms and degrees of gender-based violence and
- o Skills in bystander intervention.

The bystander approach has been found to be exceptionally useful in primary prevention due its capacity to reduce defensiveness– everyone is addressed as a potential change agent. The groups sessions are supplemented by policy development, campaigns, staff training etc.

The program involves professionals from school staffs, coaches, after-school program staff and experts from Freedom from Violence. The effect of MVP has been studied and documented in several published articles in the United States. The results have in part been reproduced in the Swedish context.

IV. Evaluation mechanisms for early juvenile crime prevention program

The Swedish National Council for Crime Prevention (Brottsförebyggande rådet - Brå) - an agency under the Ministry of Justice - is a centre for research and development within the judicial system. Brå primarily works to reduce crime and improve levels of safety in society by producing data and disseminating knowledge on crime and crime prevention work. The Council also produces Sweden's official crime statistics, evaluates reforms, conducts research to develop new knowledge and provides support to local crime prevention work. The results of Brå's work are a basis for decision makers within the judicial system, the Parliament and the Government. Brå often works in collaboration with other organisations and public sector agencies. Brå has been in existence since 1974.

Regarding independent projects run by the civil society it is quite usual that the organisation that grants the projects is responsible for ordering external evaluations of those. As an example the Swedish Inheritance Fund just ordered an external revision of the projects financed for the last 15 years and the report will be presented by Thomas Ölund in Stockholm on June 9th 2014.

Conclusions and recommendations

Human beings are not genetically predisposed to criminality; they pick up the vice through the process of socialization. However, being a male means you are more likely to offend (or be seen to offend) as compared to females.

Recommendation nr .1: Need of harmonisation of legislations

In Sweden, there is an urgent need to harmonize legislation touching on confidentiality because this law limit information sharing between schools and social services for example and inhibits rehabilitation efforts. This is particularly true of information held of past juvenile offenders by social services departments and which cannot be easily transferred to schools. This law inhibits the cooperation between agencies working with offenders, which the justice system seeks to promote (see the promising project in Gothenburg SSPF).

Recommendation nr. 2: More cooperation needed where all partners are on the same level

The partnership approach to community safety is a must for the success even if it can seem that the police dominate the partnership and are likely to dictate the direction that such efforts take. There is more that can be done to the partnership especially finding more corporate partners who are willing to sponsor youths at risk in vocational and recreational activities. All actors of the society have some kind of expertise and put it together it could reach wonderful results. The problem there is that some agencies feel that they own the truth and are not ready to share experience with others. It is really a shame that some authorities refuses to see cooperation with for example the civil society as a key for success. And if the cooperation is taking place, it is often hard to convince them that the expertise brought by the civil sector has a price and that they should pay for the services.

Recommendation nr.3: Targeted actions

In order to reach long-term effects it is of utmost importance that actions for keeping youth away from crime are specially defined and target a special group or place. It can be to identify the "hot spots" i schools or in a city and to build the action plan from there. It is also important to understand that one actor on his own cannot solve the problem; there is an urgent need for cooperation.

Recommendation nr.4: More work necessary in the field of integration

So, let us assume you are a boy born in a developing country facing disruptions due to violence, you witness horrifying acts of violence, you could be a child soldier, this means no chance to get education or to learn how to relate with others.

Your family manages to seek asylum in Sweden and they secure an apartment in one of the segregated neighbourhoods in Gothenburg city. You receive no psychological intervention as a way of trying to resolve the past traumatic experiences and to try to make you adaptable to the Swedish society that has at its core equality, democracy and freedom. Your parents cannot seek gainful employment because they cannot speak Swedish and are not job ready, they will live on social welfare. The money is essentially to buy life necessities, so you cannot get your parent to buy the latest iPod, mobile phone, and fur winter jacket. Thanks to the mass media and especially advertising, you will experience a lot of stress to acquire material stuff in the new society. You cannot join a club to play your favorite sport because that costs money too. Your parents will be confused, affected by the loosening of the extended family networks, culturally rejected and you will experience a moral vacuum by abandoning your religion, you will not be sure whether to adapt to the culture of your parent or that of the new society.

You will easily join school, learn the language fast and about the new culture to the extent that your parent may lose control especially when you start translating for them and they don't know how most things work. Due to the segregation and lack of recreational activities, you together with youths from the neighbourhood hang around together in groups; you come to learn of the criminal gangs, the bikers and so on. To you, criminality is a short cut in life, you know your parents don't have jobs and you are likely to end in a similar status.

You join a criminal gang and start targeting upper and middle class Swedish youths in the neighbouring areas and robbing them of the material valuables that you need so badly to belong, the latest mobile phones and music gadgets. Since the Government withdrew field assistants citing the need for financial cut down, you are less likely to meet a social worker that will guide you or offer alternatives.

Just like in other segregated areas, the police patrols are more frequent in this neighbourhood

and soon the long arm of the law will catch up with you. A trial is held and the verdict is delivered, you will be sent to Fagared, a youth offender's institution in the outskirts of the city. You will spend some years in the institution but maybe released earlier if you are of good behaviour. Contrary to the conditions that you are familiar with in offender institutions back home, you might find yourself in a single room, with a stereo and a common room where you can watch TV and use a play station. Until recently, you could enjoy sauna, you can play with other youths, will be taught by a teacher and have an option to do music or study computer. You will enjoy good meals, three times a day and on top of that, earns some monthly income for making your room tidy.

You mix with other juvenile offenders who have committed all sorts of crime, from violent crimes to drug abuse, 70% of those in the institution will most likely have a foreign background like you, you will feel like being in a family and in this way criminality is learnt, when you leave the institution, you might carry a few more criminal lessons. Since the rate of recidivism is as high as 70%, you may as well start looking forward to going back there again, you might by now be abusing drugs. There will be no follow up, the assumption is that you have reformed. You will find your way to school, thanks to the law that forbids information sharing even within Government agencies, the new school will never know you have a criminal record. Even in high school, you might never get real contact and be integrated with the Swedish people because you will most likely be attending a school where the majority of students are immigrants. You will continue influencing other students who are mainly from a similar ethnic background. Your parents may not be active around you; they may not even attend PTA meetings because they cannot understand Swedish. When the school finally discovers of you behaviour, you might be chased away from school for good. You will be labelled a deviant, a juvenile out to spoil others and a criminal. You will be remanded in police custody and even subjected to court appearance. Society will already have imposed a label on him, you will feel that your identity is already spoiled and will even want to associate with the new label. Other youths may look upon you as being famous and try to emulate him. You may serve several prison sentences but the punishment will not be a deterrence neither will it be severe enough according to your judgment and comparing what you are familiar with, opportunities to commit an offence will seem to crop up in your path. You will adapt a criminal way of life and since there is no death sentence in Sweden while the life sentence usually means ten years, you can always look forward to going back to the community.

It is evident that being from a foreign ethnic background is a risk factor to crime in Sweden, not because of biogenetic makeup but due to social strain and disorganization that newly arrived immigrant youths experience. In that case the best prevention programs will be those that work against family disruptions and for integration.

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