

The Way to Restorative Justice

Project Description

Over the years, PROVIDUS has been working towards a paradigm shift underpinning Juvenile Justice in Latvia, moving towards a more balanced system with Restorative Justice approach. In sync with this strive, we are prioritizing child development issues and crime prevention strategies, as well as the use of Restorative Justice methods in Juvenile Justice. As a result of the previous efforts in the field, PROVIDUS has built up a network of professionals, piloted a number of programs across Latvia and is currently working towards policy level change through various channels in the Ministry of Justice.

The Way to Restorative Justice is a project which has been drafted with this overall goal in mind and is seen by PROVIDUS as a necessary step further developments in the field. To achieve these aims, PROVIDUS would like to organize a series of events and activities that would enable Latvia's Juvenile Justice professionals to learn from the Belgian experience with Restorative Justice practices, and spread the general knowledge of Restorative Justice methods in a broad cross-section of professionals working in Juvenile Justice and juvenile crime prevention.

This document has been compiled to provide a more detailed description of the project, clearly identifying different phases of the planned activities, highlighting the central themes and methodology of the project. It will also attempt to provide a backdrop of historical, social and political context of the environment regarding Juvenile Justice in Latvia, so as to illuminate the existing issues and complexities in the field. With this, we hope to provide a thorough insight into the local context and corresponding barriers to a healthy development of Juvenile Justice system in Latvia.

Please do not hesitate to contact us for further clarifications, should such be needed.

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1. The Historical Background

When examining the development of the Criminal policy in Latvia, one must take into consideration its historical background. Latvia is a young state, a young democracy and one that has inherited a complex historical and cultural tradition at that, brought about by the long-lasting presence of totalitarian Soviet regime in the territory of the country.

The restored Latvian state will celebrate its 23rd birthday on 4th of May this year. This may arguably be a long enough period of time for certain democratic institutions to emerge, grow and stabilize in a country, for economy to grow stronger and for Latvia to take a more stable place among other European states, but it most certainly is not a long enough period of time for generations to change.

What this means is that a high percentage of staff working for the state institutions have gained their education and experience during the Soviet period and have not 'updated' it at a later stage. This is a detail that should not be underestimated or taken lightly when planning for improvement regarding public policy. Bearing in mind the constant lack of funding and staff, there have been no significant efforts to motivate these civil servants and other professionals to attain additional qualifications and to change their attitudes and improve their general understanding of different innovations in the their field of expertise.

This aspect presents itself most prominently and vividly in such systems, which during the Soviet period have had working environment of military nature – police, the prison systems, the prosecution and similar. This has created a certain working mentality in the field – one that can be described by 'obeying the orders' rather than by responsible behaviour, based on action, creativity and reasonable processes of deliberation. As a result, many of the professionals in the field would, when confronted by a problem, rather look for a scapegoat or place blame on external factors (lack of time, lack of funding and such), than attempting to solve the problem. The danger is that often the younger staff members may take example from the older colleagues and take over this mindset.

2. PROVIDUS - Mission and Goals

Bearing in mind the aforementioned context, the public policy centre PROVIDUS since its very early days has been working on the Criminal Justice Development Program, which has strived to:

- a) To develop new policy initiatives – starting from drafting the policy initiative up to its inclusion into the State law and enabling using it in practice,
Example/result – this is how the National Probation Service was established;
- b) Organise trainings and seminars about the European practice and developments in various areas of Criminal Justice policy, as well as local progressive initiatives and the corresponding processes of implementation for staff members of the police, prisons, prosecution, the judiciary, municipalities and other specialists;
Example/result – this is how alternatives to imprisonment were introduced to Latvian Criminal Law (such as community service and probation supervision);
- c) Provide guidelines to the Cabinet of Ministers regarding potential law proposals and take part in the corresponding discussions in focus groups of Judicial and Home affairs committees as experts;
Example/result – this is how (currently) the National Crime prevention scheme and prison reform is being developed.

These activities illustrate quite effectively how PROVIDUS works and what differentiates it from other NGOs . Instead of setting goals in a specific, narrow field of expertise and working with specific focus groups and individuals – for example, providing mediation and support to children, families and the poor, PROVIDUS strives to influence the development of Criminal policy on the state level via training, education and drafting law proposals, collaborating with representatives from the state ministries and subsequently including representatives from other NGOs, municipalities and state institutions. This is done so as to ensure development of a

Well-functioning, research and practice based branch¹ of Criminal Justice in the Republic of Latvia.

For each planning period of the organisation, PROVIDUS sets itself certain priorities. As it stands, there are two priorities for the organisation regarding the Criminal justice, namely, Juvenile Justice and Restorative Justice, including work with youth risk groups.

PROVIDUS has been working actively with these two strands of priorities and has been carrying out and developing projects in close cooperation with Latvian law enforcement institutions, local governments and public authorities. It has also collaborated with foreign colleagues - Ernst Moritz Arndt University of Greifswald² (Germany), University of Leuven³ (Belgium), The International Institute for the Rights of the Child⁴ (Switzerland) and others. Furthermore, in February, 2013, PROVIDUS became a member of European Council for Juvenile Justice⁵.

¹ PROVIDUS activities: <http://www.providus.lv/public/26749.html>

² The University of Greifswald, <http://www.uni-greifswald.de/?L=1>

³ KU Leuven, <http://www.kuleuven.be/english/>

⁴ The International Institute for the Rights of the Child – IDE, http://www.childsrights.org/html/site_en/index.php?c=ins_pre

⁵ IJJO, European Council for Juvenile Justice, a <http://www.oejj.org/?q=en/european-council-juvenile-justice>

3. Themes and Methodology

When implementing new policy initiatives and introducing specialists in the field to new working-methods with children and young people in the risk groups, PROVIDUS has always maintained a mindset of working towards long-lasting effects and continuity of policy initiatives. As such, we strive to address and include the specialist who work with children in question –we assist them with formulating values and goals underpinning their work and provide them a range of methods that can be used in order to fulfil and embody those.

At the same time, we are confident that it is crucial to let these professionals to formulate and execute concrete tasks themselves, whilst we undertake to monitor and assist them, should this be necessary. This way, they are enabled to take responsibility for reaching their goals, whilst simultaneously keeping the professional freedom of choice regarding the working methods and creative solutions.

„Building a Support System to Prevent Juvenile Delinquency” project serves as a good example to this practice. During the project three multidisciplinary groups of youth work professionals were established in different regions of Latvia. PROVIDUS helped them to identify the goals, common values and deadlines for carrying out the project and during the project only provided them with methodological support and conducted monitoring.

All of the specialists involved handled the selection procedure of the participating children themselves, cooperating with parents of the children. Through this, they were enabled to gain a new perspective on the issue and amend their approach and methods accordingly.

As a result, this approach allowed these teams to take responsibility for their decisions, methods and results and let PROVIDUS be confident that they are more than capable to construct the working methods themselves, so that they are most appropriate and comfortable for those involved. It was due to this set-up, that once the project had ended, the established teams continued their work voluntarily and managed to convince regional municipalities to grant their working groups an official status.

We believe that this serves as an example, that projects executed within narrow frames of methodology are not always long lasting and able to attain continuity, as they are based in

control on the behalf of the leading partner, rather than the professional drive, motivation and recognition of importance of the issue on the behalf of the local specialists

This is precisely why projects which ignore this aspect oftentimes may end without 'leaving any heritage' and continuity whatsoever. It is particularly important in the context of Juvenile Justice to have long-lasting effect and thus we wish to pay special attention to this methodological consideration.

It is our mission to bring together professionals and draw their attention to the potential benefits of getting involved in a particular activity. Hence, we strive to help people to achieve their own results, rather than making them work individually or providing them with services directly. Perhaps an analogy can be used to illustrate our view on this - we are looking for people who are interested to work better (a) we give people fishing rods (b) we show them different ways of using it, so that (c) they can catch a fish for themselves (d), but we do not give them the fish itself. Because the fish that a man will have caught himself, will always be of a bigger value to him that, which has been given to him by someone.

4. Paradigm Shift, Strategy and Policy Shaping

In every field a new policy can be implemented in, by and large, two main ways: either by drafting policy planning document and amending laws that are then to be accepted by the government and become official for both the general society and the experts of the field (A), or by illuminating the concrete problem as crucial to the general society and demonstrating the benefits of solving the issue (B) as a first step to trigger a bottom-up activity.

The choice between the two methods will depend on many factors – motivation, the readiness of the government and the society to implement the innovation and to change the law.

However, the choice of route A will not always be logical or even possible. For example, the EU stance on the questions of Juvenile and Restorative justice is only described by such documents that are consultative in their nature and thus, countries where the motivation to implement these guidelines is low, will not, in all likelihood, initiate the process, but will only act ‘within the limits of their powers’, so to speak.

In this context, route A is neither helpful, nor feasible to take. This is precisely why, in order to implement Restorative and Juvenile Justice in Latvia, route B should be chosen, so as to work towards a paradigm shift in the general mentality regarding the issue, as well as highlighting the problem-areas and analysis of potential benefits.

As a result, the pilot projects initiated locally, expand and gain support of local specialists, strengthening grassroots’ activism and creating new accepted methods for professionals to use. This is how long-lasting solutions are created, strengthening and improving policy development and eventually, finding their place in the National law.

Although these processes have been triggered by some of our past activities, this is by all means a long and on-going process which most certainly needs further strengthening activities and support.

In order to further strengthen the presence and usage of the Juvenile and Restorative Justice tools in Latvia, PROVIDUS has submitted a project proposal to Norwegian Financial Mechanism earlier this year, which is to serve as one such step for further improvement.

The aim is to identify and implement the “should-be-developed” practices for working with pre-school and primary school children by strengthening the cooperation between non-governmental organizations and specialists of children affairs (specialists working with and for children). It will be done in order to achieve more effective social inclusion of children and their parents. In this new project we have included four more regions and the corresponding NGOs working in these regions, as well as the teachers. Most importantly, with this project, the target group is enlarged and will allow for an earlier intervention so as to eliminate problems that have not yet arisen.

This project, alongside with other initiatives, aims to decrease the behavioural risks of children of all ages. PROVIDUS and our regional partners have expressed the wish to continue to work towards a fuller implementation of Restorative Justice methods. In order to achieve this, we continue to seek out partners in Europe, which would be able to support us and assist in educating the local specialists – social workers, municipality activists, teachers, the police, prosecutors, judges and NGO workers to gain the necessary insight, knowledge and experience to use methods of Restorative Justice more frequently and efficiently.

5. Previous Events and Activities

Previous projects by PROVIDUS in fields of Juvenile and Restorative Justice

Latvian judicial system is quite specific when it comes to children that have come into any kind of conflict with the law- it does not provide a separate legal support system for them.

Furthermore, there is no system to prevent youth crime, nor a Restorative Justice System for children with behavioural risks.

It should be mentioned, though, that there are separate tools belonging to the aforementioned systems that are in place, but these only exist and function due to initiative of separate public authority specialists and NGOs. In the strict sense of the word though, there is no Juvenile Justice system in Latvia.

The existing legislation such as the Criminal Law and the Criminal Procedure Law Act contain separate sections, which indicate liability of minors, but the penalty enforcement process is regulated by a separate law, which is included the Penal code. Due to the specifics of the law, and the fact that Latvia has no unified Juvenile Justice system, it is very difficult to implement any initiatives aimed at crime prevention which would not be simultaneously related to children's early criminalization.

PROVIDUS takes the view that the Juvenile Justice system should include all the necessary tools for early childhood behavioural adjustment and early preventative interventions, including and placing special emphasis on the Restorative Justice methods. PROVIDUS defines Juvenile Justice as follows: "The Juvenile Justice system consists of the laws, policies, guidelines, customary norms, systems, professionals, institutions and treatment specifically applicable to children in conflict with the law (or who express such behavioural risks) and their witnesses and victims." In line with this definition, PROVIDUS is working actively, using all available routes of action to develop and strengthen all aspects of the Juvenile Justice system as a whole in the country, which is very much needed at this point in time.

PROVIDUS' previous projects:

- 1) In year 2007-2010 PROVIDUS developed a project funded by the European Commission⁶:
„Restorative Justice vs. Juvenile Delinquency: the Baltic States in the EU dimension”.

The aim of the project was to work towards creating a more favourable legal and social environment for an increasing effective presence of RJ practices in Baltic states and to raise awareness among law enforcement agencies and other stakeholders about the positive impacts of Restorative Justice in within the criminal justice system (including Juvenile Justice).

The project resulted in a research paper on possibilities and the necessity of implementation of Restorative Justice methods in Latvia and other Baltic States and more than 300 law enforcement officers were introduced to the methods of Restorative Justice. This was the first time experts of the field discussed the need for such methods in the country. Furthermore, Mediation method was introduced to the National Probation service, which is to be used in the case of less serious offenses.

As a result of this procedure, children and young people become more aware of the consequences of their actions and in many cases the offenders are not prosecuted as they have already made the necessary steps to amend the situation.

- 2) In year 2011-2012 PROVIDUS carried out a project supported by Swiss Financial instrument⁷:
„Building a Support System to Prevent Juvenile Delinquency”.

The aim of the project was 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.

⁶ Restorative Justice vs. Juvenile Delinquency: <http://www.providus.lv/public/27807.html>

⁷ Building a Support System to Prevent Juvenile Delinquency, <http://www.providus.lv/public/27598.html>

PROVIDUS organized this event by addressing three regions and the corresponding municipalities – the law enforcement officers, professionals, local social workers and school teachers and jointly created a multi-disciplinary co-operation model.

Each of the regions created a Working group and more than 100 specialists were involved in total. Each team conducted a risk assessment of the children with behavioural risks and their families and drew individual plans for them – many of the children were enrolled in the mediation process, thus tackling the issues these families were facing.

Overall, the project involved more than 300 rural children. As a result, local professionals were introduced to early child delinquency prevention methods, including Mediation at schools, learned how to deal with risk and needs assessment instruments, which they themselves had developed in order to find a suitable child intervention methods and introduced a multidisciplinary collaborative approach between agencies to jointly seek a deterrent, rather than looking for ways in which to most effectively punish the child. The project was concluded by drafting a research paper, which was created in collaboration with the International Institute for Child Rights Sion and included the monitoring evaluation of the pilot-project working groups and the corresponding conclusions.

3) This year PROVIDUS started implementing a new project, which will last until 2015 and will be funded by the European Commission:

"Keeping Youth Away from Crime: Searching for the Best European Practices".

The project's main objective is to find, identify and apply the best European practices in work with children from risk groups, thus improving the social inclusion and welfare of the children, reducing the risk for crime and rejection, and creating a safer environment for successful child development within Europe.

The project will involve experts from 10 European countries and the pilot projects have already been initiated in 3 regional municipalities. Throughout the project, it is planned to undertake preventive work with 240 children, who have delinquent behavioural risks as well as for their parents. Furthermore, 300 children's affairs and law enforcement professionals will be trained in preventive work with children. The project is planned to be concluded by a conference in Brussels, Belgium, 2014, when the interested parties will be able to get acquainted with the results of the project and the Latvian professionals' experience.

6. Anticipated Future Efforts

In order to successfully continue with the initiated process of implementing Restorative Justice methods and mechanisms into Juvenile Justice practices in Latvia, it is pivotal that local activists and specialists are educated in the different practices used elsewhere in Europe so as to ensure effective evolution of the system in the country.

PROVIDUS envisions the possible future project as a three phase effort:

Phase I – Latvian juvenile justice professionals (5 – 7) benefit from a 5 day working visit in Belgium, during which they have the opportunity to delve in depth into the system and practices used locally: conferencing, issues of handling parental engagement, mentoring, etc.

Phase II – Belgian Restorative Justice experts together with PROVIDUS and the Latvian juvenile justice professionals from Phase I develop and lead a training workshop for Latvian professionals (ca. 20, including local government officials, police, and others). The training results not only in a workshop, but published methodology/guidelines for implementing Restorative Justice methods in Latvia.

Phase III: Training on Restorative Justice organised across Latvia. A group of ca. 10 Latvian individuals identified in Phase I and Phase II conduct training sessions across Latvia (ca. 6 – 10 sessions/20 people) for professionals in juvenile justice, introducing the methodology/guidelines for implementing Restorative Justice methods in Latvia.

Anticipated outcomes: The number of Juvenile Justice professionals in Latvia having experience with Restorative Justice methods would be exponentially increased. This in turn will improve prospects for systemic change, by creating familiarity and acceptance in the professional community of restorative justice principles and practices, encouraging professional support for policy level changes in the future.

We shall be looking forward to your comments and feedback, please do not hesitate to contact us for any comments or further questions.