SOCIAL INCLUSION:

PREVENTIVE MEASURES OF CHILDREN'S ANTI-SOCIAL BEHAVIOR

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Introduction

The results of our recent studies\(^1\) show that the reasons for juvenile delinquency appear much earlier than their obvious consequences which are already the subject for the intervention of law enforcement agencies. If we assume that adults have to take care of the child’s development starting from his/her birth and ensure the environment that would be appropriate for such development, we have to admit that deformed or antisocial behaviour is the consequence of the lack of such care.

Adults in particular are responsible for the fulfilment of the youngster’s special development needs\(^2\). It is significant to recognise that the juvenile delinquency as an act of socially deformed behaviour shows that the rights of the particular child have been previously violated and his/her interests have been disregarded or neglected. The lack of care and treatment, indifference, parents and other adults’ unwillingness to understand and fulfil the child’s needs lead to the commitment of a criminal act\(^3\).

Therefore it is important to develop such systems of prevention and justice within which it is possible already in the early years of the child’s development to discover, recognise and prevent future situations where the child becomes an offender or a victim or even only starts behaving in a way that could be called antisocial – opposite to the ethical and normative requirements of the social life in the community.

Child-friendly justice system has a big role in preventing the child from the consequences of illegal behaviour, performed by the child himself/herself or other persons. Though, it has to be taken into consideration that a child-friendly justice system is not only the one that is easily understandable both for the children and their parents and the specialists who work with and for children and serve their best interests, but also the one that consists of effective

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\(^2\) Ibid.

preventive components for all the age groups of children. It has to be considered that in case when the crime is committed by a minor the offender is also a victim at the same time: “A minor or a juvenile whose life has been influenced by the commitment of a crime and the punishment is still in need of support and will be able to contribute to the society much later while many of them will not be willing or able to do that ever. Due to those reasons it is exactly the development and implementation of various preventive measures that have to be given the main role in the juvenile justice in order to prevent crimes before they are committed”.

People’s opinion on prevention is often very narrow and stigmatised: *the concept of prevention is more often related to a crime than to antisocial behaviour.* Very often such approach limits not only the understanding of the usability and content of prevention methods but also the age of children at which a successful use of these methods is acceptable. Due to the aforementioned, it is possible to put forward a hypothesis: *successful prevention of antisocial behaviour in the work with children at a young age decreases the necessity of crime prevention in later years of children and youth development.* Therefore, this publication will focus on the use and practice of prevention methods in the early period of child development – pre-school and primary school (year 1 – 4) age when, from the point of view of legislation, it is not possible to speak about particular offences and prevention as the tool for reducing such offences, but rather as the method of early intervention.

In order to pilot the early prevention methods in practice, a project “Reducing youth at risk numbers: modelling early childhood intervention approaches” has been started, lasting from November 1, 2013 till October 31, 2015. In the project, it is planned to develop innovative methods of social work in rural municipalities in Latvia in order to create inclusive environment for children at pre-school and primary school age and their families. Three preschools and three primary schools in Saldus, Kuldīga and Cēsis municipalities participate in the project. One of the first tasks of the project is to create an inter-institutional cooperation environment for all the institutions who work in close connection with the project target group – families with children.

The project has been elaborated in accordance with the policy development documents by the government of Latvia: Guidelines “Latvia, suitable for children 2004 – 2015”, where in particular Parts A, C and D describe problems that hamper the psycho-emotional development of children in Latvia, including poverty, alienation, unequal accessibility to education, crime

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5 Prevention: a system of methods that is created from such mutually related tools that provide a possibility to avert a criminal act or intervene before the commitment of such act.
6 Author’s note: children who are not subjects of administrative violations or criminal legal relations (a); children who have not reached the age which is related to prevention by the major part of the society, i.e. – long before adolescence (b).
8 Author’s note: during these two years it is planned to involve in the project at least 48 families with children from 3 primary school classes and 3 pre-school education institution groups.
risks; and Guidelines on the national family policy\textsuperscript{10} 2011 – 2017, where it is recognised that parenthood is a complicated task, therefore parents need support for the implementation of their duties (Part 3.3.3 of the Guidelines); it is emphasised that during the first years of life the child needs extra attention and care from his/her parents and that is a pre-condition for a favourable child development later on.

The project applies in practice early intervention methods which will be analysed also in this publication. These methods are based on individual prevention, namely, on the work with the child or the child and his/her family. Early intervention methods are applicable in all the cases when it is obvious that the way the child behaves or the circumstances in which the child has come will develop in future creating undesired consequences for the child himself/herself or for other people. The experience from other countries\textsuperscript{11} shows that early intervention methods can be applied at every time since birth until school-age and during schooling, and there are many reasons why they should be applied as soon as possible.

Some theoretical aspects: behavioural risks, antisocial behaviour and early prevention for children

One of the most common antisocial behavioural risks of children at early age is aggressive behaviour against others. According to the studies performed in other countries\textsuperscript{12} aggressive behaviour is the reason for low achievements at school, inability to get on with other children, failure to understand each other in relations with parents and teachers. The development of such child’s behaviour may lead to alienation with other people and low self-confidence that may later manifest itself as cruelty against other people or animals, or as emotional isolation.

It would be groundless to call only those children aggressive who physically harm others with their behaviour – pinch, bite or hit (a). There is a reason to call the child’s behaviour aggressive in such cases when the child is socially aggressive – incite one group of children against the other, manipulate with adults, spread malicious rumours to achieve that a peer is treated badly, jeer and abuse verbally (b). At the same time, there can be also passive aggression that is not related to any particular actions but the lack of activity – refusal to obey social norms or reasonable adult requests, inattentiveness, passivity (c), or increased activity in his/her self-chosen form of attitude – condemnation or denial of everything, hyperactivity, inability to keep his/her attention to something (d).

Studies\textsuperscript{13} prove that early intervention methods as the methods for the prevention of antisocial behaviour are in particular the most effective for reducing aggressive child

\textsuperscript{11} What Is Early Intervention? http://www.kidsource.com/kidsource/content/early_intervention.html (last visited on 11.03.2014).
behaviour, especially if the child’s parents are involved in prevention measures. Thus, it is possible to reduce antisocial behaviour replacing aggressive model of behaviour with another model which is based on cooperation among the parents and the child, attention towards each other, setting mutual limits for behaviour rooted in inter-respect. It is important whether the parents notice, regard and truly evaluate the child’s efforts and initiative, instead of disregarding or, for instance, consider the child’s expressions of attention as self-evident.

British specialists distinguish four types of prevention and indicate\textsuperscript{14} that \textit{criminal justice prevention} as a set of methods which the law enforcement agencies work with has to be separated from antisocial behaviour prevention which is called \textit{situational prevention}. Situational prevention is defined as the set of activities in order to reduce the opportunities for antisocial behaviour and prevent it. One more type is \textit{community prevention} which has a task to achieve changes in the social conditions and institutions that can influence the environment (community) in which antisocial behaviour is or can be performed. \textit{Developmental prevention}, in its turn, refers to the inhibition of the development of antisocial behaviour in individuals, using prevention methods to target risk factors that can influence further human development.

David P. Farrington explains the \textit{early prevention methods}\textsuperscript{15} – these are all the programmes that are implemented in pregnancy and infancy, parenting programmes, pre-school programmes, individual skills training, and school programmes. Farrington denotes that many of these programmes are primary prevention tools targeting unselected individuals in the whole community, and secondary prevention programmes targeting children with behavioural risks (individual prevention). He indicates towards the main risk factors that have to be taken into consideration when assessing and recognising the development of antisocial behaviour:

\begin{itemize}
  \item[a)] individual biological risk factors (hyperactivity, impulsivity, attention problems, clumsiness, daring or risk-taking). The presence of these risk factors may be recognised and eliminated when children are 8 to 12 years old. At the same time, it is mentioned that these risk factors, if combined with “beneficial” circumstances, may lead to such personalities who regularly commit illegal acts;
  \item[b)] family interaction and socio-economic risk factors (parents with criminal behaviour or background, or antisocial behaviour are classified as risk factors. However, there are also other risks that are not less important – inconsistent, harsh or abusive parenting; cold or rejecting parental attitude towards the child; lack of communication among the child and the parents; parental divorce and separation; regular parental conflicts). In
\end{itemize}

\textsuperscript{14} Early Prevention of Adult Antisocial Behaviour, Edited by David P. Farrington, University of Cambridge and Jeremy W. Coid, St Bartholomew’s and the Royal London School of Medicine and Dentistry. PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE, The Pitt Building, Trumpington Street, Cambridge CB2 1RP, United Kingdom, 2003. \url{http://catdir.loc.gov/catdir/sample/cam033/2002067373.pdf} (last visited on 12.03.2014).

\textsuperscript{15} Advancing knowledge about the early prevention of adult antisocial behavior, David P. Farrington (2003), \url{http://catdir.loc.gov/catdir/samples/cam033/2002067373.pdf} (last visited on 12.03.2014).
practice, there is a combination of those circumstances, thus, for instance, when the risk factor exists – parents are extremely harsh (prohibitions, exaggerated demands), the child is at risk of becoming a regular offender, meanwhile this factor does not create an antisocial personality;

c) peer, school and community risk factors (delinquent friends (offences committed just to belong to a particular group), chaotic school environment – inconsistently enforced rules, distrust between teachers and students, degrading social environment – a child resides in a place where people with addictions, low income and antisocial lifestyle gather).

Analysing the current theoretical and research practice in the field of early prevention, David P. Farrington emphasises that "ideally, methods of preventing antisocial behaviour should be based on empirically validated theories about causes, but such theories are conspicuous by their absence. Consequently, the most useful prevention techniques are risk-focused ones that aim to tackle known risk factors".

Referring to the opinions of several researchers, Maria Marcu and Diana Hulea indicate in their publication that in the last years a decrease in age of juvenile delinquents and children with antisocial behaviour is observed in Europe. It is emphasised in the publication that the presence of such circumstances make us look at the problem differently than before, i.e., prevention measures have to be implemented in the form of early intervention (a) and as soon as the first, although tiny, risks appear (b). Prevention is effective only if an individual and early risk assessment is done. Therefore, early prevention target group includes, first of all, those children who have committed illegal acts but have not yet reached the age at which they could be held liable. Thus, even from the formal point of view, it is not the system of justice but the systems of education and welfare that should take responsibility for those children, developing individual needs and risk assessments in order to work not only with these children but also with their families.

In the early period of child development, family and school environment is of the most importance. Due to that, the major part of early interventions has to be performed in a close cooperation among the educational institution, parents and the child. This is an environment within which the key two players – educational institution and family – have to be able to recognise antisocial behaviour risks in due time and choose an adequate prevention method for them. "If parents and teachers consider the child's undesirable or bad nonconformist...

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16 Author’s note: the project "Reducing youth at risk numbers: modelling early childhood intervention approaches"

2 Peer consultations (11.04.2014), unpublished material.


18 Ibid.


attitudes to be minor and do not react to them, the child’s behaviour may develop into a
deviance or delinquency. Such child’s behaviour is a consequence of the failure of adequate
relations (socialization) and of insufficient social control in family and school. According to
the research conducted by Michael Shader, there are also protective factors beside the risk
factors that influence the child’s behaviour. One of such protective factors is family. Thus, for
instance, poverty is often seen as a risk factor, but the presence of supportive, involved
parents may mediate the negative key influence of poverty in the formation process of the
child’s behaviour model. Therefore, there is no reason to declare that poverty or deficiency is
a factor that will definitely bring the child to delinquent behaviour in future. In order to find
successful responses to the risk factors, the protective factors have to be strengthened.

Deviant or delinquent behaviour starts as the result of social alienation and it is closely
related to the person’s (child’s) wish to be accepted and recognised in any way or in a group
which the person can associate himself/herself with. The risk of wrong identification is
particularly high for those children who have not seen positive models in their lifetime.

“Negative socialization and negative learning creates delinquency as an attribute of certain
subcultures that bring together individuals who are unable to assess social values.”

Thus, from the point of view of criminology, “deviance, and delinquency as an aggravating
form of deviance, is characterized by the inability of the individual to adapt to social and legal
norms. From the social point of view deviance is an action that goes beyond the institutional
boundaries of acceptable tolerance. From a legal perspective, the deviant (antisocial)
behaviour is considered to be delinquent behaviour (an offence) when it violates the law.”

Such behavioural manifestations fall under the category of crime when the behaviour
represents a threat to the society or its members. Thus “juvenile delinquency includes all acts
ad deeds with criminal character committed by young people (children) before reaching the
age of criminal majority, due to the lack of responsibility at school and in the family.

Following the moment when first antisocial elements have been recognised in the child’s
behaviour, it is possible to shape two types of situations: 1) the earlier is the age at which the
child commits the first antisocial deeds, the higher is the possibility of the development of
such behavioural model in future. G.R. Patterson has named this model an early-starters
model; 2) another group includes children who do not show elements of antisocial behaviour
or such behaviour until adolescence but then the situation changes rapidly (late onset). This
group has a later onset of antisocial behaviour. It is admitted that the children with “early
onset” most of all need support from family, school and institutions – early intervention. At

21 Ibid.
visited on 15.04.2014).
http://sf.oxfordjournals.org/content/46/2/299.1.full.pdf+html (last visited on 10.03.2014).
24 Early Starter – The Early Detection of Delinquency Risk; Maria Marcu, Diana Hulea, General Directorate of Social
Assistance and Child Protection Sibiu, 2 Mitropoliei Street, 550179 Sibiu, Romania,
2014), (last visited on 15.04.2014).
25 Ibid.
K.H. Rubin (Eds.), The development and treatment of childhood aggression (pp. 139-168). Hillsdale, NJ: Lawrence
Erlbaum Associates.
the beginning of their problems they are too young to deal with their feelings, to define and they are not at all ready to acknowledge the reasons for the problems. Therefore, these children are fully dependant on the adults’ ability to recognise their risks in due time and support them. Any interventions through adolescence may be ineffective for these children due to the “lingering symptoms”.

Early intervention is a method with the help of which it is possible to recognise already existing or potential behavioural or developmental risks in pre-school and primary school children and prevent them. In general, three reasons can be identified why early intervention is justifiable and even necessary:

a) to enhance and support the child’s development;
b) to ensure help and support to the child’s family;
c) to increase the children and their families’ contribution to the community.

Child development is most rapid at pre-school age – in fact, this is the period when the child acquires basic social skills and attitudes which play important role in the later years at school in the acquisition of the learning curriculum and communication with peers and teachers. The success of the child in the learning process and the relations with other people will determine whether the child feels good and safe. The child’s wellbeing and safety will not only create the child’s personality but also direct the whole life. The time at which intervention is possible is very short, taking into account that the child’s development process is very fast and it is easy to miss this moment due to the lack of adults’ knowledge. At pre-school age, the child is ready to learn almost all the time, meanwhile there are also intensive stages of learning when the child needs special care and understanding from adults. Failure to ensure this care brings the child to the feeling that he/she is not able to deal with the tasks which other children can solve easily. Such moment can manifest itself in the form of unconscious protest which may seem as a caprice, inscrutable intensive fear of something or somebody, apathy and disinterest or denial for adults. In fact, the child feels exactly the opposite – he/she is disappointed, ashamed, worried, stressed and helpless. In such cases, the adult has to be so mature and skilled to be able to look at the situation from the child’s perspective and react adequately. For instance, if the child is capricious, afraid of something that is not understandable for the adult, or denies what the adult offers – it is important to understand the reasons. The worst action that the adults tend to do in such situations is punishing the child, thus they obtain the opposite of the effect wanted – the child’s feeling of shame, worry and helplessness intensifies. In case of such action a significant emotional damage is caused to the child the consequences of which will be manifested by the child as sudden, intense anger against simple adult demands, hitting, biting or, the opposite, denial of everything and even apathy.

Deliberate and planned early intervention activities support both the adults and other children in their families. In cases when there is a child with behavioural disorders in a family, the family as a whole has increased levels of stress, misunderstanding between the parents and other family members, as well as the siblings. The participation of parents and children in the early prevention activities enhances the mutual understanding in the family, improve relations
among the family members, and raise confidence not only for the child but also the parents, leaving more time to common recreation activities and professional development. It has to be noted that support measures are equally important both to the children with behavioural disorders or learning disabilities and to the families with gifted children – both cases need skills to create a safe and supportive environment for the further development of the child’s abilities.

Studies\(^{27}\) prove that both gifted children and children with learning disabilities benefit from early intervention preventive programmes. The study\(^{28}\) “Changed Lives: The Effects of the Perry Preschool Program on Youths through Age 19” showed that the children who were involved in pre-school early intervention programmes had better results in learning, acquisition of the profession and life in general that the children who did not participate in such programmes. The most important reasons of their success were: better reading skills (safety and support), better skills and deeper knowledge in maths (trust in one’s own abilities), and developed language knowledge (communication skills).

Early intervention forms consist of several pre-conditions that have to be considered in planning prevention programmes for the improvement of children welfare: the method has to be suitable for the age of the child (a), the child’s parents’ involvement in the activities is essential (b), the intensity and content of the programme has to comply with the actual needs of the child’s welfare (c). Source analysis shows that researchers from many countries classify children with behavioural problems and gifted children to the group that needs early intervention in the form of developmental programmes, whereas other authors\(^{29}\) indicate that early intervention is a common method but with different components that can be equally well applied also for children with existing or potential emotional development disorder and special needs. Specialists\(^{30}\) admit that particular early intervention methods work equally, even independently of the basic curriculum for the children. The main condition is individual approach, clearly set aim and individual assessment of the risks and needs for the child and his/her family. It means that the success for early intervention may be achieved if:

- a) the aims for the work with the child and the family are clearly set and regularly reassessed;
- b) the teacher’s behaviour, activities and reactions for each lesson are clearly described and identified;
- c) only so called operative analysis methods are used. It means that each lesson has to be not only described but also analysed together with the colleagues, acknowledging the most and the least successful methods;


\(^{28}\) Ibid.


d) the influence of methods on the child is analysed on regular basis, in case of need adding the necessary components to the lesson plans.

Thus there is a ground to state that early intervention result depends directly on the professional motivation of the education specialist and his/her ability to cooperate with the child and the family, as well as keep control over the purposeful progress of the programme all through the early intervention process.

**Safe environment for development and growth for children in Europe: policy documents, legal enactments and study findings**

Nowadays, it is not possible to talk about the rights of the child only through theories, formal legal enactments and instructions. Children’s rights are present in every person’s daily life, they are related to every single field of life, starting from the child’s birth or even conception until the time when the young man/woman is able to join the society and function as its full-fledged member.

Council of Europe Strategy for the Rights of the Child[^31] 2012 – 2015 define the strategic objectives for the protection of the rights of the child: promoting child-friendly services and systems (a), eliminating all forms of violence against children (b), guaranteeing the rights of children in vulnerable situations (c), promoting child participation (d). Being aware of the practical implementation of the rights of the child, there is a reason to assume that all the aforementioned objectives cannot be separated in practice. Practical situations are of multiple and complex nature. If we look at these objectives from the aspects of prevention, it is possible to conclude that the prevention method can be applied as a universal tool particularly in the protection of the rights of the child. In this case, prevention is a method to ensure friendly and beneficial environment for the child’s development, with duly prognoses and prevention of situations that create or can create threats for the implementation of these objectives. It is known that juvenile delinquency prevention is targeted at not allowing the child to face the reaction of the state to a crime – the punishment and the official system of justice. Juvenile delinquency prevention is closely related to all the objectives of the Strategy for the rights of the child. Prevention of antisocial behaviour of the child[^32] is indirectly related to all the objectives of the protection of the children’s rights however at the same time they directly correspond to guaranteeing the rights for children when they are at risk (for instance, at risk to commit a crime or become a victim from any form of violence, including emotional violence). The rights of children in vulnerable situations are guaranteed through the recognition of risk situation and performing various interventions, including early intervention. Such early preventive intervention is closely related to the necessity of participation both for the child himself/herself and his/her family. It must be noted that early intervention is one of the most careful and effective methods of intervention as it includes sufficiently effective low risk identification and influence tools.

[^32]: Author’s note: considering that antisocial behaviour is a wider concept than a crime which will not always be related to inescapable interaction of the child with the system of justice.
Council of Europe Strategy for the Rights of the Child\textsuperscript{33} 2012 – 2015 declares that the strategy is developed with the determination to prevent discrimination against children and names a row of the forms of discrimination – belonging to a national minority; poverty; social isolation; discrimination based on race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth or other status such as sexual orientation or gender identity. It has to be taken into account that the Council of Europe does not close this list but concedes that a child may be exposed to multiple forms of discrimination at the same time. Therefore, there is a ground to assume that prevention, including early intervention, is a method for averting discrimination. With its support it is possible to react to various social exclusion risks to which children may be exposed: bullying and peer jeering for any reason, consequences of poor family relationship or alienation from the family, risks to lose ability to learn and thus appear in isolation in the child’s daily social environment and with others. Besides, early preventive interventions are not possible without the participation of children and their families. They include also listening to the child’s opinion and the right of the child to be heard.

Evaluating the values defined in the international legal enactments\textsuperscript{34} it can be concluded that there are two main components to implement the child’s right to beneficial environment and development, in particular at pre-school and primary school age: development of learning skills (beneficial social environment for the acquisition of new skills) and family (the condition of safe personal environment). Council of Europe Recommendation\textsuperscript{35} on children’s rights and social services friendly to children and families define what actions serve the best interests of the child identifying the principles of such actions. They are the following:

- the best interest of the child should be the primary consideration, when taking any decisions that concern children;

- bearing in mind that the parents and family have a special role in the development of the child and ensuring environment beneficial to the child, the parents of the child should receive support for the improvement of parenting skills necessary for the performance of parental duties;

- social services who work with children and families should aim at the full development of the child’s potential and duly recognition of the child’s needs by helping and supporting, including: showing respect towards the child and his/her family which ensures sensitive, respectful and fair attitude (a); ensuring the protection of the child and his/her family from discrimination of any grounds (b); enhancing social integration to ensure justice, equal opportunities and positive outcomes for all children, including children from vulnerable groups (c); overcoming stigmatisation of certain groups of


\textsuperscript{34} Author’s note: some of the international enactments for the rights of the child are available at http://srsg.violenceagainstchildren.org/category/regions/europe (last visited on 17.04.2014).

children who experience social prejudice by enhancing the development of self-respect of these groups (d); avoiding situations when the families with children may become dependent on particular types of social services (e).

The study commissioned by the European Commission\textsuperscript{36} summarises the challenges that European children face, mentioning both positive and negative aspects in the children’s daily lives. In the study, children aged 15 – 17 in different European Union countries were asked to name “good” and “bad” things they have to face in their lives. Children admit that it is good to enjoy the freedom of movement and take the opportunities to travel, be free from responsibility which was not possible in the past; support from their families and friends, and also financial support provided by a safe family environment; availability of technologies providing opportunities to communicate with people; health care and access of education, adults’ wellbeing and respect from adults. However, there are also things that children worry about: a) lack of respect by the adult world. Children emphasise that their opinion is not listened to and given sufficient respect by adults particularly at school. Children mentioned that many adults treat children with prejudice due to their appearance or clothing style; making decisions on their destiny (for instance, in the case of parental divorce) institutions do not listen and take into account the child’s opinion; b) pressure to succeed with adult’s success “formula”. Children told that one standard of being successful is being deliberately developed, as the result of that success in formal education gets evaluated higher than children’s feelings; c) almost every child mentioned that they feel lack of parental attention. Children explained that their parents are so busy in earning salary that they do not have time for relations with their children; d) external restrictions and negative influence. Children feel that economic restrictions are applied towards them as it is almost impossible to find such part time jobs where the skills acquired could be useful in future. Children are offered jobs which seem meaningless and with no potential growth; e) negative peer influence, addictions and violence. Many respondents admitted in the survey that they felt risks to start smoking, abuse alcohol or drugs because there were no other ways of getting peer acceptance. Many children revealed that in their and their friends’ families corporal punishment is still highly tolerated.

As the result of the study, key areas were recognised together with children, which need primary attention for development in the European Union countries. One of such areas – specific development programmes within which it would be necessary: a) to implement new training programmes for teachers to help them recognise different forms of emotional violence against children (for instance, peer bullying and jeering from other school-mates);

b) to improve qualitative participation and involvement possibilities for children in the school environment (for instance, more extra-curriculum classes, psychologist’s consultations, support for children with limited financial capacity, regular health checks for children).

Bearing in mind the results of the study and its represented children’s opinions, there are no doubt that preventive work, especially early intervention forms, is considered as a significant method keeping children away from various harmful influences, violence and making such decisions that can damage their further development. Special attention in planning the preventive measures and ensuring favourable environment for children’s development has to be turned towards the child’s parents, family and teachers who are key players in early prevention programmes.

**Prevention cost efficiency**

There are lots of studies where specialists from different areas admit that a correct implementation of prevention methods, especially early intervention, bring qualitative (successful, intelligent children and happy families) and at the same time quantitative benefits (prevention of future losses of financial resources). In her publication, Diane Smallwood\(^37\) has emphasised that school principals in their work have to spend much time for children’s behaviour skills and discipline in order to ensure successful process of education for all the involved students. Spending time for solving individual student’s behaviour problems instead of devoting it to the process of education makes teachers overwork and hinders other students to acquire the curriculum thus behavioural disorders of one or several students develop into unfavourable consequences for all the involved. “Violent or aggressive behaviour,” emphasises the researcher, “undermines the integrity of the learning environment, interferes with children’s academic and social outcomes, contributes to staff and student stress, and threatens school safety.”\(^38\) In fact, this influences the costs of the process of education which very often are not even identified in everyday life, for instance, children need additional classes or consultations to pass the tests not having acquired the necessary knowledge during lessons; school psychologist overworks devoting time only for some particular students and not having time for others; planned extra curriculum activities get cancelled due to the teachers’ failure to ensure discipline etc. The mentioned circumstances add to the importance of identifying and averting the child’s behavioural problems before they have developed and therefore need fewer resources for solutions – at preschools and primary schools. The researcher\(^39\) indicates that very often young children behave violently or destructively unawares because they lack any social skill or ability which can be developed through early intervention. Every child has positive learning abilities; they are particularly well-developed in infants. Due to that, it is important to strengthen these abilities when the child is the most responsive (at preschool and primary school) so that in his/her adolescence he/she would be strengthened with social skills and ready for new challenges in learning. D. Smallwood puts special emphasis on the fact that in every situation in life implementation of prevention strategies demands fewer investments than late, complicated interventions.


\(^{38}\) Ibid.

\(^{39}\) Ibid.
The research on youth violence and juvenile justice, published in 2008, gives an assessment of prevention cost efficiency. It has been estimated that according to the studies performed in the USA in 1996 crime cost 450 billion US dollars a year, not including the cost of the criminal justice system. The main aim of the study in 2008 was to assess the monetary cost to society of juvenile offending. The study included the analysis of cost-benefit and cost-effectiveness with the aim to identify the efficiency of the funding to the existing prevention programmes. For instance, if one programme which cost the amount of X may prevent 10 cases of robbery, but the cost of the damage caused by one robbery is Y, it is possible to use these values to estimate the future financial sustainability of the programme. If the programme costs are lower than the expenditures for the damage caused by the crime and compensations it is worth to continue financing the programme. The authors of the study list three heads of expenditure that are caused by every crime: a) costs that offenders impose on victims and others; b) costs that society incurs to prevent and control crime (police, prosecution, courts, law enforcement agencies); c) costs that offenders incur. The study was focused on estimating the costs that offenders impose on victims and others related to the fact of the offence – tangible and intangible losses. The study includes references to the facts that give evidence for various types of crime costs for victims and others if the crime has been committed by an adult. Thus, for instance the total losses in the case of rape are USD 103’000, in the case of robbery – USD 15’000, for the case of aggravated assault – USD 40’000 but for the case of motor vehicle theft the amount is approximately 4,5 thousand US dollars.

The research indicates that a person’s “criminal career” that has started in the childhood and lasted over the adult years costs society around 1,3 to 1,5 millions of US dollars, estimating by the value of dollar in 1997. Just focusing on the juvenile years, one typical “juvenile criminal career” cost on the USA in the range of USD 80’000 to USD 325’000 which makes 6% to 22% of the total costs of an adult “criminal career”. Direct and indirect victim costs related to one such “juvenile criminal career” have been three times greater than the costs of juvenile criminal justice system: 60 to 244 million vs. 20 to 82 million of US dollars. To have a possibility of performing a structured analysis of the damaged caused by juvenile crimes the authors of the study had divided them into age groups where the younger group included children from 7,5 to 10 years of age and the older group included youth from 11 to 17 years of age. In their previous studies, the authors of this study had concluded that early onset (7,5 to 10 years) offenders places a more tremendous financial burden on society than late onset (11 to 17 years) “criminal careerists”. It was found that the children who began offending at an earlier had a higher risk to become regular offenders (recidivists) than those who began offending at age 13 or later. Thus, in the younger age group the rate was 34,2 crimes per offender whereas in the older group it was only 15,6 crimes per offender.

41 Author’s note: these estimations have been done for the crimes committed by adults and only for the losses caused by the offender to the victim and other people directly (or indirectly) related to the consequences of the crime.
causing crime victim costs for the country in the amount of 224 thousand dollars and 85 thousand dollars, respectively.

One of the findings in the study\textsuperscript{43} prove that a cohort of 500 offenders in an urban area, beginning offending at early age (7.5 to 10 years) and continuing their “criminal career” through adolescence (11 to 17 years) cause harm to society (victims and others) on average from 89 to 110 million dollars with their crimes. The earlier they begin their “criminal career” the higher the burden of harm to society. taking this into consideration, there is a ground to conclude that the role of early prevention in the early correction of the child’s behaviour and development is not only the investment in social safety but also financially profitable for the country and society, and its results may be considered as an investment for sustainable society.

**Early prevention of antisocial behaviour\textsuperscript{44}: why it is so important**

The majority of the most recent studies\textsuperscript{45} suggest that the prevention measures of antisocial behaviour should begin in the womb and continue all through the first years of a baby’s life. Antisocial behaviour is harmful not only to the child or adolescent himself/herself as it may lead to drug dependency, offending, dropping out of school, incarceration and ruin the future but it also causes harm to the neighbourhood, first of all, to the family. In order to have a maximum effect of eliminating the progress of the child’s antisocial behaviour two activities have to be performed: risks to the child’s development have to be identified and averted as soon as possible (a) and protective factors have to be developed (b).

**In this case, the following factors are identified as risk factors:**

- a) individual risks (early antisocial behaviour, poor cognitive development, hyperactivity and other emotional stability factors);
- b) family risk factors (poor relations between the parents and children, poverty, maltreatment, violence, divorce, parental psychopathology, familial antisocial behaviours, teenage parenthood, single parent family and large family size);
- c) friends from risk groups (friends with antisocial behaviour; peer rejection);
- d) school and community risk factors (failure to bond to school, poor academic performance, neighbourhood disadvantage, disorganized neighbourhoods, easy access to drugs and toxic substances).

\textsuperscript{43} Ibid.

\textsuperscript{44} Author’s note: here, antisocial behaviour is understood both as deviance (antisocial behaviour in its wider meaning), and delinquency (antisocial behaviour that manifests itself in the form of punishable illegal activities). See also: deviance: A diversion of acts from legal or moral norms, standards accepted by the society, [http://www.tezaurs.lv/sv/?w=deviance](http://www.tezaurs.lv/sv/?w=deviance); delinquency: 1st meaning (in medicine) = An offence or a minor crime, such as lying, theft, sexual perversity, 2nd meaning (in psychology) = Punishable act [http://www.tezaurs.lv/sv/?w=delinkvence](http://www.tezaurs.lv/sv/?w=delinkvence) (last visited on 20.04.2014).

The following **protective factors** are opposed with the above mentioned risk factors:

a) regular school (preschool) attendance;
b) motivation to learn, acquire new skills, participation in extra curriculum activities;
c) positive attitude about the world in general;
d) ability to discuss problems with parents and family;
e) positive adult example.

It is considered that by activating protective factors it is possible to minimise also already existing antisocial behaviour risks; both risk and protective factors are integral part of antisocial behaviour prevention and intervention planning.\(^4^6\). Antisocial behaviour prevention and interventions are applied to reduce risk factors and activate protective factors. Nowadays, antisocial behaviour prevention measures have usually been aimed at school-age children, more often at adolescents. In recent years, early prevention methods have been used more often containing planned interventions at an earlier period – starting from the pregnancy, over preschool age and up to the moment of adolescence. In order to plan and apply prevention programmes for children with developmental disorders and antisocial behaviour a very close inter-institutional cooperation is needed. To adopt the framework of such cooperation it is necessary to be able to resign the traditional concept of prevention from point of view of law enforcement system only. Early prevention of antisocial behaviour is a set of **inter-institutionally** and purposefully planned activities on condition that its application is based on a close and coordinated cooperation among various institutions, such as health protection system, social services, organizations for the protection of the rights and interests of the child, local municipalities, all level education institutions and law enforcement agencies. It has to be taken into consideration that in early prevention system law enforcement agencies have a) a protective not punitive role, b) the last role that is applied only in the case of failure of all the previously mentioned protective factors.

According to the concept of early prevention, antisocial behaviour prevention and intervention measures have to be planned in accordance with the stages of the child’s development:

a) pre-natal stage. It is considered that the first 33 weeks in utero are the most important in the child’s psycho-emotional development. If the intended mother spends this time in a destructive or harmful environment the child develops instinctive protective mechanisms that may manifest as hyperactivity, lack of self-control after the birth of the child and in his/her further stages of development; besides, such children have a bigger inclination to stress and violence;

b) early childhood, preschool stage. One of the main tasks in this age is to protect the child from the exposure to violence. Studies conducted in the USA\(^4^8\) state that there is a clear

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\(^4^6\) Ibid.
\(^4^7\) Ibid.
correlation between the children’s violence, lack of care and attention during the childhood and antisocial behaviour over the life of the person. It has been recognised that 59% of the children to whom their freedom was limited by law enforcement agencies in the form of detention, imprisonment or deprivation of liberty as a punishment had been exposed to various forms of violence, whereas in adults 27% had such experience. Among children who were victims of violence 24% were children suffering from repeated violence. One-third of the people detained for violent child abuse had suffered from various forms of violence in their childhood. In this case, not only physical violence should be taken into account. Also in cases when the violence is of psycho-emotional nature or if the child has witnessed violence it definitely has influence on the child’s development and mental health which may later develop in post-traumatic stress syndrome, inability to form positive relations with other people, cause an increased tolerance for violence, difficulties to learn and acquire new information. However, these are not the only considerations for ensuring successful children’s development at an early age and successful prevention of antisocial behaviour.

There is a lot of studies49 showing that at the early stages of the child’s development the physical – emotional link between the baby and the person who is together with the child in his/her first years of life plays an important role. So called “attachment theory” has been analysed in a row of publications50 which conclude that there is a correlation between the successful development of the child at infancy and early childhood stage and the necessity to build safe relations with parents or the person who cares for the child. It is stated that the existence of safe relations at an early age of the child’s development creates protection not only against external stress situations in the further life of the child but also enhances the child’s mental health and prevents antisocial behaviour risks. Byron Egeland writes51 that the attachment arises from two significant segments: psychopathology and normal socio-emotional development. The theory is based on the idea that the early relationship that develops between the infant and caregiver provides the foundation for later development of the child. B. Egeland emphasises that it is rather a pattern of emotional and behavioural interaction that develops over time between the child and his/her caregiver in the context of the infant’s needs and bids for comfort and care52. Successful development of such care forms the first relations in the child’s life with another person, based on confidence and trust and as the result mutual understanding appear. In a natural process, this person, indisputably, is the mother. In such interaction, the first social reflexes of the child develop: if the child’s mother (primary caregiver) is calm and in a comforting and safe contact with the child thus answering his/her needs, the child seeks the contact with his/her mother to find a solution to his needs and gets calmed finding it. This pattern has been labelled secure. If there is no such contact or if the child’s needs are not comforted the trust does not develop and the child will not accept other people as safe and trustworthy partners. Over time, the child will stop seeking

50 Ibid.
52 Ibid.
contact in fear of rejection. This pattern has been labelled insecure. The existence (or lack) of safe attachment at early childhood denotes further social development of the child during the childhood and adolescence. This is the exact period when the acquired instinctive experience develops the abilities of social interaction, empathy for others, behaviour. If the child has experienced negative attachment there is a bigger risk of problematic relation formation and behaviour. Positive attachment experience works as a protective factor in further stages of the child’s development and it has a long-term impact on the developmental process of the child’s personality. B.Egeland indicates\textsuperscript{53} that positive attachment experience, as children grow up, creates similar relationship models with their own children: young parents who have had secure relations with their parents form secure and trustful relations also with their children. Due to that there is a ground to consider that the formation of secure relationships in early childhood has a serious impact on the child’s future life therefore it is worth providing support to parents (families) with young children at risk. This support should contain early prevention methods that are suitable for parents and children’s needs and appropriately organised. It is stated that the closer are the relations of the child with his/her mother, the less likely the child is to be at risk for antisocial influence in his/her later development\textsuperscript{54}.

c) school age. A row of studies emphasise that preventive measures before reaching adolescence have a particularly important role in the child’s development. They prepare the child for the changes appearing during adolescence. During this time one of the strongest negative traits is influence from delinquent peer groups. Other prominent risk factors for children at this age are related to the inability to follow the process of education, academic failure, and decreased connection with school environment. School and events related to the process of education in general play an important role in the child’s life. School is particularly the environment where the early prevention programmes are to be implemented. These programmes can address almost all negative risk groups in the school environment: drug and alcohol abuse, bullying and humiliation. In fact, education institutions as places where children spend most of their time have all the opportunities to plan and apply the necessary preventive programmes: disciplining children, creating and analysing various behavioural models together with children and their parents, strengthening the relations among the school, parents (families) and children.

Studies\textsuperscript{55} show that all the early prevention interventions have to be focused on particular children’s risk groups. An instrument for risk and needs assessment is necessary to identify these risks. Nevertheless, it has to be taken into consideration that early prevention target groups fundamentally differ from those with which law enforcement agencies work. If the needs of the clients of law enforcement agencies are usually based on prevention (from


particular actions) or various methods of disciplining, early prevention programmes, in their
turn, are based on an inclusive process – restoration of justice, skills development,
relationship building, development of emotional skills. Due to that, early intervention planning
process should not involve such complicated risk and needs assessment tools which are used
for high or relatively high risk offenders’ needs and risk assessment, for instance, when
planning particular sentence execution or probation processes. It is important to note that
the programmes that are applied as early prevention tools have to be proved and evidence-
based. One of the most widespread groups of programmes in the USA is multisystemic56
therapy programmes that include a purposefully oriented set of activities to help parents of
children with behavioural problems. The programme develops parental skills and
communication quality between the child and the parents, as well as among the child’s family
members. Another programme is functional family therapy57 which is aimed at children with
antisocial behaviour, inclination for drug and alcohol abuse, as well as at the children who
have been exposed to domestic violence. It has to be noted that these programmes are
flexible to apply: one programme may have various results and multidisciplinary benefits.

Prevention models for children in early development stages: preschool and primary
school stage

Prevention of child development, behaviour and violation of the rights protection (early
prevention), in particular early prevention and its forms of intervention (early interventions) is
not only an inter-institutional category from the point of view of its work organisation but also
multidisciplinary58 from the aspects of science and theory. Therefore, it is not possible to
centralise or fully institutionalise the field of child development, behaviour and the protection
of rights. This explains the fact that research in this field is performed in a multidisciplinary
way; it means that studies, research works, publications and projects are conducted
simultaneously from the points of view of criminologists, sociologists, pedagogues, doctors
and other specialists. Though, it has to be taken into consideration that the findings of
specialists in different fields match, unambiguously emphasising the major role of early
prevention in the deliberate upbringing of emotionally and physically healthy young
generation.

Analysing early prevention phenomenon, R.Loeber, D.P.Farrington and D.Petechuk59
emphasised60 that historically the majority of studies on prevention have focused on later

56 Multisystemic Therapy for Juvenile Offenders, http://evidencebasedprograms.org/1366-2/multisystemic-therapy-
for-juvenile-offenders (last visited on 20.04.2014).
57 Functional Family Therapy (FFT),
http://www.blueprintsprograms.com/factSheet.php?id=0a57cb53ba59c46fc4b692527a38a87c78d84028 and also:
58 Author’s note: in this case the term “multidisciplinary” and not “interdisciplinary” is used on purpose. The
phenomena of interdisciplinary environment are characterised by solutions that are simultaneously related to two or
more disciplines where specialists from each discipline give their contribution. These are problems that in a way fall
between the fields and may be solved with activities performed one or several times. Whereas a multidisciplinary
phenomenon is long lasting in the dimension of time and it needs regular, permanent and active work by various
specialists to influence it – it means that each discipline needs to contribute regularly.
59 Author’s note: Rolf Loeber, Ph.D., is a Professor of Psychiatry, Psychology, and Epidemiology, University of
Pittsburgh, PA; Professor of Developmental Psychopathology, Free University, Amsterdam, Netherlands; and the
adolescents. During the 1990s, great attention was paid towards the studies of juvenile crime recidivism reasons that showed in their findings a new problem – children who have committed antisocial or criminal actions before age 13 are more likely to become chronic offenders in their future years than children of so called “later onset”. The discovery that children had showed various forms of antisocial behaviour long before their first criminal offence promoted the acquisition of new areas in research – the studies of children’s early antisocial behaviour. Research was organised in a multidisciplinary environment: from the point of view of criminology, psychology, pedagogy, and sociology. The reasons for antisocial and delinquent behaviour of children aged 7 to 10 were searched in the early stages of their development from the toddler years up to adolescence. As the result of the research work it was concluded that there is a correlation between the disorders in the early development of the child and the behavioural model of the child in adolescence; that behavioural problems of adolescents may be solved applying early intervention methods to children at preschool and primary school stage.

On the basis of aforementioned, there is a ground to consider that the application of prevention measures for children at their adolescence is a battle against the effects and consequences and prevention methods are more suitable for identifying and averting the causes. Therefore, prevention methods in the form of early interventions have to be applied for children at the age when causes for antisocial behaviour appear.

It is well-known that the child’s development in early childhood sets the quality of the person’s life in the future: his/her physical and emotional health, academic achievements and choice of profession, establishing his/her own family, as well as influences the quality of next generations. Taking that into consideration, prevention models have been developed – methods suitable for problem situations. Nevertheless, in the process of implementation for every new method it is important to create a systemic and integrated approach to all age groups. Specialists from the USA admit that at any age one of the main aspects is the process of learning, including both formal and informal education. There is no doubt that this is also one of the most obvious risk factors in a child’s life – if the child is not able to learn or unable to succeed in the process of formal education, a favourable environment for risk factors appears. Analysing the findings from more than 12 different authors’ studies it has been concluded that two aspects of a successful child’s development can be evaluated in this

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context: readiness to learn and the elimination of developmental disorders. In order to influence both components, developmental programmes are created for children at early developmental stages containing four key categories and several outcomes:

a) **cognitive** (improves cognitive and intellectual skills and abilities of the children at preschool age);
   - Improves the child’s motivation and achievements in the process of education;
     - Enhances the child’s readiness to learn and join the school environment;
     - Reduces antisocial behaviour risks at later stages of the child’s development, truancy, substance abuse, at the same time increasing the possibilities that the child will enter for the studies at a higher education institution.

b) **social** (improves social competences and develops social skills of the children at preschool age);
   - Enhances the child’s readiness to learn and join the school environment;
     - Reduces antisocial behaviour risks at later stages of the child’s development, truancy, substance abuse, at the same time increasing the possibilities that the child will enter for the studies at a higher education institution.

c) **health** (improves preventive measures and healthcare of the child’s health);
   - Enables identification and prevention of problems that may have a negative impact on the process of learning;
     - Enhances the child’s readiness to learn and join the school environment;
     - Reduces antisocial behaviour risk at later stages of the child’s development, truancy, substance abuse.

d) **family** (creates child-supportive environment at home by enhancing the parental involvement in educational, social and healthcare activities; motivates parents to join professional development and educational activities).
   - Supports the child in every sphere of his/her life: enhances his/her development, provides social skills, promotes healthy lifestyle, and strengthens the child’s family).
     - Enhances the child’s readiness to learn and join the school environment;
     - Reduces antisocial behaviour risk at later stages of the child’s development, truancy, substance abuse.

There is no doubt that this division is very general, nevertheless it gives an insight in the potential contributions from the implementation of early prevention programmes in various aspects of children’s lives.

Planning early interventions and developing prevention programmes for various age groups of children, the child’s belonging to a particular age group has to be definitely taken into account because the potential risk factors and risk situations (environment) in which the child appears due to his/her age group peculiarities change according to that belonging. On the basis of the
studies conducted in 1998 by R.Loeber and D.P.Farrington\textsuperscript{64}, four risk periods and their specific risk factors can be marked out in the life of a child:

1. **Risk factors emerging during pregnancy and infant development stage**\textsuperscript{65}
   - For the child:
     - Pregnancy and delivery complications;
     - Health problems of neurological nature;
     - Exposure to neurotoxins after birth;
     - Difficult temperament;
     - Hyperactivity, impulsivity, attention problems;
     - Low intelligence;
     - Male gender.
   - For the family:
     - Maternal smoking, alcohol consumption or drug use during pregnancy;
     - Teenage mother;
     - High turnover of child caretakers;
     - Poorly educated parents;
     - Maternal depression;
     - Parental substance abuse, antisocial lifestyle;
     - Poor parent – child communication;
     - Poverty, low socioeconomic status;
     - Serious marital discord (quarrels, conflict situations, divorce risk);
     - Large family size.

2. **Risk factors emerging during early childhood**\textsuperscript{66}
   - For the child:
     - Aggressive or disruptive behaviour (biting, screaming, vandalising);
     - The child spends the most part of the day lying or sleeping;
     - Risk taking and sensation seeking (in an inadequate way or intensity);
     - Lack of guilt and compassion;
   - For the family:
     - Harsh or erratic discipline practices;
     - Maltreatment or neglect in child care;
   - In the community:
     - Television violence.


\textsuperscript{65} Author’s note: on the basis of the text of the study, there is a ground to consider that this stage includes the time of mother’s pregnancy and early childhood until the age of 1 year.

\textsuperscript{66} Author’s note: on the basis of the text of the study, there is a ground to consider that this stage includes the time between 1 to 4 years of the child’s age.
3. Risk factors emerging in the middle stage of the childhood\textsuperscript{67}

- For the child:
  - Minor theft, stealing (misappropriation of property) and other insignificant antisocial behaviour;
  - Tendency to disruptive behaviour;
  - Early onset of substance use and sexual activity uncharacteristic for the age group;
  - Depressed mood;
  - Withdrawn behaviour;
  - Positive attitude towards problem behaviour of other children;
  - Tendency of victimisation or violence;

- For the family:
  - Poor parental supervision;

- At the education institution:
  - Poor academic achievement, poor ability to acquire skills;
  - Repeated reproaches from teachers;
  - Truancy;
  - Negative attitude towards school and learning process;
  - Poorly organised work with children at school;

- Among peers:
  - Peer rejection;
  - Association with peers or siblings with antisocial behaviour;
  - Degrading environment at the child’s place of residence or neighbourhood;
  - Availability of weapons.

4. Risk factors emerging in addition at the beginning of adolescence\textsuperscript{68}

- For the child:
  - Weapon carrying;
  - Drug dealing, use;
  - Unemployment and lack of useful occupation;

- At school:
  - Regular truancy and dropout;
  - Vagrancy, involvement and membership in street gangs.

These risk factors are universal and may differ in the context of different countries: particular risk factors may vary; some may be non-existent or superseded. Thus, for instance, such social phenomenon as youth street gangs are not topical in many European countries, weapons are also not available. Instead, for instance, there is high risk of poverty and unemployment both for parents and youth, excessive alcohol consumption and smoking, as well as video games addiction.

\textsuperscript{67} Author’s note: on the basis of the text of the study, there is a ground to consider that this stage includes the time from 5 to 10/11 years of the child’s age. It is the time which the child spends at preschool and primary education institution.

\textsuperscript{68} Author’s note: on the basis of the text of the study, there is a ground to consider that this stage includes the time from 10/11 to 15 years of the child’s age. It is the time which the child spends at primary school.
To reduce these risks, the protective factors mentioned in the previous chapters have to be activated; it is possible through the implementation of prevention programmes in the form of early interventions. Such programmes may be implemented in the education institutions to improve children’s discipline in the classroom, develop social skills, solve conflicts in a non-violent manner, and prevent peer rejection and emotional violence. These may be extra curriculum classes, mentoring programmes, programmes for improving school work organisation, involving children, activities with the participation of wider circle of the community and children’s families. Risks that are related to the child’s behaviour and may lead to antisocial behaviour can be identified not only through the medium of a doctor or parents as it happens at very early stages of the child’s development – education institutions play a significant role in the life of the child for many years. At the moment when the child begins schooling: preschool, school, parents and doctors begin sharing their burden of identifying and prevention of developmental and behavioural risks with teachers and other education specialists. Preschool and school educational environment is a very gratifying for the implementation of preventive measures due to its organised structure. D.Powell, G.Dunlap and L.Fox in their study\(^69\) mention four levels of antisocial and defiant behaviour prevention for children at preschool age. It is indicated in the study that the first two levels of preventive measures are applicable for all children independently from the presence of risks.

These are programmes that are aimed at building positive relationships among children, their parents and families (a), as well as preventive practices for well-arranged environment in home and classroom settings (b). These activities can be implemented focusing on wider groups of children: preschool groups, school classroom teams, separate target groups. Opposite to these, secondary level measures are aimed at particular identified target groups or individuals: for children with behavioural risks – social-emotional learning strategies (c), for children with developmental delay or children with permanent behavioural and developmental problems – individually organised interventions. It has to be noted that the involvement and support of the child’s family plays a very significant role in all the prevention activities. Several specialists\(^70\) even indicate that one of the challenges in the field of law is to begin a discussion on parental responsibility in cases when their child has committed an offence. It is emphasised that it is important to involve parents not only in the programmes but also in the elimination of consequences caused by their child’s antisocial behaviour, watching at the same time whether the parents themselves have understood their role in the occurring and made feedback with respective institutions, as well as given the necessary support to their child.

On the basis of the aforementioned information, early prevention can be defined also in a wider meaning: as a purposeful replacement of negative or disruptive relations and their consequences with positive relations achieving results beneficial for the development of the child. Positive relationship is a powerful protective aspect against the development of various

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\(^{69}\) Diane Powell, PhD; Glen Dunlap, PhD; Lise Fox, PhD, Prevention and Intervention for the Challenging Behaviors of Toddlers and Preschoolers, Infants & Young Children, Vol. 19, No. 1, http://depts.washington.edu/isei/iyc/powell_19_1_05.pdf (last visited on 25.04.2014).

risks and their harmful effects. Strengthening the connection among the child, parents, family and teachers in early childhood not only creates a stable foundation for the child’s development and safety but also serves as immunity against risks the child may face. Specialists\(^{71}\) admit that home and family environment (a), children care centres or care at home (b), as well as the relations among teachers and parents at the stage of preschool and primary school (c) is very successful for building positive relationships. So, for instance, it is very important to have motivated parents (understanding the benefits) to attend “schools” for parents where they would receive help in understanding various aspects of a young child’s development and behaviour – emotional nuances in the child’s behaviour; in fostering practicable hopes related to their child in order to eliminate the sense of disappointment on their children’s abilities; in practical planning of a young child’s daily schedule leaving time for themselves. Such, so called, parenting schools which are meant for a wide circle of the society should not be formalised, for instance, by calling them courses, schools or delegate the responsibility for parents to attend them threatening with any sanctions or organising loud campaigns. The possibility to join such places of knowledge acquisition should be integrated in the parent’s daily life: such possibilities could be provided in hospitals, places of paediatrician practices, child care centres nearby homes, even at supermarkets or other public places. It is important that parents get used to the idea that it is a usual and good practice to show up in such lessons or workshops and that it does not take much time or demand any responsibility.

Establishing a close connection among the parents – child – teacher plays a great role at the preschool and primary school stage. Looking differently to the children at preschool age and primary school age from the point of view of their needs, these two groups should be separated. At preschool stage it is important for a stable emotional development of the child cooperating with the parents and teachers to receive help and be able simultaneously to solve complicated tasks – comfort his/her physiological needs without assistance thus obtaining self-confidence; learn to build relations with adults who are not his/her parents; lead communication with peers. If the connection among parents – child – teachers is established during preschool it is easier for the child to adapt in the primary school environment, understand the new daily routine, discipline requirements in the classroom, as well as build secure relations with the class teacher and other pedagogues and that certainly raises the child’s sense of security and confidence in his/her abilities, also serving as a protective condition for good academic achievements. Preschool and primary school teachers play a significant role in the establishment of connection among parents – child – teacher. In their study, D.Powell, G.Dunlap and L.Fox\(^{72}\) name a row of initiatives without which this connection, in fact, cannot be established: the teacher has to find time to get to know the child’s family, parents and family situation (a); not only inform parents on the planned activities in the class (including various programmes) but also motivate parents to involve in them (b); discuss individually with parents their children’s skills, interests and desires (c); ensure regular communication with the child’s parents (d); if the parents share their concerns with the

\(^{71}\) Diane Powell, PhD; Glen Dunlap, PhD; Lise Fox, PhD, Prevention and Intervention for the Challenging Behaviors of Toddlers and Preschoolers, Infants & Young Children, Vol. 19, No. 1, http://depts.washington.edu/isei/iyc/powell_19.1_05.pdf (last visited on 25.04.2014).

\(^{72}\) Diane Powell, PhD; Glen Dunlap, PhD; Lise Fox, PhD, Prevention and Intervention for the Challenging Behaviors of Toddlers and Preschoolers, Infants & Young Children, Vol. 19, No. 1, http://depts.washington.edu/isei/iyc/powell_19.1_05.pdf (last visited on 25.04.2014).
teacher related to their child – it has to be valued as trust and the teacher has to cooperate (e); has to be able to communicate with parents in their home language\(^73\) (f); has to conduct home visits at their place of residence to receive a clear notion on the child’s household conditions and be able to fully understand the child’s developmental needs (g).

In order to prevent the commencement of risk situations or avert risks for the child's development at preschool and primary school stages, preventive practices have to be applied at the child’s home (in the family) and at school. Preventive practices are of a general nature, including informative and motivating early prevention measures that have to be planned for all the parents in common. Ensuring parents with information, organization of various thematic discussions and skills development activities are considered preventive practices. If the child is already at risk or shows risk behaviour, it means that the prevention practice measures have been unsuccessful and there is a need for an early intervention method. Early intervention methods can be theoretically divided into four groups: aimed at the development of parental skills and improving of familial relations (a). In this case it is possible to apply a group method to the parents; individual consultations with specialists in a close circle (one of the parents and the specialist or both parents and the specialist); if necessary, individual consultations with a psychologist or healthcare specialists have to be organised. In order to develop skills necessary for parents, modelling method is used, as well as role–plays, conversation sessions with children where parents, for instance, discuss with their child an issue important for parents or in the family whereas the specialist observes this communication and introduces his/her observations to the participants of the conversation. In addition, methods for general problem discussing and solving, communication trainings and playing skills for parents together with children are used. Socio-emotional skills development programmes (b) aim at teaching social skills to children at early age and reduce problem behaviour risks. Although such educational programmes may be used as general methods of early prevention focusing on particular target groups or solutions of problems, they are applicable also as early interventions. Early interventions include: cooperation games and the development of friendship skills, ability to understand and show one’s emotions, empathy, skills of self-pacification and self-management, problem solving in conflict situations. It has been studied\(^74\) that such implementation of interventions for children at preschool and primary school age is effective and reduce the most common behavioural risks. Also combined interventions (c) consisting of purposefully planned activities, beneficial both for children, teachers and parents, are considered very effective\(^75\). The difference of combined interventions lies in the fact that all the three players – child, parents and school – are involved together. Special interventions have to be applied for children with permanent

\(^{73}\) Author’s note: in this case it means the teacher and parents’ communication at the same level of comprehension. For instance, if the child’s parents have a lower level of education or differ by any other specific features, then the communication should be appropriate for the parents to understand. If the pedagogue’s attitude is arrogant or thoughtless, it will not be in the interests of the child’s well-being and safety.

\(^{74}\) Diane Powell, PhD; Glen Dunlap, PhD; Lise Fox, PhD, Prevention and Intervention for the Challenging Behaviors of Toddlers and Preschoolers, Infants & Young Children, Vol. 19, No. 1, http://depts.washington.edu/sei/yyc/powell_19.1_05.pdf (last visited on 25.04.2014).

behavioural problems (d), based on the assessment of risk and needs of these children. As the result of these interventions, the behavioural model that may lead to harmful consequences for the child and others has to be replaced by a model of behaviour that stimulates the child’s development. Therefore, a positive behaviour support approach is used ensuring a solution of an individual nature for the problematic behaviour; the intervention is implemented in the child’s natural living environment and focused on the formation of new skills for the child. This approach consists of the identification of problematic behaviour, understanding of causes, and recognition of the existence of such behaviour or its objectives. When it is done, a positive behaviour plan is set focused on the desired model of behaviour (change in behaviour) and the acquisition of new social skills. The accomplishment of the positive behaviour plan is supported and enhanced by the team consisting of the child’s family, parents (or other caregivers), as well as specialists who perform intervention. The team is led by the person performing intervention, psychologist, social worker or social pedagogue and the persons who have been trained in performing interventions. Each team member shares his/her experience in the child’s development and the implementation of the positive behaviour plan. The programme starts with the assessment of the child’s risks and needs in order to understand problem causes and identify solutions. The process of accomplishment of the positive behaviour plan is evaluated on regular basis and corrections are entered in the plan in case of necessity. The plan is considered accomplished when the child’s behaviour has improved and the majority of risks have become controllable or stopped existing. Finishing this kind of intervention, the satisfaction of parents, family and pedagogues with the results is evaluated and the child expresses his/her opinion.

Problematic or even antisocial behaviour for children at preschool or primary school age is not rare but its development may result in long-term consequences in the child’s development. Therefore, recognising the risks for successful child’s development it is very important for adults: parents, teachers and other specialists to have proved and evident-based methods for solving this kind of problems.

**Approaches for the prevention of children's antisocial and problematic behaviour in Latvia: practice and legal framework**

Problematic and antisocial behaviour in children and crime prevention of children and youth (juveniles) in Latvia is understood in a narrower sense than in the publications and studies analysed in the previous chapters. The concepts of early prevention and intervention are not defined as well as they are not included in legislative instruments. Despite the fact that prevention is a set of purposefully developed activities, formally it is split with a high level of institutionalization for some parts of it. Therefore, inter-institutional cooperation framework fails to form in practice, although it is the main pre-condition for the implementation of prevention. As the result, there is a situation that prevention measures related to a range of specific risks of children's age groups does not work or work insufficiently. Traditionally, prevention in Latvia is related to children and youth who already show serious behavioural
risks or are in serious risk situations, or have already committed crimes\textsuperscript{76}. Activities that are aimed at children until one year of age or at early childhood stage\textsuperscript{77} are not classified as prevention. As the result, children of that age are not included in the comprehensive net of prevention or safety; instead, such services are ensured which are considered the most necessary for the particular age group by the respective responsible institutions within the framework of their competence and thus correspond to this competence.

In fact, prevention does not include also children in cases of early problematic behaviour. It is formed to react only when any consequences appear that can be formally registered. It has to be evaluated positively that recently, when prevention measures slowly play more and more important role in the community, several publications have been made with the research scope on juvenile delinquents\textsuperscript{78} or the implementation of social assistance and social behavioural correction programmes\textsuperscript{79}. The multidisciplinary nature of the practical implementation of all type prevention measures has also been analysed and found its place both in the studies\textsuperscript{80}, and the methodology materials\textsuperscript{81}, thus stimulating the development of inter-institutional cooperation and the formation of inter-institutional workgroups in regions.

However, looking from the aspects of prevention theory, including that of early prevention, which has been analysed in the previous chapters, it is obvious that prevention, in fact, includes purposeful measures that are oriented to the child's successful development and last from the pregnancy till maturity (a) and envisages early interventions (b), which do not need any formal consequences as the ground for the initiation of their implementation. Based on the nature of early prevention, it is enough with considered worries about the risks against the child's development or the existence of such risk situation to start the implementation of prevention measures. Besides, it has to be taken into account that the group of preventive activities that is oriented at a wider society\textsuperscript{82} (for instance, children's parents in general) or at a particular group of society\textsuperscript{83}, has to be performed also without the recognition of risks for

\textsuperscript{76} NVO darbs ar jauniešiem likumpārkāpējiem pēc to atbrīvošanas no ieslodzījuma vietas, Rokasgrāmata darbam ar jauniešiem (NGO work with juvenile delinquents after release from prison. Handbook for working with youth), N.Praliža, http://ekl.i.lv/?wpfh_d=76 (last visited on 27.04.2014).


\textsuperscript{78} Sociālās korekcijas un sociālās palīdzības programmas vadlīnijas un metodika (Guidelines and methodology for social correction and social assistance programmes); D.Landmane, A.Maceiko, I.Podziņa, D.Vanaga, V.Gluščenko, I.Štekele, http://www.bti.gov.lv/lat/metodiska_palidziba/nepilngadigo_likumparkapeju_uzvedibas_socialas_palidzibas_un_socialas_korekcijas_programma/ (last visited on 27.04.2014).


\textsuperscript{81} Sociālās korekcijas un sociālās palīdzības programmas vadlīnijas un metodika (Guidelines and methodology for social correction and social assistance programmes); D.Landmane, A.Maceiko, I.Podziņa, D.Vanaga, V.Gluščenko, I.Štekele, http://www.bti.gov.lv/lat/metodiska_palidziba/nepilngadigo_likumparkapeju_uzvedibas_socialas_palidzibas_un_socialas_korekcijas_programma/ (last visited on 27.04.2014).

\textsuperscript{82} Author’s note: according to the terminology used in the legislation of Latvia – general prevention.
particular individuals or groups but it has to be based on facts and practices proved in research. Only in cases when the child already shows antisocial behaviour or is in the situation that is in any way risky for his/her further development individual prevention programmes should be implemented in the form of interventions. 

The guidelines for the prevention of juvenile delinquency and protection of children against crime 2013 – 1019 clearly show that the lack of early prevention system as well as the systemic deficiencies of prevention measures lead towards a constant fight of law enforcement and education institutions with the consequences that appear as the result of a late reaction to the problems of the child and the family at an early stage. Although the number of crimes committed by children in Latvia is decreasing, it has to be related with a significant decrease in the number of children in Latvia in general. Child crime rate in Latvia is still high: “...the overall statistics on the registered crimes and persons who have committed them show the tendency of decrease in juvenile delinquency both in short term and medium term. Analysing the statistical data, it has to be taken into consideration that the overall number of children in the country is decreasing. According to the data from the OCMA Population Register, from January 2009 till January 2012 the number of children registered in the country has decreased by 21330 children (-5,8%), but the number of registered juveniles has decreased even by 23804 (-23,95%). In 2011, 907 crimes committed by juveniles were disclosed and taken to court. Comparing the data from 2011 with the data from 2008, the number of crimes committed by juveniles has decreased by 490 criminal acts (-35,07%). In the first 9 months of 2012, the accusation was initiated for 668 crimes committed by juveniles. In 2011, juveniles committed 420 serious crimes. In three years, the number of serious crimes committed by juveniles has decreased by 180 crimes (- 30%), nevertheless, it has to be admitted that the rate of serious crimes has remained at a high level ( in 2008 – 42,94%, in 2011 – 46,3%, in 9 months of 2012 – 40,26%). The most popular types of crimes committed by juveniles are: theft, hooliganism and robbery.

Also the number of victimised children decreases. At the same time it has to be noted that the tendency of children suffering from violence particularly in their families increases. The guidelines for the prevention of juvenile delinquency and protection of children against crimes 2013 – 1019 state that most frequently juveniles suffer from burglary and hooliganism against them, forcible sexual assault, rape, leading to depravity, cruelty and violence, including domestic violence. The authors of the guidelines base their conclusions on studies which state that children in Latvia suffer from being beaten by parents, sexual abuse in family, emotional violence, being left without care. It is emphasised that the numerous cases

83 Author’s note: for instance, such children who bite other children at preschool, their parents and families. More information on the example: Ron Banks and Sojin Yi, Dealing with Biting Behaviors in Young Children, http://ecap.crc.illinois.edu/poptopics/biting.html (last visited on 27.04.2014).
84 Author’s note: not all individual interventions can be considered as special prevention as they are applied not only for the subjects of special rights (children who have already violated legal provisions) but also for children’s families and such children who have not yet violated any legal provision formally though their behaviour has to be considered antisocial or defiant.
86 Ibid.
87 Ibid.
of termination of parental and custody rights prove that very often parents do not change
their behaviour against children and fail or cannot do parenting in an adequate manner. The
study\textsuperscript{89} shows that \textit{young children in Latvia are particularly unprotected} against violence; the
lack of parental care is often connected with high level of children traumatisms already at early
age, including the cases when young children become victims of violence resulting in injuries
or even death. Moreover, young children\textsuperscript{90} are exposed to the risks of emotional and physical
violence also at educational institutions, including exclusion, name-calling, taking away
belongings, slander. The guidelines for the prevention of juvenile delinquency and protection
of children against crimes 2013 – 2019 indicate that education institutions do not have access
to efficient mechanisms how to avert such violence. The studies\textsuperscript{91} show that education
institutions would be glad to develop a violence prevention plan but they lack knowledge in
this field or common basic principles. Frequently, teachers feel helpless to change things for
better because parental participation and work of other responsible institutions is passive
therefore each school solves conflicts among students within their possibilities.

Taking into consideration the problems in creating safe environment for children’s
development, as referred to in the Guidelines for the prevention of juvenile delinquency and
protection of children against crimes 2013 – 2019, attention has to be turned towards the
Guidelines on the National family policy for 2011 – 2017\textsuperscript{92}. These guidelines mention a list of
problems that still have not awaited their solution during several years:

\begin{enumerate}
\item[a)] A large number of children suffer from various traumas the reason of which is very
often unsafe environment and the lack of parental responsibility and attention;
\item[b)] service providers’ offers are hardly appropriate or inappropriate for families, especially
for families with young children, as well as for children with special needs, for instance,
child care services, baby nursing rooms, safe trading, recreation and entertainment
places;
\item[c)] pedagogues lack knowledge and comprehension about the most appropriate action
how to avert complicated situations when a social or critical problem has to be solved;
\item[d)] there is no inter-institutional cooperation among agencies and institutions that should
be involved in the provision of the necessary support to families;
\item[e)] children lack understanding about the issues related to the family: planning, values,
distribution of responsibilities, child upbringing and care – the lack of these skills have
a negative impact on their future lives and results in repeating their parents’ negative
experience;
\end{enumerate}

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\textsuperscript{89} Mazu bērnu tiesību aizsardzības izvērtējums (Evaluation of Protection of Rights for Young Children), A.Putniņa,
\textsuperscript{90} Author’s note: in the case of this example it is primary school and school in general; there are no news about
mobbing at preschools however the existence of this phenomenon is not excluded.
\textsuperscript{91} Vardarbība jeb mobings Latvijas skolās (Violence or mobbing in Latvian schools), Z.Rūsiņa,
\url{http://www.bernskacietusais.lv/lv/petijumi/kkk/vardarbiba-jeb-mobings-latvijas-skolas-2009--175/} (last visited on
27.04.2014).
\textsuperscript{92} Guidelines on the National family policy for 2011 – 2017, \url{http://polsis.mk.gov.lv/view.do?id=3583} (last visited on
27.04.2014).
\end{flushright}
f) the acquisition of social skills in family and school is related to various stereotypes on
the person's role in the community and family. It often creates low self-confidence,
fear of mocking and a desire to humiliate others thus compensating the lack of the
person's inner confidence;

g) reaching the age of majority young people have not acquired the necessary skills and
abilities to find occupation to make a living. Adolescents have limited accessibility to
professional skills acquisition possibilities within the system of education and in
practical work.

In order to solve the identified problems, the programme has key directions for activities and
results but the activities are fragmented and do not give a unified, purposeful and systemic
set of solutions that would aim at the identification and effective elimination of the mentioned
problem causes before unwanted consequences for children's development and safety appear.

The general liability of a child for violations of law and prevention thereof is provided for in
Chapter 9 of the Protection of the Rights of the Child Law. However, the attention has to be
turned towards the fact that this legal framework is applied only for children with already
existing behavioural risks as well as for the children who have already committed criminal
acts. Article 58 of the Protection of the Rights of the Child Law defines the procedure for the
organisation of work for the prevention of violations of law committed by children. Although
Part 1 of Article 58 determines that the work with children for the prevention of violations of
law shall be carried out by local governments in collaboration with the parents of children,
educational institutions, the State police, State Probation Service, public organisations and
other institutions, it does not stipulate directly the inter-institutional nature of preventive
work. Due to that, this legal enactment gets interpreted very widely or ignored by its
applicants. Besides, Part 1 of Article 58 of the Protection of the Rights of the Child Law does
not get related to Part 4 of Article 210 of the Latvian Administrative Violations Code that
stipulates that local governments may establish a sub-commission for child matters of the
administrative commission in order to examine at least those administrative violations that
are committed by children who have reached 14 years of age. Practice analysis shows that
the advantages of inter-institutional cooperation are important, therefore several
municipalities of Latvia, on the basis of Part 4 of Article 210 of the Latvian Administrative
Violations Code establish inter-institutional cooperation groups aimed at the cases of juvenile
administrative violations and discussions on urgent issues related to the prevention of
children's antisocial behaviour. Nevertheless, this is not at all the best version for the
implementation of prevention measures in an inter-institutional level because of the lack of
proper legal framework for the practical work.

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94 Author's note: it is stipulated that the State Probation Service involves in this cooperation only regarding its
juvenile clients.
95 Author's note: peer consultations No. 1 and 2 (26.02.2014 and 11.04.2014) in the project "Reducing youth at risk
numbers: modelling early childhood intervention approaches", unpublished material. More about the project at:
visited on 27.04.2014).
Part 2 of Article 58 of the Protection of the Rights of the Child Law narrows the possibilities to apply this legal provision for prevention\(^{96}\) as its terms and provisions in practice\(^{97}\) are applied only for the groups of children referred to in this legal enactment. Namely, children who: have committed criminal offences and are not in detention during the pre-trial investigation period (a); are found guilty of the commission of the criminal offence but the sentence is not connected with deprivation of liberty (b); are released from criminal liability (c); are released from imprisonment or from the place where they are serving sentence (d); have committed illegal acts set out in the Criminal Law prior to attaining 14 years of age (e); have committed illegal acts as set out in the Administrative Violations Code more than two times (f); begs, is vagrant or performs other acts which may lead to illegal actions (g).

From the point of view of early prevention of children antisocial behaviour it is worth paying attention to the Prevention of the Rights of the Child Law, Article 58, part 2, point (g) that stipulates that local governments establish a prevention file and formulate a social behaviour correction programme for each child who not only begs, is vagrant but also performs other acts which may lead to illegal actions. It has to be mentioned that this provision is applied in practice in the context of the provisions set out in Part 2 of Article 59 of this law. They stipulate that in cases provided for in this particular article, the conveyance of a child to the police is permissible if it is not possible to provide assistance to the child in another way.

At the same time, it has to be admitted that the evaluation on whether particular acts of the child\(^{98}\) may lead to illegal activities has to be done by a person who is able to identify such activities. Thus, it can be concluded that any adult whom the child meets on daily basis – parents, teachers, social workers, pedagogues of extra curriculum activities, sport trainers, police officers and others – may be classified as such persons. In fact, it means that in order to have Article 58, part 2, point (g) of the Protection of the Rights of the Child Law work properly these adults should be able to identify children behavioural risks – it means, actions as the result of which the child may become an offender and/or cause damage to other persons, as well as be able to deliberately intervene in this situation with such methods that would stop the acts which may lead to illegal activities and prevent the identified risks.

Meanwhile, the provisions of Part 2 of Article 59 of the Protection of the Rights of the Child Law stipulate that in cases where the police determine that the child is vagrant, begging, intoxicated with narcotic or toxic substances or alcoholic beverages or there is an unfavourable family environment or that other circumstances exist that may be harmful to the child they shall inform the relevant custody court and social service. It means that the legislator has provided for that the police in the performance of their direct duties may identify such circumstances that are not yet harmful for the child but may become such. Taking this into consideration it is possible to conclude that, in fact, the Protection of the Rights of the Child Law foresees a potential contact of the institutions with early risks of the children's antisocial behaviour and children welfare, however these situations are admitted only indirectly and do not envisage early intervention methods. Thus, any child who would be identified being in the “other circumstances that may be harmful to the child” according to

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\(^{96}\) Author’s note: in this case, not only early prevention is meant but preventive measures in general which may be applied for a child starting his/her “prevention file and developing a behaviour social correction programme”.

\(^{97}\) Ibid.

\(^{98}\) Author’s note: a list of such acts is not provided.
Article 59, Part 2, in fact, would enter into the sight either of the custody court or social service of the local municipality. The work of the custody court is regulated by the law stipulating the legal framework of its operation. Looking from the point of view of early prevention, the custody court is authorised to take and supervise the implementation of the decisions related to the determination of the child’s legal status in the context of care, as well as to perform the protection of the child’s rights and interests in the cases specified by the law. The general duties of the custody court do not include early prevention measures, including the performance of intervention content in the form of programme.

Social service of the local municipality by receiving information from the police about a child who has been recognised as being in "other circumstances that may be harmful to the child", according to Article 58 of the Protection of the Rights of the Child Law may establish a prevention file for the child and formulate a social correction programme for the child, as well as implement the programme in collaboration with the custody court and the police. Although a unified recommended format is available for the establishment of prevention file, development of social correction programme and recording of its progress, the content of the programme formulated by the local municipality depends directly not on the needs of the child and his/her family according to the recognised risks but on the financial – organisational possibilities of the particular municipality. The studies show that in the context of Article 58 of the Protection of the Rights of the Child Law preventive work in local municipalities in most cases is organised only for children at medium or high risk, whereas early prevention depends on the interpretation of the specialists working for the particular social service.

It is clear that the identification, recognition and elimination of the child’s antisocial behaviour risks at early stage of their development are possible only by deliberate planning and performance of preventive work. However, early prevention of antisocial behaviour is possible also without the implementation of the complicated mechanism regarding the risks, namely – by involving young children and their parents in particular activities of individual prevention. The Protection of the Rights of the Child Law does not stipulate the age of the child to whom a prevention file should be established and the social behaviour programme should be developed. There is no doubt that in this way the legal framework includes all persons who have not attained 18 years of age. Even interpreting Article 58 and 59 of the Protection of the Rights of the Child Law in a very narrow sense, prevention activities for children at early childhood are possible.

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100 Ibid., Article 17.
101 Ibid., Article 17.
104 Author’s note: in this context, young children are children aged approximately 2 to 9; more about children age groups and their peculiarities (in Latvian): http://www.bti.gov.lv/lat/metodiska_palidziba/metodiskie_ieteikumi_darba_ar_berniem/?doc=818&page= (last visited on 27.04.2014).
In order to clarify how the prevention measures provided for in the Protection of the Rights of the Child Law are applied in practice, at the end of 2013 the Ombudsman's office of Latvia conducted a research\textsuperscript{105} which stated that in 18 local municipalities in Latvia the age border for the application of social behaviour programmes is not set; 2 municipalities start them at preschool age (3 years of age); 2 municipalities start the programme when the child is 5 to 6 years old; 21 municipality – at school age (7 years); 5 municipalities– from 8 years of age; 4 municipalities – from 9 years of age; 9 municipalities – from 10 years of age; 12 municipalities – from 11 years of age; 14 municipalities – from 12 to 13 years of age; 16 municipalities – from 14 years of age, whereas 6 municipalities start the implementation of social behaviour correction programme when the child is 15 to 16 years old. It cannot be stated from the above mentioned information that those 18 municipalities that do not have age borders for the initiation of preventive work certainly perform early prevention. It is possible to conclude that in 43 municipalities, possibly, particular prevention activities are carried out for young children aged 3 to 10. In 48 municipalities, however, early prevention with young children most probably is not performed at all as they apply prevention measures only for children starting from 11 years of age.

Quantitative results of the study\textsuperscript{106} show that the majority of local municipalities have very poor or hardly any preventive work with children from all age groups. In 2013, 18 municipalities had not developed any social behaviour correction programmes for children; 13 municipalities developed a programme for one child; 19 municipalities – for two children; 9 municipalities – for three children; 14 municipalities – for four children; 5 municipalities – for five children; 6 municipalities – for six children; 5 municipalities – for seven children; 3 municipalities – for eight children. Only 13 municipalities had such programmes developed for 10 to 20 children, 6 municipalities – for 20 to 30 children; 2 municipalities – for 30 to 40 children, but only one municipality developed programmes for 40 to 50 children. In the majority of local municipalities social services receive information about the necessity to formulate and develop a social behaviour correction programme mostly from the police (in 103 municipalities), more seldom – from education institutions (in 50 municipalities).

It proves that content-wise\textsuperscript{107} the main attention is paid to the work with adolescents and youth at early age with high and medium risk whereas preventive work with children at early childhood stage is performed more seldom or never. The study shows that in 103 municipalities local social services are responsible for the development of social behaviour correction programmes, in 6 municipalities – inter-institutional commissions, in 5 municipalities none of the institutions is responsible or the responsibility is not set, in 4 municipalities – municipal police and the custody court, in 2 municipalities – youth centre or youth specialist. The study reveals that no preventive work as stipulated in Article 58 of the Protection of the Rights of the Child Law is performed in Jūrmala, Bauska municipality, Nereta municipality and Pāvilosta. Surprisingly small amount of files has been established in 2013 in


\textsuperscript{106} Ibid.

\textsuperscript{107} Author’s note: on the basis of Article 58, part 2 of the Protection of the Rights of the Child Law.

Specialists indicate\(^{108}\) that at the moment of conducting the research a very small overall number of active social behaviour correction programmes was identified: 60 municipalities had 3 or none active cases/files; Jelgava and Riga had 87 files each, whereas Tukums municipality – 59 files. At the same time, it is very difficult to evaluate the number of active cases because the legislation does not stipulate the time period in which the established preventive file is considered active. During the study, specialists found out that often even so called active cases do not envisage any activities with the child or the family – frequent are the cases when the children even do not suspect that they have a social behaviour correction programme developed for them. Specialists interviewed within the study\(^{109}\) have indicated that, although it is possible to establish the framework for the programme, the main reason for this situation is the lack of content activities within the programme: there are no specialists – narcologists, psychologists, social pedagogues – which could provide services to the children and their families, as well as the treatment programmes for addictions; the process, in its turn, is hindered by the lack of motivation and competence for the specialist to perform such services; there are very limited possibilities to offer other useful spare time activities for children, poor opportunities to offer job for juveniles, and negative attitude from the community. Unambiguously, the aforementioned indicates to a formal and non-systemic approach to prevention planning in Latvia in general which is most probably the main reason for the lack of contentful prevention activities.

In order to motivate specialists to develop new, not only external resource-dependant, approaches for prevention, including early prevention of children’s antisocial behaviour and developmental disorders, at the end of 2013 the Centre for Public Policy PROVIDUS started the implementation of the project “Reducing youth at risk numbers: modelling early childhood intervention approaches”\(^{110}\). The project is based on the hypothesis that a child’s antisocial behaviour is a consequence of ignoring the child’s needs in his/her early childhood. Therefore, the objective of the project is to develop innovative methods for social work in regions of Latvia to reduce risks that cause antisocial behaviour in children. The target group includes 48 children that are exposed to risks of social exclusion and their families. The project has been initiated in Kuldīga, Saldus and Cēsis, whereas the international experience is obtained from Bulgaria and other countries in the European Union.

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\(^{108}\) 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.


Project activities include:

a) work with parents and children in regions of Latvia;

b) establishment of inter-institutional cooperation groups with an objective to ensure intensive exchange of information among the responsible institutions and organisations while ensuring also a regular review of on-going problems, finding solutions and setting up an inter-institutional coordination;

c) increasing the professionalism of specialists, including through consultations with colleagues from other regions;

d) identification and implementation of the best practices from abroad.

The project is planned to finish on 31 October 2015 and result in the promotion of change in philosophy when working with children and families, including the application of various early prevention methods, and the formation of children-friendly and inclusive society both in particular regions of the country and in Latvia in general. The specialists involved in the project are working on the models of inter-institutional cooperation which would be efficient particularly in their municipalities. The elaboration of methodology plays a significant role in order to identify and prevent behavioural risks in children in due time, as well as to implement early prevention measures in preschools and primary schools. At the final stage of the project PROVIDUS researchers will introduce the community with the results and findings of the study. It has to deliver a deeper insight about the situation in the field of early prevention of antisocial behaviour in children and the most efficient models of its implementation in regions where the resources for the organisation of such activities are limited.

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Laws and Regulations


Dr. Andrejs Judins has national reputation as leading specialist of Latvian Criminal law and Criminal Justice. In 1993 he graduated the Faculty of Law of Latvian University and in 2007 he received his doctorate in the Latvian Police academy. From 1994 to 2009 A. Judins was a lecturer and associated professor of the Latvian Police academy, where he has taught criminal law and criminal policy courses. Since 2011 he is visiting professor in Riga Graduate School of Law, where he teaches comparative criminal law. From 2002 to 2011 he was leading researcher of the Centre for Public policy PROVIDUS. Since 2010 Dr. A. Judins is an expert of the Latvian Council of Science (Humanities and Social Sciences Experts, scientific discipline - Legal Science). A. Judins has actively participated in more than 20 research projects, evaluated and generalized Latvian courts’ practices as well as participated in the working groups of the Ministry of Justice and Ministry of the Interior with a purpose to expertise and prepare amendments of the Criminal Law and other laws and regulations. Andrejs Judins is also the author of more than 100 publications (monographs, books, scientific articles).

A victim of crime is a person affected by a crime or criminal offence, it means that the person has been injured morally, suffers physically or has material damage caused by the harmful act. The person suffers from the crime already when it is being done and also after it - it is an objective fact and it does not depend on whether the crime has been reported to the police, whether the criminal proceedings have been initiated, and whether the person has been recognised as a victim by the decision of the person directing the proceedings.

The criminal proceedings approach in determining the circle of victims is narrower – its aim is to state the procedural standing of crime victims and the amount of related rights and duties in the initiated criminal proceedings. The Criminal Procedure Law (CPL) does not ignore the pain and needs of a crime victim. However, its standards are formed, first of all, for taking care of an effective and quick investigation of the case and disclosure of the crime. The aim of the Criminal Procedure Law - to determine the order of criminal proceedings that ensures the effective application of the norms of the Criminal Law (CL) and the fair regulation of criminal legal relations without unjustified intervention in the life of a person - cannot be achieved without turning the attention towards the interests of the victim. Though, due to the aim declared in the CPL the care for the victim does not become the absolute priority of the criminal proceedings but gets subordinated to the criminal procedural interests - the need to acquire and verify the news that is meaningful for the particular criminal proceedings, as well as to disclose the criminal proceedings without delay.

The view on the victim of crime through the criminal procedural prism is too limited. According to the Criminal Procedure law, a person is not recognised as a victim of crime if:

- the criminal offence is not reported to the police;
- the person directing the proceedings has denied the initiation of the criminal proceedings after the acquisition of the information on the crime\(^{111}\);
- the person directing the proceedings terminates the criminal proceedings without taking the decision about the recognition of the person as a victim\(^{112}\);

\(^{111}\) For instance, in cases when the fact of the harm caused is not doubted but criminal liability is extinguished, the person who committed the crime has died or the harm has been caused by a person under the age of criminal liability.
• the person has informed the person directing the proceedings that he or she does not want to acquire the procedural standing of a victim;
• moral injury and physical suffering to the person has been caused not directly but as to a representative of a specific group or part of society.

The work of a police officer, public prosecutor and judge is directed towards the disclosure of the criminal offence, application of criminal liability and punitive measures to the offender, as well as the compensation of the damage caused, which is very important both to the victim and the society as a whole. Nevertheless, the person who has suffered from the criminal offence has also other specific interests and needs that are not always in the scope of the person directing the criminal proceedings. The victim of crime has an important need for considerate and respectful attitude towards him or her; possibility to be recognised as a victim, acquire support and psychological, medical, legal and social aid; possibility to participate in rehabilitation events and take part in the process of restoring justice.

Recognising and respecting the narrow approach for determining the victims, which is an essential process to achieve the criminal procedural aims, it has to be noted that in other legal relations – not connected to the disclosure and investigation of the crime – the term “victim” can be and is defined differently, unlimited to the definition from the CPL. The definition of the victim as provided for in the Article 95 of the CPL is not comprehensive – other regulatory enactments can have a broader understanding of the concept “victim” than it is in the CPL.

Latvia does not have yet an integrated support system that would provide for and ensure help for victims. The Criminal Procedure Law stipulates the procedural rights and duties of a victim but it does not regulate the procedure related to the possibility of a victim to receive all the needed support and aid. The content and availability of victim support tools are stipulated by other regulatory enactments.

In 2012, The Information Centre of the Ministry of the Interior established the system Information system to support juveniles (ISSJ) – a unified information system for data processing on juveniles who have come to the notice of the police, social services, educational institutions and other agencies in relation to various risk factors, including suffering from violence. The aim of the ISSJ is to enhance the inter-institutional cooperation and ensure the exchange of information among law enforcement institutions, social and educational institutions on the children at risk. The ISSJ works in compliance with Article 67.2 of Protection of the Rights of the Child Law and the Regulations of the Cabinet of Ministers issued in 2014 „Regulations of the Information System for Supporting Juveniles”\(^\text{113}\).

The concept of a juvenile victim can be explained using only the criminal procedural approach but this explanation will not be sufficiently broad and comprehensive. A wider understanding

\(^{112}\) For instance, in cases when the offence has been recognised as not having caused such damage to apply criminal punishment to the offender.

is ensured by Protection of the Rights of the Child Law\textsuperscript{114} (PRCL) that focuses on the child’s pain and recognises that a victim is a child who has suffered from a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning act. The legal norms defined in the Protection of the right of the Child law that stipulate the rights of the child, its freedoms and protections thereof have to be obeyed also in the criminal proceedings.

According to the Criminal Procedure Law, a minor victim is a person under the age of 18 – a child to whom damage has been caused by a harmful act or failure to act. Taking into consideration that Article 220 of Civil Law provides for the possibility to recognise as an adult a person who has reached 16 years of age, there are cases when a person at the age of 16 or 17 years may be recognised as a person of legal age and therefore the special regulatory enactments that are applied to juveniles are not applicable in situations when such persons have suffered from a criminal act. In case if the juvenile to whom the harm has been caused by the criminal offence has died, the procedural standing of the victim may be acquired by an ascending relative, the adopter or a collateral relative of the first degree of the deceased.

Concerning the understanding of the concept “juvenile victim” it is important to follow the difference among material and procedural criminal law – the material criminal law pays attention towards the age of the person at the moment of crime commitment, whereas the criminal proceedings take into consideration the age of the person during the particular criminal procedural activities. For instance, if, according to the Article 174 of the CL, the person is being held liable for the commitment of cruel or violent treatment of a minor at the age of 17, the qualification of the crime will not change as the victim reaches his/her age of majority. Whereas the peculiarities stipulated in the CPL in relation to the juveniles are binding only until the day when the victim reaches his or her age of majority.

The age of the person alone is not a factor that influences the acquisition of the procedural standing of a victim. However, the law stipulates that the interests of a minor in the criminal proceedings are represented by an authorised representative who has all the rights of the victim whereas the minor may not independently implement these rights, except for the rights to provide testimony and express his or her view. Reaching the age of 15, the role of the juvenile victim increases and he or she may implement his or her procedural rights together with his or her representative. Reaching the age of 18 the victim may at his or her own discretion choose the person to represent his or her interests in the criminal proceedings or refuse to have a representative and implement his or her criminal procedural rights himself or herself.

In the criminal proceedings the minor may be represented by a relative – mother, father, one of the grandparents, a brother or sister of legal age, the guardian, a representative of an authority protecting the rights of children or a representative of a non-governmental organization that performs the function of protecting the rights of children. In case if there

http://likumi.lv/doc.php?id=49096
are several persons at the same time who want to represent the victim in the criminal proceedings, the person directing the proceedings takes into consideration the possibilities and desire of the particular persons to protect the rights of the juvenile victim and denotes one of the persons as the representative. Deciding on this matter, the sequence specified in Article 104, part 2 of the CPL shall be observed.

If there are no persons who could represent the interests of the juvenile victim in the criminal proceedings (1) or the person who can be recognise as the representative of the juvenile victim is not able to ensure efficient protection of the victim’s rights and interests (2), the person directing the proceedings may invite an attorney to represent the juvenile victim and the state covers the expenses thereof.

A person may acquire the criminal procedural standing of a victim if the police has information that indicate a possible commitment of a criminal offence and the decision has been made to initiate criminal proceedings based on this information. A possible commitment of a criminal offence may be reported by any person, including a child who has suffered from a possible criminal offence, the witnesses of such crime, parents and relatives of the child, as well as the third parties that have acquired the information indirectly about a possible commitment of a criminal offence. In accordance with Article 51, part 3, of PRCL, persons who have information on criminal offences committed against children have a duty to report on that to the police or other competent institutions and authorities.

The more information is acquired about the offence and possible offenders, the easier and quicker it is possible to investigate the circumstances and facts of the commitment of the crime. At the same time, it has to be noted that the law does not demand the informer to provide information of the amount that would ensure the disclosure of the crime and proving of the guilt – the victim of crime and other persons shall not refrain from reporting crime to the police even if the information, to their mind, is not sufficient to disclose the criminal offence.

The criminal offence can be reported by calling to the emergency number 110, attending the police station, or sending the information by e-mail or post. Children may do that independently or with the support from other persons – mother, father, relative, teacher, a representative of an authority protecting the rights of children or a representative of a non-governmental organization, or other.

Taking into consideration that in accordance with Article 177 of the Civil Law a child is under the custody of his or her parents until reaching the age of majority a crime committed against the child is often reported by his or her parents. Receiving information about the facts that indicate to a possible commitment of a criminal offence, the officer from investigating authority or the public prosecutor makes a decision on the initiation of criminal proceedings. In accordance with Article 6 of the CPL (Mandatory Nature of Criminal Proceedings) the official who is authorised to perform criminal proceedings has a duty within his or her competence to initiate criminal proceedings and to lead such proceedings to the fair regulation of
criminal legal relations provided for in the Criminal Law in each case where the reason and grounds for initiating criminal proceedings have become known. Police officers may not discourage the victims from reporting on the crimes – neither the reference to enormous workload nor possible complications during the disclosure of the crime and identifying the perpetrator may be the ground for obtaining person’s refusal to report on the fact of a committed crime.

The process of the criminal proceedings is organized and lead by a state official – the person directing the proceedings and it is his competence to recognise a person as a victim in the criminal proceedings. Not only the conviction of the person or his or her representative that the child has become a victim of crime makes the ground for such decision but also the facts that indicate that a harmful act forbidden by the Criminal Law has been committed and thus damage or suffering has been caused to a minor. Upon receiving such information, the person directing the proceedings makes a decision to recognise the person as a victim. A minor may acquire the procedural standing of a victim if his or her representative agrees. If the representative of the minor does not desire the child to be recognised as a victim in the criminal proceedings, the child may acquire the status of a witness in the criminal proceedings.

The child has to be recognised as a victim not only in the cases when the perpetrator has achieved his criminal purpose but also in cases when the crime has not been committed completely due to external factors, for instance, victim resistance, interference by a third party or other factors, when the committed act may be classified as an attempted criminal offence. The possibility to acquire the criminal procedural standing of a victim does not depend on whether there is a person alleged or accused for the commitment of the crime at the moment of decision making. The irresponsibility of the perpetrator may not be the ground for the refusal to recognise the child as a victim either.

The age of criminal liability in Latvia is fourteen years of age which means that a person may not become a victim in the criminal proceedings if the damage was caused by a person who has not attained 14 years of age. In this case, the criminal proceedings shall not even be initiated, the initiated criminal proceedings shall be terminated thus denying the person to use the rights to protect his or her interests stipulated in the CPL, and the conflict caused by the illegal act may be solved using civil tools. If the criminal act against a minor has been committed by another minor who has attained 11 years of age but who has not attained 14 years of age the criminal proceedings shall be terminated sending the materials for the application of compulsory measures of a correctional nature for the juvenile perpetrator to the judge. In such cases, the person to whom damage or suffering was caused shall not be recognised as a victim in the criminal proceedings but the standing of a victim may be acquired in accordance with the Law on Compulsory Measures of a Correctional Nature 115.

The child who has not been harmed directly by the committed crime does not acquire the standing of victim in the criminal proceedings. It is understandable looking from the narrow

criminal procedural perspective, though it is important to take into consideration that the observation of violent and aggressive behaviour may be traumatic for the psyche of the child – witness and the child may need support and help. Every child has his or her rights and needs to be protected, to live in a safe environment, to receive psychological and other kinds of support. The lack of the procedural standing of a victim may not be an obstacle for receiving the necessary care and support. It is not needed to amend the CPL or broaden the circle of victims in the criminal proceedings to provide it to the child. The opinion can be agreed on that the application of the status of a victim to every person who feels morally injured or unsafe due to the committed crime would not only make the process of the criminal proceedings more complicated but also impede the fair regulation of criminal legal relations.

However, it is important that the institutions that provide and ensure psychological, social, legal and other support and help to the victims identify their clients not in accordance with the definition of a victim from the CPL but by evaluating the consequences caused by the crime to the particular person, abstracting themselves from the standing of a person in the criminal proceedings. The regulatory enactments that provide for the content and amount of such support should define the receivers of this support as “the persons who have been recognised as victims in the criminal proceedings and other persons to whom damage or suffering has been caused by the criminal offence”. The person directing the proceedings, in his or her turn, should take into consideration that crimes cause damage also to the people who do not acquire the procedural standing of a victim and thus do not have victim’s rights provided for in the CPL.

In the process of the fair regulation of criminal legal relations also other persons who have not acquired the procedural standing may be interested as much as the victim. Taking this into consideration, it is important to ensure judicious possibilities to participate in the elimination of the consequences of the particular crime also to those people. For instance, in the criminal proceedings that has been initiated due to a violent offence at school the procedural standing of a victim is acquired by the child to whom bodily injuries have been caused, his or her mother and father have the rights to represent the child in the criminal proceedings whereas the persons who shall give the information non the conflict have the status of witnesses in the criminal proceedings. However, such conflict affects also the interests of other persons – students who are not involved directly in the conflict, their parents, teachers. It is not necessary for all these persons to give testimony during the pre-trial investigation and participate in the hearing but it is important to provide the possibility to the interested persons to receive information on the progress of the criminal proceedings and participate in such mediation activities as reconciliation meetings.

The procedural standing of a juvenile victim, the amount of his or her rights and duties has been stipulated both in the Criminal Procedure law and other regulatory enactments. Chapter 6 of the CPL lists the rights and duties of the victims in the pre-trial criminal proceedings and during the trial, whereas other chapters of the CPL include the legal provision that regulate the implementation of these rights and duties in details. Particular legal provision for the regulation of the standing of a victim can be found in the „Law On State
Compensation to Victims\(^{116}\), State Ensured Legal Aid Law\(^{117}\), State Probation Service Law\(^{118}\), in the Regulations of the Cabinet of Ministers Procedures for Providing Support to the Child Who Has Suffered From Wrongdoing\(^{119}\), Procedures and Amount of Compensation for Criminal Procedural Expenses\(^{120}\) and other legal enactments.

The acquisition of the standing of a victim in the criminal proceedings does not mean the responsibility for the person to actively implement the rights stipulated in the law. The representative of the juvenile victim, as well as the child himself or herself if he or she has attained 15 years of age shall implement his or her rights voluntarily and in an amount designated by him or her. The non-utilisation of rights shall not delay the progress of the proceedings. The types of the participation of the juvenile victim and the representative thereof as well as the acceptable amount of participation are stipulated by the Criminal Procedure Law.

*The victim has the right to be treated with respect.* This important principle is not directly secured in the Criminal Procedure Law and the norms are not formulated in a way that would demand the persons directing the proceedings to acknowledge the suffering caused to the person, respect the victim’s harmful experience, demonstrate empathy, provide emotional support and assistance that would alleviate the pain caused by the criminal offence. It is important to take into consideration that in accordance with Article 5 of PRCL state institutions are subjects of the protection of children’s rights, which means that also the employees of the police, prosecutor’s office and other state institutions have the duty to work so that they ensure the protection of children’s rights in the country. Article 5.1 of PRCL emphasises that police officers, public prosecutors and judges need special knowledge in the field of child protection. It is also important to take into account that, for instance, the Professional Ethics and Conduct Code of the State Police Personnel stipulates that a police officer in his or her interaction with inhabitants respecting and defending dignity of a human being shall be decent and tolerant.\(^{121}\) Also the Code of Ethics for Prosecutors of Latvia emphasises that the prosecutor shall not verbally or by action create a false impression about his or her lack of impartiality or biased attitude, shall not express or support opinions which are directed toward restrictions or insults on the grounds of race, gender, religion, nationality, disability, age, sexual orientation, material or social status. The Prosecutor shall be tolerant and polite in contacts with visitors, witnesses, victims and other participants of proceeding which he or she shall encounter.\(^{122}\)

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Ensuring the interests of victims, the legislator has prohibited to publish an image of a victim recorded as a photograph, video, or by other types of technical means, in the mass media during procedural actions without the consent of such victim except if such publication is necessary for the disclosure of a criminal offence, and the information acquired in the pre-trial criminal proceedings until the completion thereof shall be divulged only with the permission of an investigator or a public prosecutor. There are more prohibitions for disseminating information regarding the child – in accordance with Article 71 of PRCL it is prohibited to interview a child and disseminate to the press and other mass media information in regard to the child who has become a victim of an illegal activity, except in cases where the child himself or herself expresses the desire to openly disclose what was experienced and the parents or other lawful representatives of the child, as well as the person directing the proceedings, consent to it. The law prohibits also disseminating personally obtained information regarding a child who has become a victim, as well as such information that could harm the child now or in the future.

**A victim has the right to receive information about their rights and duties in the criminal proceedings.** The Criminal Procedure Law stipulates certain special norms that provide for the information to the victim about his or her rights, for instance, in accordance with Article 174, part two, of CPL the performer of an investigative action shall explain to a person being interrogated the rights and duties provided for him or her. Providing information to a juvenile victim it is important to take into account the age and level of maturity of the minor and to present the information in the manner and form understandable for the child.

**Directive 2012/29/EU of the European Parliament and of the Council** that stipulates the minimum standards of victims’ rights, support and protection emphasises that the victims has the right to understand and to be understood, which means that Latvia and other EU Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings, including where information is provided by that authority. The state has the responsibility to ensure that communication with victims is given in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim including age and level of maturity. When providing information, sufficient detail should be given to ensure that victims are treated in a respectful manner and to enable them to make informed decisions about their participation in proceedings. Such regulations shall be observed fully when providing information also to a juvenile victim and the representative thereof.

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The juvenile victim/the representative of the juvenile victim has the rights to receive legal aid, inviting an attorney-at-law or an assistant attorney-at-law. In accordance with State Ensured Legal Aid Law, state ensured legal aid in criminal proceedings may be obtained by a victim who has a status of a low-income or needy person (a) or suddenly find himself or herself in a situation and material condition which prevents from ensuring the protection of his or her rights (due to a natural disaster or force majeure, or other circumstances beyond the person's control), or are on full support of the state or local municipality. Amendments for Criminal Law, adopted on second reading, stipulate that henceforth state ensured legal aid may be received also by juvenile victims and their representatives in the criminal proceedings for the crimes related to violence committed by the persons upon whom the victims depend materially or in any other way, as well as in the cases if the criminal offences have threatened children's morality or sexual inviolability.

The juvenile victim and his or her representative have the right to receive information about the progress and content of the criminal proceedings. The person directing the proceedings is not obliged to report every procedural action to the victim, nevertheless the information shall be given about the progress of the criminal proceedings after the victim's representative's or/and victim's request. The Criminal Procedure Law does not have special legal provisions that would regulate the provision of such information to the victim. Taking into consideration Article 31, part 1, point a) of Protection of Children against Sexual Exploitation and Sexual Abuse, amendments are initiated for the Criminal Procedure Law that stipulate that a juvenile victim and the representative thereof in the criminal proceedings for the crime related to violence or directed towards sexual inviolability or morality have the right to receive information on the progress of the criminal proceedings.

In the cases determined by law, the person directing the proceedings is obliged to provide particular information to the representative of the juvenile victim or/and the victim. For instance, in accordance with Article 413, part four, of CPL, the public prosecutor is obliged to inform the victim or the representative thereof regarding the taking of a decision and the sending of the criminal case to a court, by sending the person a copy of the decision. In accordance with Article 417 of CPL, the public prosecutor is obliged to send to the victim (victim’s representative) a copy of the decision on the termination of the criminal proceedings, conditionally releasing from criminal liability, and notify regarding his or her rights to examine the materials of the criminal case and to appeal the decision taken to the next higher-ranking public prosecutor.

Framework Decision 2001/220/JHA, Article 3

126State Ensured Legal Aid Law. Law of the Republic of Latvia, adopted on March 17, 2005
http://www.likumi.lv/doc.php?id=104831

127Amendments to the Criminal Procedure Law. Draft law

The right of the representative of the juvenile victim and the victim to receive information about the progress of the criminal proceedings is not defined in the law in detail and can be stated through a teleological and systemic interpretation of the CPL. The victim and/or the representative of a juvenile victim in the pre-trial criminal proceedings has the right to familiarise himself or herself with the Criminal Proceedings Register\textsuperscript{129} and to submit a recusation to officials entered therein; to familiarise himself or herself with a decision on the determination of an expert-examination before the transferral thereof for execution, and to submit an application regarding the amendment thereof, if the expert-examination is conducted on the basis of the victim's application. After the completion of pre-trial proceedings, the victim and/or the representative of the juvenile victim has the right to receive the copies of the materials of the criminal case to be transferred to a court that directly apply to the criminal offence with which harm has been caused to the victim, if such materials have not been issued earlier, or with the consent of a public prosecutor to become acquainted with the materials of the criminal case. The victim and/or the representative thereof in pre-trial criminal proceedings is eligible to submit a request to the investigating judge in order to get acquainted with the materials of the special investigation actions that are not appended to the criminal case (primary documents).

The victim an/or the representative thereof in a court of first instance, as well as in a court of appeals has the rights: to be informed about the place and time of the trial in a timely manner; to familiarise himself or herself with the court adjudication and the minutes of a court session; to receive a copy of the appellate complaints if the adjudication of the court of first instance is appealed in the part regarding the criminal offence in which harm was caused to the victim; to receive an adjudication of a court of appeals on the day specified by the court.

The victim/the representative thereof in a court of cassation has the rights: to receive a copy of the cassation complaints, if the adjudication of the court of appeals is appealed in the part regarding the criminal offence with which harm was caused to the victim; to receive information regarding the time, place and procedures for the examination of the complaints.

The juvenile victim, as well as other participants of the criminal proceedings, has the right to a fair regulation of criminal legal relations. It prescribes the termination of the criminal proceedings in a timely manner, the imposing of a fair punishment or any other criminal legal measure to the perpetrator, the compensation of the damage caused, and other measures that can enhance the restoration of justice.

The victim in all stages of the proceedings and in all types thereof may settle with the person who caused harm to him or her. A settlement procedure may be initiated with the consent of

\textsuperscript{129}A Criminal Proceedings Register is the registration page, inserted in each criminal case, which begins with an entry regarding the initiation of criminal proceedings and ends with an entry regarding the entering into effect of a final adjudication. The following information is entered in a register: the initiation of the criminal proceedings, the legal classification of the offence and further direction; the legal classification of the offence; holding person criminally liable and the legal classification of the offence; the officials who perform the particular criminal proceedings and other information that is referred to in Section 376 of the CPL.
the victim and/or the representative of the juvenile victim and it shall be interrupted if the victim and/or the representative thereof have made an announcement on refusing to reconcile. If the representative, of the juvenile victim, the mediator or the representative from the custody court, taking into account the age of the juvenile victim and the type and nature of the crime, holds an opinion that the participation of the child in the settlement procedure may harm his or her psychological development, the child shall not participate in the settlement procedure and his or her interests are protected in full amount by the representative thereof.

From the perspective of the criminal proceedings, there is no difference whether the solution (settlement) of the crime between the victim and the offender is concluded with or without the participation of a mediator, attorneys or other persons. The participation of third persons in the settlement procedure does not strengthen the requirements of the settlement agreement and the absence of third persons does not provide grounds for doubting the result of the settlement. In order to recognise the agreement between the victim and the offender as a settlement agreement and enable the consequences referred to in the CPL, it is significant that the agreement is concluded voluntarily without fraud, duress or deceit.

Taking into consideration that the settlement procedure with the participation of a neutral mediator ensures better provision of the victim’s rights and prevents psychological harassment, the legal acts in Latvia define such norms that lead to a wider application of mediation (settlement with the participation of a mediator). In accordance with Article 13 of State Probation Service Law the State Probation Service ensures the possibility for the victim and the person who has committed a crime to engage voluntarily in the process of mediation, besides it may be organised not only in the course of the criminal proceedings but also before the initiation of the criminal proceedings, after the imposing of the punishment on the perpetrator, as well as beyond the criminal proceedings – in cases when compulsory measures of a correctional nature may be applied to a minor.

In all the stages and types of the criminal proceedings the victim and the representative thereof has the right to participate in the criminal proceedings in the language that such person commands and use the assistance of an interpreter free of charge, whose participation shall be ensured by the person directing the proceedings. The Criminal Proceedings law does not stipulate whether by using the assistance of an interpreter the victim has the right to interpretation or translation. Taking into consideration that on May 23, 2013, the amendments to the Criminal Proceedings Law were adopted that should broaden the rights of the accused and the suspects to interpretation and translation of the actions within the criminal proceedings, it would be logical to stipulate also the cases when the victim may request and acquire translations.

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The victim and/or the representative of the juvenile victim have also the rights referred to in the Criminal Proceedings Law to influence the process of the criminal proceedings, submitting applications, complaints, and recusation for certain officials involved in the criminal proceedings, as well as appeal procedural decisions in pre-trial criminal proceedings in accordance with the cases, term, and procedures specified by law.

The victim and the representative thereof in a court of first instance, as well as in a court of appeals, have the rights: to submit a recusation to the composition of the court, an individual judge, a maintainer of state prosecution, and an expert; to participate in the examination of the criminal case; to express his or her view regarding every matter to be discussed; to participate in an examination performed directly and orally of each piece of evidence to be examined in court; to submit applications; to speak in court debates; to appeal a court adjudication in accordance with the procedures specified by law; to submit objections against trial of the case in a written procedure in the institution of appeals; and to submit a cassation complaint.

The victim and/or the representative thereof in a court of cassation have the right to submit a recusation to the composition of the court, or an individual judge; to submit objections regarding the complaints of other persons in writing or orally if the complaints or prosecutor's objections are examined in an oral procedure; to submit a substantiated request regarding the examination of a complaint in an oral procedure in an open court session in his or her presence; to maintain or withdraw his or her complaint.

The CPL provides not only for the procedural rights of the victim but also the duties. The amount of the victim's duties is not big and the main objective for setting these duties is to prevent the situation that the progress of the criminal proceedings is hindered by the victim's and/or victim's representative's unwillingness to participate in the investigative actions. Article 103, part two, of CPL stipulates that the victim does not have a duty to use his or her procedural rights – it may be performed at his or her own discretion, however the victim has a duty to arrive for the performing of criminal proceedings at the time and place indicated by an authorised official, and to participate in the investigative action. The victim and/or the representative thereof have a duty to respond to the request of the person directing the proceedings and immediately notify in writing the postal or electronic address for the receipt of his or her consignments. By this notification the victim and/or the representative thereof undertakes to receive consignments sent by the official performing the criminal proceedings within 24 hours and to arrive without delay on the basis of a summon of the person directing the proceedings or perform other particular criminal-procedural duties.

The representative of the juvenile victim, as well as the juvenile victim if he or she has attained 14 years of age, may be subjected to conveyance by force only in cases if he or she has failed to arrive to the place of investigative actions on the basis of a summons by the person directing the proceedings without a justifying reason. Conveyance by force shall not be applied to a juvenile victim who has suffered from violence committed by a person upon
whom the victim is materially or otherwise dependent, as well as in the cases when the child has suffered from sexual abuse.

A court psychiatric or psychological expert-examination of the victim or an expert-examination related to the examination of the victim's body may be conducted only with the consent of the victim and/or the representative of the juvenile victim. In accordance with Article 204, part two, of CPL the above mentioned expert-examinations may be conducted by force in case where the conditions to be proven in the criminal proceedings cannot be ascertained without such expert-examinations and the decision to use the expert-examination is made by the investigating judge. Upon taking a decision on it, the investigating judge has to take into consideration that procedural compulsory measures – both conveyance by force and placement in a medical institution for the performance of an expert-examination – may not be applied to the juvenile victim who has not attained 14 years of age, as well as to the juvenile victim who has attained 14 years of age if he or she has suffered from violence committed by a person upon whom he or she is materially or otherwise dependant, or if he or she has suffered from sexual abuse.

The Criminal Procedure Law regulates in details the procedures of an interrogation of a minor. Interrogation in the criminal proceedings is an investigative action which is performed to acquire or maintain information that can be provided by the person on the circumstances that are meaningful in the initiated criminal proceedings. Before an interrogation, the person directing the proceedings explains the victim's rights and duties to the victim and if the victim has attained 14 years of age notifies his or her regarding the liability for refusing to testify or for the conscious provision of false testimony. A juvenile victim who has not reached 14 years of age, or, on the basis of the discretion of the performer of the investigative action, any juvenile victim, shall be interrogated in the presence of a pedagogue or a specialist who has been trained to perform the tasks of a psychologist for children in criminal proceedings.

One of the lawful representatives of the minor – a relative of legal age or a trustee – has the right to participate in the interrogation if he or she is not the person against whom the criminal proceedings have been initiated, a detained person, a suspect or an accused, and if the minor does not object to such participation. The length of an interrogation of a minor shall not exceed six hours, including an interruption. If a psychologist indicates to the person directing the proceedings that the psyche of a person who has not reached 14 years of age or the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially or otherwise dependant, of human trafficking or sexual abuse may be harmed by repeated direct interrogation, it shall be performed only with the permission of the investigating judge, but in a court – with a court decision. The victim may be interrogated regarding all the circumstances and any person involved in the criminal proceedings but the victim has the right not to testify against himself or herself and his or her immediate family.

If a psychologist considers that the psyche of a person who has not reached 14 years of age or the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially or otherwise dependant, a victim of human
trafficking or sexual abuse may be harmed by a direct interrogation, it may be performed with the intermediation of technical means and a psychologist. In such cases the person directing the proceedings and other persons invited by him or her shall be located in another room where technical means shall ensure that the person to be interrogated and the psychologist may be seen and heard. The person being interrogated shall be located together with the psychologist in a room that is suitable for a conversation with a minor and in which it has been technically ensured that the questions asked by the person directing the proceedings are heard only by the psychologist. If the investigator or the public prosecutor does not agree to the interrogation with the intermediation of the psychologist, the direct interrogation may be performed only with the permission of the investigating judge. The representative of the juvenile victim together with the victim or independently has the right to submit a recusation to the officials who perform the criminal proceedings, interpreters, and specialists, if they consider that these persons are personally interested in the result of the criminal proceedings.

It must be noted that the submission of the recusation does not automatically mean an objection for the participation in the criminal proceedings to these persons. The recusation has to be justified, and in case the above mentioned persons are interested in the result of the criminal proceedings or there is a reasonable ground to believe that such interest may exist, the person shall withdraw from participation in the criminal proceedings. The person directing the proceedings or the officials specified by law shall, on the basis of the initiative thereof or on the basis of an objection, suspend the participation of the persons referred to in the proceedings if they have not excused themselves.

**The juvenile victim has the right to acquire compensation.** According to Article 22 of CPL a person upon whom harm has been inflicted by a criminal offence shall be guaranteed procedural opportunities for the requesting and receipt of moral and financial compensation, taking into account the moral injury, physical suffering, and financial loss. Taking into consideration the moral injury,133 physical suffering and the amount of financial loss caused to the victim, the representative of the juvenile victim submits the amount of the harm and uses his or her procedural rights for acquiring moral and material compensation. Compensation is an element of the regulation of criminal-legal relations that an accused pays voluntarily or on the basis of court adjudication.

The representative of the juvenile victim has the right to submit an application regarding the compensation for the harm caused in any stage of the criminal proceedings up to the commencement of court investigations in a court of first instance. The application shall justify the amount of the requested compensation for financial losses134, whereas the amount of compensation for moral injury and physical sufferings shall just be indicated. The application may be submitted in writing or expressed orally. The failure to ascertain the person being held criminally liable shall not be an impediment to the submission of the compensation.
application. The submitted compensation application may be recalled at any stage of the criminal proceedings up to the moment when the court retires to make a judgement. The refusal of the victim and/or the representative of the juvenile victim to request compensation may not be grounds for the revocation or modification of prosecution, or a justifying judgement.

The court determines the amount of the compensation by assessing the submitted application and taking into account the amount of financial losses caused (a); the seriousness of the crime and the nature of its commitment (b); the physical suffering, permanent mutilation and loss of ability to work caused by the crime (c); the depth and publicity of the moral injury (d); mental trauma caused as the result of the crime (e). The causer of harm may voluntarily agree to the amount of the compensation specified by the victim, or the amount may be determined by a mutual agreement between the guilty party and the victim. Such agreement shall be drawn up in writing or recorded in the minutes of the procedural action on the basis of a request of both parties.

If the victim and/or the representative of the juvenile victim consider that the compensation obtained within the criminal proceedings is not sufficient and only partially covers the damage caused by the crime, the non-received part of the compensation may be requested in accordance with the procedures specified in the Civil Procedure Law. In this case, the victim and/or the representative of the juvenile victim is discharged from the state fee for the submission of the requirement application. The adjudication in criminal proceedings regarding the guilt of a person is binding in the adjudication of a civil case, which means that within the civil proceedings it is not necessary to examine the facts that are determined within the criminal proceedings. Satisfying the civil legal request of the victim regarding the compensation for the damages caused, the amount of the compensation determined within the criminal proceedings is taken into account.

Children – victims of violent crimes who are recognised as victims within the criminal proceedings have the rights to state compensation for the damage caused. The procedures of compensating the damage caused to the victim and the amount of the state compensation are provided for in the law “On State Compensation to Victims”.

The right to the state compensation is recognised if, as a result of an intentional criminal offence:

- the death of the child has occurred;
- severe or moderate bodily injuries have been caused to the victim;
- sexual inviolability or morality of the child has been violated;
- the juvenile victim has suffered in the result of human trafficking;
- the victim was infected with human immunodeficiency virus, hepatitis B or C.

http://likumi.lv/doc.php?id=136683
The victim has no right to receive the state compensation if the child has suffered from a criminal offence in the field of traffic safety and if the victim has the right to insurance compensation in accordance with Compulsory Civil Liability Insurance of Owners of Motor Vehicles Law.

The payment of the state compensation does not depend on whether the perpetrator and the joint participants of the criminal offence have been identified. The victims may receive the state compensation also in cases when the perpetrators are identified but not held criminally liable, for instance due to state of incapacity or being under the age from which criminal liability applies.

The maximum amount of the state compensation to be paid to one victim of a criminal offence is 5 minimum monthly wages specified in the Republic of Latvia, i.e. 1600 euros. The compensation is paid in the maximum amount if the death of a person has occurred; in the amount of 70% of the maximum amount if severe bodily injuries have been caused to the victim or the crime has been classified as rape or the satisfaction of sexual desire in an unnatural manner using violence, or the morality or sexual inviolability of a minor has been violated, or the victim has suffered from human trafficking; in the amount of 50% of the maximum amount if moderate bodily injuries have been caused to the victim or the morality or sexual inviolability of the victim has been violated, or the victim has been infected with human immunodeficiency virus, hepatitis B or C.

In accordance with Article 367 of CPL the victims, as well as other members of the criminal proceedings, have the right to obtain compensation for procedural expenditures – compensation to cover travel expenses that are related to arriving at the place of the performance of the procedural action and returning to the place of residence, payment for accommodations; as well as sums that are paid as an average work remuneration for the term wherein the victim did not perform the work in connection with the participation in the procedural action.136

Security of the juvenile victims and their right to protection. The state has the duty to take care of the security of the victim and his or her relatives and to prevent repeated and secondary victimisation. In order to reach these objectives, special measures can be applied that avert the opportunities of intimidation of the victim and vengeance, defend victim's dignity during the interrogation and provision of testimony.

Taking care of the victims' security, security measures can be applied to the suspect and the accused. The application of such measures is connected to the risks that the person will continue criminal activities, hinder pre-trial criminal proceedings or court, or avoid such proceedings and court. Nevertheless, also the possible influencing, intimidating of the victim or causing damages to him or her shall be considered as the circumstances to affect the decision making on the application of security measures to the offender. The detailed list of

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security measures is included in Article 243 of CPL. In relation with the provision of the victim’s security, the following measures are of great significance: prohibition from approaching a specific person or location; residence in a specific place; prohibition on a specific employment; bail; placement under police supervision; house arrest; arrest; placement of a minor in a social correctional educational institution.

The decision of the application of a security measure shall be made taking into account all the circumstances of the case, behaviour of the suspect/accused in the criminal proceedings, risks of hindering the progress of the criminal proceedings or avoiding it, or continuing criminal activities. Victims' security is one of the factors that influence the choice of a particular security measure. In case if the victim/the representative of the juvenile victim considers that this factor is turned insufficient attention to, he or she may ask the person directing the proceedings to apply a security measure to the suspect/accused (a), amend the measure applied to another (b), or apply additional security measure to the person (c).

In order to ensure the protection of the life, health and other legal interests of the juvenile victim, special protection may be applied the types and regulations of which are stipulated in Chapter 17 of the CPL (Special Procedural Protection) and Special Protection of Persons Law. The right to receive special procedural protection is applied for the children who have suffered from serious or particularly serious crimes, as well as less serious crimes the liability for which is stipulated in Articles 162 and 174 of the CL, and for the children who do not have the procedural standing of a victim but who have testified regarding the mentioned crimes.

The child may be recognised as a person under special protection if the representative of the juvenile agrees on that and there is a real threat to the child’s life, health or property, or information that gives reasonable grounds for believing that a threat may be real in connection with the testimony provided by the juvenile. The juvenile may refuse special protection only with the consent of the representative thereof.

The special protection of a person may be: a security guard for the child; the movement of the person to confidential residential premises; the issuance of identification documents with different personal identity data; the change of the permanent place of residence and work of the person to be protected; as well as other measures of protection referred to in the law.

The right of the juvenile victim to access to medical and psychological assistance. Medical Treatment law and the Regulations of the Cabinet of Ministers The Procedures on the Organization and Financing of Health Care guarantee state financed emergency medical assistance, treatment of acute diseases and planned medical assistance for children until 18 years of age. The Criminal Procedure Law provides for the participation of a psychologist.

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(trained specialist for the duties of a psychologist) in the interrogation of a minor, as well as the possibility to interrogate minors with the intermediation of a psychologist.

In accordance with Article 51 of PRCL the child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall be provided with emergency assistance free of charge, in accordance with the procedures stipulated by the Cabinet of Ministers, in order to ensure the regaining of the child’s physical and mental health and reintegration into society. Such medical treatment and reintegration shall take place in an environment favourable to the health, self-esteem and dignity of the child, carefully guarding the child’s intimate secret. Protection of Children against Sexual Exploitation and Sexual Abuse stipulates the duty of Latvia and other countries to perform all the necessary activities to provide short-term and long-term assistance to the children who have suffered from sexual violence and sexual abuse in their process of physical and psychosocial recovery.

Article 52 of PRCL stipulates the establishment of special institutions or sections in general medical institutions and the allocation of special resources in the state budget for the medical treatment and rehabilitation of the child suffered from violence. The expenditures for the medical treatment and rehabilitation of the child are covered by the state and afterwards collected from the guilty persons by subrogation procedures. It is prohibited for the child who has suffered from violence:

- to be left alone, except in cases when the child himself or herself wishes to be left alone and this choice is considered appropriate by a psychologist who has been trained and prepared for the work with children who have suffered from violence;
- to be left without psychological and other form of care;
- to be confronted by the possible perpetrator of the violence (illegal act) while the child is not sufficiently psychologically prepared for such confrontation;
- To be subjected to the use of any compulsory measures in order to obtain information or for any other purpose.

The child who has suffered from violence in his or her family or for whom a real threat of violence exists shall be immediately provided with extra-familiar care, if it is not possible to isolate the guilty persons from the child.

In accordance with Social Services and Social Assistance Law, the state ensures the social rehabilitation of the children who have suffered from violence and who have been victims of

http://likumi.lv/doc.php?id=49096
human trafficking. The procedures on obtaining state funded rehabilitation services and the amount thereof are specified by the Regulations of the Cabinet of Ministers.

On December 22, 2009 the Cabinet of Ministers adopted the regulations „Procedures for Providing Support to the Child Who Has Suffered From Wrongdoing“144. The regulations set the procedure of granting aid, financed by the state budget, to children who are victims of an unlawful act – crime, exploitation, sexual abuse, violence or other unlawful, cruel or demeaning acts, in order to ensure the regaining of the child’s physical and mental health and reintegration into society.

In accordance with the Cabinet Regulations, if the medical institution provides aid to a child who has potentially suffered from violence, the medical institution is obliged to immediately report the case to the police and the municipal social service. If the custody court has suspicions that the child has suffered from the violence of his or her parents, it informs the municipal social service and when the child has received the necessary treatment and medical rehabilitation sends the child to a psychologist or social worker in order to assess whether the child needs social rehabilitation. Social rehabilitation services at the place of residence or institution are provided in the form of consultations (not more than 10 consultations, 45 minutes each) or in the form of social rehabilitation course at a social rehabilitation institution. Based on a justified application from the provider of social services, the rehabilitation course may be prolonged up to 30 days or the complex rehabilitation course may be prolonged up to 60 days.

The necessary medical and psychological assistance to the victims shall be ensured by the state also in cases when the victim is recognised as a person under special protection in accordance with the Special Protection of Persons Law145.

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Laws and regulations


Court practice

ANDIS RINKEVICS

JUVENILE DELINQUENCY PREVENTION – PERSPECTIVE OF THE STATE POLICE

Andis Rinkevics holds a Master Degree in Public Management (Vidzeme University of Applied Sciences). Since 2004 A. Rinkevics has worked in State Police, paying specific attention to improvement of work's quality system, including promotion of work methods that are focused on the victims. A. Rinkevics has organized cooperation on international level, he is experienced in project drafting, project management and has worked with issues related to quality management system. A. Rinkevics is National representative of Latvia within European Crime Prevention Network which joins the experts from European Union member states for development of crime prevention.

There are many reasons why special attention should be turned to juvenile delinquency prevention. It is not a secret that the majority of adult offenders start their criminal activities already in early childhood or adolescence. Therefore, the more we decrease the level of juvenile deviant behaviour, the more we have positive influence on long-term crime rates. In order to do that, it is not sufficient just to raise available funds – more attention has to be turned towards increasing the efficiency of juvenile delinquency prevention. The State police see their possibilities exactly in the increase of this efficiency.

Increasing the efficiency of prevention in the State police. Analysing former police practice in juvenile delinquency prevention it is inferable that the police has two mainstreams in the preventive work with juveniles, namely, within general prevention when educating children about various safety issues and risks and within individual prevention which occurs mainly when the minor has already been noticed by the police for various types of offences. The increase in the efficiency is needed for both mentioned areas.

Increasing the efficiency of prevention in the State police

It is well known that a part of juveniles („A“ – see the picture) from the total number of juveniles becomes victims or commit a crime. One may ask: why does it happen? What can
we do against it? Do the activities performed within general prevention solve these problems and what evidence do we have? It is also not a secret that some juveniles who have suffered from a criminal offence become offenders themselves, and that a part of the current juvenile offenders commit repeated offences („B” – see the picture) despite the active work of the competent agencies and institutions. There are, though, minors who quit offending („C” – see the picture) due to the active work by various specialists. A question arises also here – why? Do the activities performed within individual prevention solve these problems and what is the evidence for that?

As the experience of police experts from various countries in the world shows the activities within general prevention have the least efficiency. Why? Because social prevention methods very rarely change the nature of the individual and it takes a lot of time. Sometimes general prevention is implemented without any specific and defined focus on a particular target group thus obtaining the “shadow” of a public relations activity more than it seems to be clearly formulated and considered preventive work. To my mind, it is exactly the aspect within general prevention that should be changed, i.e., general prevention should have a stronger emphasis on the work with juveniles from risk groups and developing cooperation network with various social partners which means, of course, also an increased active role of the juveniles themselves in the implementation of prevention activities.

<table>
<thead>
<tr>
<th>General prevention</th>
<th>Individual prevention</th>
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<tr>
<td>Work with risk groups</td>
<td>Efficient social correction programmes</td>
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<tr>
<td>Cooperation</td>
<td>and support programmes for victims with the participation of the State police</td>
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However, more than in general prevention, efficiency is needed to be increased in individual prevention. Frequently, the only social correction programme for the juveniles with deviant behaviour is “interrogation” with a social service officer. Besides, there is a lack of multiform social correction programmes which would focus directly on the nature of the crime because different methods should be used for the minor who commits larceny from merchants and for the minor who is violent. The increase in the efficiency of social correction programmes is one of the key factors for success.
Possibilities of the State police in delinquency prevention

It is wrong to consider that the police alone can solve delinquency problems. As the world experience and practice show, the police is the leading but only one of the forces involved. Regarding the work with juveniles within general prevention, the police is not able to provide efficient function of behavioural correction and it should not be a duty of the police either. This is the role of social partners.

The police as an expert in the field of crime and offences has to be responsible for other areas of this work. Regarding juvenile delinquents, the role of the police would include the identification of the offender at as early stage as possible and to perform the supervision and control over these persons. The role of the social partners would include the work with the juvenile to motivate him/her for changes. The police as a crime expert has to take responsibility over the environment – cooperating with social partners the police has to improve and change the environment according to the plan and various long-term prevention programmes ensuring that the environment does have influence on juvenile delinquency thus reducing also the number of juvenile victims.
Evaldas Visockas in 1998 graduated bachelor studies in Information Technologies and master studies in Statistics in 2000 in Vilnius Gediminas Technical University. Since 1998 works at NGO “Centre for Crime prevention in Lithuania”. He has started as statistical analyst working with criminal statistical data and participated in creation of Automated Statistical Information System (ASIS) – an open data bank of Lithuanian crime data. Later Evaldas Visockas worked as project manager, participated in many crime prevention projects as practitioner and as researcher. Since 2008 Evaldas Visockas is director of Centre for Crime prevention in Lithuania. In 2011 he joined Law Institute of Lithuania as Head of International relations office with responsibilities of developing and implementing academic research activities. At the moment he is also Secretary of Association of Lithuanian Criminologists. His research area covers policing, community and police relations, trust in criminal justice system, research of crime prevention system, juvenile justice and restorative justice.

Summary

If we ask people on the streets of Lithuania what associations do they have about police, the most common answer would be about a Traffic police officer: gesture with regulatory stick, stopped car, a fine. Parents threaten children with police if they don’t act as they were told. Stereotype of police institution as punitive institution is deeply rooted in society. This opinion is difficult to change. Ones who know less about police activities think that nobody tries to change this situation. But in reality police puts a lot of effort to change public opinion and to position police as an institution which provides services for community. One of the efforts was project of Police Department of Lithuania “Strengthening of police capabilities aimed at prevention of juvenile delinquency through the implementation of the restorative justice model”146. It was a piloting project. Police officers were trained and acted as mediators in their work with juveniles who committed minor crimes.

Violence and bullying at school, antisocial behaviour, minor theft – these are the cases when police can apply mediation, not fine or some other sentence in their work with juveniles. Mediation, first of all, is conflict solving, when the offender and all circumstances of the incident are known. The victim and the offender can meet and talk about the incident in order to understand the situation from other person’s point of view, to know how they feel about it. Both actors of situation (victim and offender) have a possibility of finding an option how to live without a future conflict in safe and controlled environment. Compensation of the harm that was done and reconciliation are important elements of mediation. This way conflict solving is useful for conflict parties and police. Both the victim and the offender can find a more suitable solution than fine or sentence, which do not affect the conflict. Sentence does not solve the conflict. Conflict may persist, become bigger and have more grave consequences, for example, by becoming a more serious crime.

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146 Project "Strengthening of Police Capabilities aimed at Prevention of Juvenile Delinquency through the Implementation of the Restorative Justice Model" was funded and implemented in 2010-2013 under European Commission programme Prevention and Fight against Crime 2009.
With a purpose to solve all these issues, project "Strengthening of Police Capabilities aimed at Prevention of Juvenile Delinquency through the Implementation of the Restorative Justice Model" was implemented. Further description provides results and findings from this project.

**Ideas that inspired police mediation project**

The main idea behind the project was that police actions in solving minor crimes with mediation can work as preventive measures for delinquent juveniles and are more effective than punishing. This also includes side effect of improving public opinion and perceptions about police work.

These ideas stem from recent criminological research findings. Two big European research projects funded under the Socio-Economic sciences and Humanities Programme of 7th Framework Programme for research of the European Union the EURO-JUSTIS and FIDUCIA are based on the idea that the main driver of social regulation is trust in justice. Public trust in justice is important for social regulation, and proposes a ‘trust-based’ policy model in relation to criminality. These research projects moved from earlier concept of criminal policy which analysed the question: “Why do people break the law?” to the new concept based on the question: “Why do people comply with the law?”. Most of the research findings concerning the relationship between citizens and the police confirmed that the level of trust in the police reflects the actions of the police. This assumes that the police can either increase or reduce trust through their own behaviour (Bradford et al., 2009; Skogan, 2005, 2006; Tyler, 2001; Tyler and Fagan, 2008). Belief that police behave effectively, fairly and represent the interests and express the values of the community is very important to people when we are speaking about the compliance with law and cooperation with this institution.

**Project objectives**

Overall project objective was to test mediation in police work with juveniles. Mediation in police was seen to be effective tool and faster solution for minor crimes and misdemeanours. Also it was seen as a tool for prevention of crimes and repeated crimes. Therefore, secondary objectives were: 1) increasing police work effectiveness, 2) improving crime prevention results. As a result of these activities improvement of police perceptions was expected.

To achieve these objectives a set of activities were planned:

- Creation of mediation methodology for police;
- Training of police officers;
- Conducting of piloting mediation cases;
- Assessment of project results.

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147 EURO-JUSTIS - Scientific Indicators of Confidence in Justice Tools for Policy Assessment (durations: 1/3/2008-31/6/2011) was a collaborative research project funded under the Socio-Economic sciences and Humanities Programme of 7th Framework Programme for research of the European Union.

148 FIDUCIA – New European Crimes and Trust-based Policy (durations: 1/2/2012-31/1/2015) is a collaborative research project funded under the Socio-Economic sciences and Humanities Programme of 7th Framework Programme for research of the European Union.
Why police mediation?

There are 2 different opinions about who should be doing mediation. The first one declares that mediation has to be done by independent and professional experts. The emphasis is made on the independence and professionalism of expert. In other words – an expert, who does not belong to the police forces, is more trusted by offender who is participating in mediation. Mediating police officer is less trusted because he is a representative of the Criminal justice system, which has put all its efforts to investigate an incident, identify and capture the offender. Offender has reasonable doubts if representative of Justice System will treat him as fair as the victim. This also is happening in the light that police is not much trusted institution in Lithuania. Trust in police in Lithuania is one of the lowest in the Europe. This applies not only to Lithuania but also to many Eastern European countries (see Figure 1).

*Figure 1 Trust in police*¹⁴⁹.

There are more facts showing distrust of people towards the police. Evaluation of Lithuanian police work by society is reflected in responses to the question: “Is police doing good or bad job in country?” Work of Lithuanian police was rated positively by 34.6 percent of respondents

¹⁴⁹ European Social Survey data. ESS5-2010, ed.3.0
while average result across the EU (including Norway, Russia, Ukraine and Israel, Switzerland) was 55.5 percent, and the highest rated countries like Finland and Switzerland had positive ratings that overtopped 80 percent\textsuperscript{150}. The ratings of police fairness and impartiality are quite low as well. According to European Social Survey data 55.8 percent of respondents in Lithuania think that police is often or very often fair and impartial. But more than 90 percent of Finish and Danish population think positively when answering this question. Considering this, it can be said that this is a serious reason for making decision against mediation in police.

Professionalism of police officer as mediator is also an issue for discussions and arguments. Mediation is rather complicated process. A person needs psychological knowledge and experience. Mediator must be skilled at management of dialog between two parties and techniques of conflict solving. Police officer is trained for routine functions and tasks which have punitive nature. Mediation would be one of many police officers’ functions. This process also takes more effort than applying a fine or other sanctions in a short term. So experienced and more skilled mediator would be able to deal with cases faster and more effectively. And he can concentrate on the mediation only.

To summarize, these were disadvantages of police mediation: perceptions of punitive institution, low trust, low morale and value alignment with community, division of society into groups of “us” and “them”. But what are the advantages?

Police is not trusted when it acts as punitive institution. Positive actions, like ensuring safety of citizens, helping in emergency cases, helping to crime victims, increase trust in police. Acting as mediators, police officers represent Police as service providing institution, institution which cares about citizen wellbeing and not only about the fines and punishing. This raises confidence and trust in police. The qualitative survey conducted during the project showed that people accept this role of police officer. People highlighted that they were pleasantly surprised by such police service. They never were treated this nice, and these actions changed their attitude towards police. Both victims of crime and offenders evaluated police officers in mediation process as impartial and fair. Despite small survey poll size project, positive piloting project results in changing public attitudes towards police can be observed.

Police faces and deals with conflicts every day. Every crime or misdemeanour is a conflict. In can be dealt with in a routine manner of police by punishing person and starting criminal proceedings. But this situation can be also solved in other way. Mediation can be applied in simple cases: neighbour quarrels, school fights, bullying, small theft cases. In these cases police can handle less serious crimes and misdemeanours in simplified way without a lot of formal procedures and, what is very important, much faster. Project idea was to replace long process of filling in document forms, complicated and long legal procedures with one or two mediation meetings, lasting 1-2 hours each. This way, police officer would save time and the result of mediation would be more satisfactory to both sides of the conflict.

\textsuperscript{150} Ibid.
If police officers will not be mediators, who will be? There are very few mediators in Lithuania and they usually work with business mediation cases because these are more profitable. There is no Association of mediators which can issue a diploma or certification of mediator, nor an institution which manages licensing of mediators. Mediation studies have been recently introduced by one of the universities in Lithuania, but specialists will be prepared only in few years. In other words, there are not enough professionally trained mediators to satisfy the existing demand in Lithuania.

Lithuanian Public police forces have Local police officers – they are so called District Inspectors. All the country’s territory (including cities and countryside) is divided into police districts. Each Local police officer is assigned to certain police district with population of 5000 inhabitants in the cities and with 3000 inhabitants in the countryside\(^{151}\). Lithuanian police forces also have Local police officers who are specifically assigned to work with juvenile delinquents (Juvenile Inspectors). Each police district has Juvenile Inspector. District Inspectors and Juvenile Inspectors know their neighbourhood and local inhabitants. According to Decree of Police Commissar General these police officers are responsible for communication with community in the district area, consulting and discussing security issues with community, receiving complaints, they also carry out investigation of administrative violations. The purpose of these functions is to make these officers known and trusted by the local community. They can be mediators if properly trained. This especially applies to Juvenile Inspectors in case of this project with juveniles.

**Faced problems**

In general, the work of police officers consists of solving conflict situations. The role of police officer is to “dress” the conflict into certain legal form. The result of every situation depends on this person’s discretion. The officer often decides which action to take when he is dealing with a case. Formally there is not much discretion left if police officer is tending to use mediation. In Lithuania term “reconciliation” is used in Criminal Code\(^{152}\): Article 38. Release from Criminal Liability upon Reconciliation between the Offender and the Victim.

A person who commits a misdemeanour, a negligent crime or a minor or less serious premeditated crime may be released by a court from criminal liability where:

1) he has confessed to commission of the criminal act, and
2) voluntarily compensated for or eliminated the damage incurred to a natural or legal person or agreed on the compensation for or elimination of this damage, and
3) reconciles with the victim or a representative of a legal person or a state institution, and
4) there is a basis for believing that he will not commit new criminal acts.

\(^{151}\) Decree of Police Commissar General 2/6/2009 No. 5-V-384 on Description of functions of Public Police Crime Prevention Subdivision Officer (District Inspectors).

Despite this possibility, a decision about release from criminal liability is made by court, not by investigating police officer.

Administrative Violations Code does not contain options neither for mediation nor for reconciliation. It is important to emphasize that large part of cases where mediation can be applied are administrative violations.

Essential problem for the mediation police is the absence of mediation concept in police system. This term and related functions is not introduced in Law on police activities\textsuperscript{153}, internal police Instructions or function description of different police forces. Considering the fact that all police activities and functions are strictly regulated by law and instructions, police mediation is almost impossible. Implementing mediation in police can be started only with changes in legal documents, procedures, internal police regulation documents. It is a long and complicated process and needs a decision on essential policy change regarding the police work.

Lack of legal regulation in police does not keep all police officers from solving conflicts in informal ways. A large number of 180 officers which were trained during the project time declared that they used some sort of “simplified mediation” or some mediation elements in their work. Sometimes legality of these actions was arguable. But for the police officers it seemed more just and appropriate to act in such manner in these situations and they expected better outcomes.

“Simplified mediation” has also some negative effects in opinion of project experts. Mediation is a complex process with certain sequence of stages. These stages have their own purpose. Leaving them out of the whole process makes mediation less effective or this process cannot be called mediation at all.

Next challenge was number of “clients”. Juvenile police inspectors usually work with juveniles who committed crimes and misdemeanours which are an object of Criminal Code. Schools in Lithuania have Commissions on Child welfare, which usually consist of Head of school, teachers, school social workers and school psychologist. They deal with school fights, antisocial behaviour and small thefts. If they cannot handle some cases, Juvenile Inspector is involved in the process. After police officers were trained and local schools were informed about the project, number of requests for Juvenile inspector and mediation increased significantly. The cases which schools dealt with previously were forwarded to police officers. Increase of workload made police to start thinking about who are their “clients” and who are not. Does the police have to deal with all cases of juvenile delinquency?

Police is not ready for dealing with serious cases which need long and complex mediation. Mediation in police was based on the idea of using fast and simple solution instead of punishing. It was about efficiency and effectiveness of conflict solving. It has to be admitted that not all mediation cases will be successful. More serious cases have lower chances of

\textsuperscript{153} Law on Police activities, 17/10/2000 No VIII-2048.
being finished with positive result. They need much more time, effort and experience. So, when speaking about mediation in police, one has to speak about setting certain rules for selecting cases for mediation. Only in this case this police function can be an effective tool.

Initiating mediation also depends on the work load calculation regulations in different institutions (police, prosecutors’ office, courts). Mediation is not on the list of police officer activities which are calculated as work load. That means that police officers will not be willing to use mediation, but will use fines, penalties and will start criminal procedures instead. This is an important aspect. Interviews with prosecutors and judges, who can initiate and offer reconciliation to parties of criminal process, show that including this activity in work load calculation, increases motivation of using it and results in bigger numbers of reconciliation in criminal cases154. By using analogy method we can predict that including mediation in police officers’ work load calculation, the motivation to use this work method will be increased as well.

“Police approach” problem is one of the obstacles for integration of mediation into police work. It is more related to officer’s understanding who police officer really is, how he should act, what are his functions and obligations to community or individual persons. Perception of police as punitive institution has affected police officers’ way of thinking as well. Police officers think that they must conform to an existing image. So they tend to act more as interrogators than as mediators. Only after long training process Juvenile inspectors started to change their habits in the described project. It is difficult to change the approach from looking for guilty person to conflict solving or dialog. Transition is not easy. Some persons can adopt these work methods while some cannot. Conclusion of project experts was that not every police officer can be a mediator. This especially applies to those working with juveniles. Police officer who works as a mediator has to be motivated and see the purpose of that what he is doing.

Some problems in police mediation in Lithuania are related with the lack of knowledge about mediation. Society does not know what “mediation” is. It is a new term in Lithuania. Even spelling checker in Microsoft Word automatically corrects “mediation” into “meditation” in Lithuanian. So, there is no surprise, that people do not know what mediation is for and what are the advantages of this process. The situation is almost the same with police officers. Mediation is not part of training courses for police officers. In order to get some use of this process, firstly, police officers must be trained and afterwards the information must be disseminated for communities. Anyway, start of mediation is difficult. A big part of time was spent explaining the conflict parties what mediation is and how it is useful for them. If victims and perpetrators knew more about mediation, it would have been much faster and effective. It is especially important in juvenile mediation cases. Parents of children are participating in mediation cases to protect their rights. They have to be explained too.

Participation of parents as “protectors” of their child rights sometimes can cause problems. Some parents are so “ferocious fighters” for their child’s rights that the parents must be mediated first. What we expected from juvenile mediation is personal responsibility of the

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154 This finding is an interim result of the project “Restorative Justice Perspectives in Lithuania” which is being implemented by Law Institute of Lithuania. http://teise.org/Restorative_Justice_Perspectives_in_Lithuania.html
child and personal conflict solving. Compensation of damage is not the final purpose of the process. Purpose is to end the conflict. It is important to explain the parents that their role is ensuring representation of child rights, but not solving the conflict for the child. Sometimes this part is very difficult for mediator and essential to the whole mediation case. During the whole project there were few cases reported where mediation process was cancelled by parents in similar situations. So mediator’s preparation work must be done very carefully to avoid such situations.

Positive project findings and police officers responses

A qualitative survey was conducted during the project. The respondents were 148 police officers participating in the project. Evaluation of 12 piloting mediation cases conducted by Juvenile police inspectors also produced some insights about police mediation. Assessment of collected data confirmed some presumptions which the project was based on.

Police officers who participated in the project and implemented mediation cases confirmed that it was a simpler and faster way for solving minor criminal cases or conflicts. They emphasized several positive achievements. First one was an instant positive change of opinion about police. Face to face contact was very effective. People were satisfied with informal approach to their problems and attempts to solve the conflicts. Officers believed that their work was better evaluated and community’s trust in police was increased. Second achievement was police officers statement that mediation is a necessary tool for police officer, especially for Local police inspector and Juvenile inspector. During the interviews with trained officers they expressed an opinion that all police officers should be trained mediation.

Project experts pointed out one more important finding from the interviews - increased satisfaction with work. Police officers were happy to feel useful to community. This fact gave them additional motivation to use mediation.

Further steps

Implemented juvenile mediation project showed that there are many things to be changed in order to start mediation in police on the routine basis. Also project showed positive and encouraging results for the future. There are several steps to be taken in order to benefit from juvenile mediation:

- Establishing effective legal and functional procedures in police for mediation. This will allow police officers to apply a new work method legally and effectively. Mediation procedures should set rules for selection of police mediation cases. Including mediation in calculation of work load of police officer will increase motivation to use it.
• Training of police officers to mediate conflicts. Mediation is important in every police officers work because every crime and misdemeanour is some sort of a conflict.

• Creation of mediation and cooperation network with schools and social services in municipalities. Lithuanian schools usually employ two types of specialists who work with social and psychological issues in study process: social pedagogues and school psychologists. Their functions include work with delinquent children and require qualification quite similar to mediator’s. They have potential become mediators and share police work load dealing with cases at school.

• Monitoring and evaluation of police mediation is essential for ensuring quality. Good police work is important in order to gain trust of mediation “clients”.

Conclusions

Mediation is a new tool in police arsenal. Further steps are necessary in order to make it a useful everyday police tool: establishing legal regulation of mediation in police; instructions for selection of potentially effective cases; trainings for police officers; implementation of mediation not only in juvenile cases. Social partners - school social pedagogues and psychologists, social workers of municipalities, child rights protection specialists - are vitally important to this activity. It is also necessary to inform society about this option of problem solving. In other way mediation option will not be used.

Project idea – to change police work methods and apply mediation as alternative to sanctions - worked. That was one of the most important practical steps in attempt to create not punitive, but service providing, trust and respect worth institution.

155 Social pedagogue must have pedagogical university degree or social worker qualification, ability to provide social and pedagogical support to children according Decree of Minister of Education of Lithuania 14/12/2001, No 1667 on Social pedagogue qualification requirements and work instructions. School psychologist is responsible for evaluation and solution of children psychological and education problems. He must have university degree in psychology and experience in providing psychological help to children. Decree of Minister of Education of Lithuania 22/07/2005, No ISAK-1548 on School psychologist work regulation.
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Introduction

Benefits of mediation in fight against juvenile crime are proven by various research studies and mediation practice in majority of countries in European Union and variety of programs show that mediation has no boundaries. Best known in Europe and North America is community-based victim offender mediation program, however nowadays new programs are being quickly developed in probation departments, prosecuting attorney offices, victim service agencies, correctional facilities or even police.156

As it is known the first responders to interpersonal conflicts in society are police officers. Cooper (2003) emphasized, that many disputes do not involve a violation of law, and if the dispute does involve a violation of law, it is not always in form of physical violence. Although police can arrest persons engaged in a minor physical scuffle, mediation could be a more viable and efficient alternative (Cooper, 2003). Therefore now mediation in police is seen as a new method of work that police uses more and more while managing conflict situations (Spahić, 2005). Lawson (1982) showed that police mediation activities place officers between the system and the public and influence virtually all aspects of a police officer’s job (Cooper, 1999). Mediation could be used by police officers in public and community disputes, domestic situation not involving violence, interpersonal disputes in which there are no grounds to arrest, assisting in disputes over property and etc.

Mediation in Lithuanian police practice

Lithuania is one of those few European Union countries taking only the first steps in the realization of mediation practice. The Lithuanian Police Department under the Ministry of the Interior in cooperation with partners157 implemented project "Strengthening of Police Capabilities aimed at Prevention of Juvenile delinquency through the Implementation of the Restorative Justice Model" financially supported by European Commission. The main aim of the project was to train police officers in particular regions to apply Restorative Justice methods in their work. 180 police officers were trained as mediators. They were prepared to be capable of using mediation in disputes especially where juvenile offenders were involved


157 Centre for Crime Prevention in Lithuania, Country police of Blekinge (Sweden) and Municipality of Karlskrona (Sweden)
(for example: public policy violation, conflicts in school, neighbourhood, minor criminal acts, thefts, etc.), also community, family or relative conflicts.

**Methods of the study**

To assess experience in mediation practice of trained police officers, the officers were surveyed during the last training-supervision session. For this purpose a standardized questionnaire (close, open, close/open questions) was composed and used to discover difficulties using this instrument and their opinion about mediation perspectives in police. Poll took place in October-December of 2012. 148 police officers participated in survey. A number of 142 questionnaires were valid (6 questionnaires were rejected).

**Findings**

Study revealed that 34 percent (N = 48) of police officers applied mediation in their work, 20 police officers performed mediation session more than once. Those who did not apply mediation indicated that they did not have suitable cases.

A number of 36 mediation cases were presented broadly. More than half (61 percent) of solved mediation cases were conflicts at school, 25 percent –family/neighbourhood conflicts and 14 – other conflicts (see fig. 1).

![Figure 1. Distribution of solved mediation cases by conflict type](image)

Police officers were called to schools to deal with minor offences (school, teachers or classmates property damage; thefts) and different type of conflicts, such as children bullying, teachers insult, violent behaviour (fights), and rowdy behaviour during the class and breaks. Those results indicated that police officers in some cases were invited to “scare” and proactively talk with delinquent juveniles.
During the project police officers formerly being sceptical about mediation were convinced that formal conflict resolution rarely solves the conflict, whereas warnings and penalties usually do not have a positive impact on juvenile behaviour.

**Family/neighbourhood** conflicts solved by police officers were mainly children-parents disputes (majority were disagreement between single mothers and their daughters, disagreement between parents over child custody, or mother-son conflict over late return home, and alcohol abuse), other – conflicts with neighbours (over property damage: car, exterior door, etc.). After those mediation cases police officers referred that parents simply do not talk with their children and as a result do not know their needs and concerns. Parents are blaming children for coming back home too late, using alcohol, or because they do not help in household. On the other hand children blame their parents for not listening to them or complain that they get too much of home duties.

Other disputes took place in other than school and home/neighbourhood environment: beauty salon wall was vandalized in street, damaged car, insult of older women at the bus stop, thefts of bicycles, etc.

Therefore during the project police officers first of all saw the great power of open conversation face-to-face. And as it has been already said police officers were convicted that formal conflict resolution rarely solves disputes, whereas warnings and penalties usually do not have a positive impact on the juvenile’s behaviour. Much more important is to allow conflicted sides to talk about conflict and find their own resolution satisfying both sides. Police officers were asked if they see a purpose of using mediation in police work, and, more than 80 percent said yes (see fig. 2).

![Figure 2](image)

*Yes  No  Don’t know

**Figure 2.** Response of police officers to question “Is it reasonable to use mediation in police work?”
Police officers believe that mediation could increase people confidence in the police, and mediation process will be better way for quick conflict resolution for both side of dispute, the victim and the offender (see fig. 3).  

**Figure 3.** Possible benefits of mediation in Lithuanian police activities (*respondent can choose more than one answer*).

Police officers who participated in the project agreed also that basics of mediation should be incorporated in police training courses. 82.2 percent of respondents would support such kind of training (see fig. 4). It should be noted that such training would be useful for all new police officers to get additional new skills for conflict resolution even if officers will not be mediators in future.

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158 Cooper (1999, 2003) emphasized that patrol police officers by using mediation in their duties can get such benefits: 1) satisfaction for both conflicted sides (both parties are the winners) 2) improvement of relations between police and citizens; 3) decrease of repeated calls-for service; 4) decrease of citizen complaints against police; 5) diminishing the need for use-of-physical force by patrol police; 6) facilitating professionalism among police officers.
Conclusion

The project implemented in Lithuanian Police Department showed that police officers could be mediators and mediation benefits are indisputable. But still a few steps must be done to ensure continuity of mediation in future. Firstly, mediation should be legitimized. Legal framework should be adjusted for victim-offender mediation. Also it is important to include mediation in police officers job description (define and evaluate current workload). Secondly, it is important to ensure regular mediation training for police officers. Finally, collaboration with other institutions (especially schools) should be involved in mediation practice.

Figure 4. Response of police officers to question “Is it reasonable to include mediation in the police office training?”
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Bulgarian context: very brief overview of the existing juvenile system

There are two legislative acts which establish a legal framework for working with children in conflict with the law. The “Combating Minors’ and Adolescents’ Anti-Social Behaviour Act” (also known as “Juvenile Delinquency Act”) was adopted in 1958 and amended several times since then. It was adopted with the intention to “...govern the activities for the prevention and combating of the various forms of juvenile delinquency and for ensuring the normal development and education of juvenile delinquents”. To achieve these goals, several ministries run a set of institutions, starting with the Central Commission for Combating Juvenile Delinquency on the Council of Ministers and its branches – Local Commissions for Combating Juvenile Delinquency working at the regional level. Next, there are Child Pedagogical Offices, departments in District Police Departments, which are subjected to the Ministry of Interior; there are two Correctional Facilities and Youth Detention Centres (male and female), managed by the Ministry of Justice. Some juveniles are sent to Educational Boarding Schools or Social Educational Boarding Schools, established by the Ministry of Education and Science.

According to the adopted in 2011 by the Government State Concept for Juvenile Justice Policy this Act and established for its implementation system consistently show the tendency to hold the children responsible for their behaviour without taking into account the complex origins of this behaviour and the contribution of the negative institutional practices for the child development. Consequently, the whole system implements rather repressive corrective measures.

The situation became rather more complicated with establishing of other system – a Child protection one. The Child Protection Act “…governs the rights of the child; the principles and the measures for child protection; the state and municipal bodies and their interaction in the process of performing child protection activities, as well as the participation of non-for profit legal entities and natural persons in the said activities”. To achieve these goals, a State Agency for Child Protection, a specialized body to the Council of Ministers, has operated since 2001. It is in charge of governance, coordination, supervision in the area of child protection. There are Child Protection Departments to the Social Assistance Directorates, subjugated to the Ministry of Labour and Social Affairs. Services, provided under this law, comprise of Centres for Social Support, Mother and Child Centres, Day Care Centres, Complexes for Provision of Social Services, and Centres for Social Rehabilitation and Integration. But the Child Protection system cannot compensate for difficulties of the whole juvenile justice system.
According to the State Concept for Juvenile Justice Policy, above mentioned acts are conceptually incompatible, expressing irreconcilable views as to the nature of the deviant behaviour of children and for adequate and preferred tools and procedures to limit it; both types of procedures are implemented simultaneously. The existing practice of parallel application of the acts of the two generations is full of contradictions and creates the impression of randomness and chaos, especially when the acts of the first generation are implemented. This destabilizes the entire sector of prevention and counteraction to the deviant behaviour of children by producing its own criminogenic and victimogenic effects. Since the current legislation does not provide a political solution to the conflict between quality victim and quality offender it produces repressive effects and determines repressive methods as de facto priority in the overall policy. Implementation of protection before or instead of repression is exceptionally unsustainable by nature subject to random or subjective factors unfit to justify targeted legislative policy.

Adopting the State Concept for Juvenile Justice Policy is an attempt to remedy existing situation by building a “...policy to prevent children's antisocial and victimogenic behavior by providing highly effective protection of their rights and legitimate interests, including human and lawful correction of their behavioral deviations”. Adopted two years later, a Roadmap for the Implementation of the State Concept for Juvenile Justice Policy “…proposes concrete measures in the field of criminal justice for children and a policy to prevent and combat child behaviour that is in conflict with the law. It is envisaged that the development of measures and services is a process that runs in parallel with the discussion and adoption of new legislation to create a prepared environment and prevent vacuum that would compromise the new system and to fully protect the interests of children, their families and society”. Both the State Concept and the Roadmap establish a legal framework, encouraging and supporting development of preventive measures.

Animus Association Foundation

Animus Association Foundation is a non-governmental organization. It was founded by women, professionals in the helping professions – psychologists, psychotherapists and social workers in 1994. In 2001 the Foundation acquired the status of a public benefit organization. The Mission of Animus is to promote healthy communication between people and gender equality in Bulgarian society. It is achieved by working on implementation of the following objectives: developing affordable psychotherapeutic and psychoanalytic services and programs offering professional and competent help, creating public attitudes of tolerance towards diversity, showing respect for the suffering alongside with a rejection of violence, promoting the values of dynamic and psychoanalytic psychotherapy and psychoanalysis to promote democratic change in the Bulgarian family and society, developing and implementing projects and programs to support people in need of help. To achieve these goals the foundation provides the following services: Psychotherapeutic and Psychoanalytic Centre; “St. Petka” Crisis Unit for survivors of violence; National Helpline for Children; Helpline for Survivors of Violence; Social Services Centre for Children and Families; Unit for prevention, lobbying and networking; and Training Centre.
Both Psychotherapeutic and Psychoanalytic Centre and Social Services Centre for Children and Families provide early prevention services for children and adolescents in conflict with the law. These programs are designed for children and adolescents having difficulties in communication with or adaptation to their social environment; children who have survived traumatic events; adopted and foster children; children who left residential institutions; and children with various psychological problems. Services are also aimed at supporting families of these children in their struggle to manage children’s problematic behaviour, to raise disabled children, to stop family violence, etc.

In achieving these goals various approaches are used.

**Psychological counselling based on “Tavistock model”**

The basic feature of this approach is that the counselling is provided simultaneously to the child/children and parent/s. Children come once, more rarely - twice a week. The mother (most often it is the mother who attends consultation, not the father) or both parents meet another social worker simultaneously, in the best case – on regular basis. Occasionally treatment may be offered to some other member of the family too (like grandmother). In some cases, and these are likely to be the older children or adolescents, neither parent receives regular treatment.

In the beginning of the course of work the child counsellor usually invites both parents (at least, one of them) for a preliminary interview. Usually they are willing to come to see the person who would work with their child. We find it useful to get some first-hand impression of the parents, observing their interaction with each other and with the social worker, and also to hear from them about difficulties of the child and in their relationship with him or her. The goal is not to provide some treatment to parents or to give them a piece of advice: one or both parents might already have started seeing their counsellor.

A possible content of this conversation consists of answering as simply and factually as possibly any questions the parents may ask about the nature of the treatment the child will be receiving. For example, the counsellor may say something like: “The child will come and talk or play, because younger children cannot express themselves fully through words alone. By observing the child's play I hope to understand gradually some of the conflicts and anxieties that interfere with his or her development. Commenting on them could help the child to understand them better and to be less ruled by them in his or her everyday life”.

The counsellor introduces the basic rules of communication, explaining, that it is essential for the child to be able to express every aspect of him or herself – however unacceptable – in the treatment. So, he or she must be able to feel that what goes on with his or her therapist is confidential. Consequently, it is possible for the counsellor to discuss with parents what goes on during a treatment session, but not in details. Nevertheless, they can ask for an appointment when they feel a need to do so.
An important issue to discuss with parents at the first meeting is role assignment. The counsellor meets the child once or twice a week: s/he cannot parental responsibility for the management of his or her contemporary life.

The “Home Visitation Method”

This method was introduced as a part of implementation of a project. One of the project activities was a training of professionals working with children to sensitize them for listening to what children have to say and creating an environment for children where they feel understood, respected and protected. There are some articles in the Regulations on the Implementation of the Public Education Act that were used to support implementation of this activity.

Teachers visit the homes of their students to be better prepared to respond adequately to the needs of children (children are observed in the environment in which they spend most of their time). Home visits also improve cooperation between teachers and parents, and foster parental involvement. It is important to mention that parents are supported through implementation of these visits, and the mental, emotional and physical development of children is supported too.

Home visits were implemented by following some basic principles. The purpose of the home visit is to promote the development of the child, so, it is the first task – to establish with the family what the developmental needs of the child are, since they are the main focus of the work. Parents are the first and most important teachers for the child; the home visits support parents to enable them to better care for their child – parents are able to take good care of the child when their own basic needs are met. By implementing home visits we invest in the capacity of the child’s family to support him or her; we show how parents can respond to the needs of the child on daily basis. Home visits are always voluntary and requires the consent of the parents. It is important for the visiting teacher to remember that s/he is a highly trusted guest who has been given honour. The teachers are expected to judge, but strive to establish a feeling of being accepted, understood and supported. It is important to remember that the family needs time to accept us.

Building trusting relationships with the parents requires expression of mutual respect, trust, acceptance, objectivity, personal attention, acceptance of cultural differences. The way relationships with the parents are established depends on whether they are ready to participate in the process: parents bring to the communication with the teacher past experience with other institutions, their own temperament, character, values. Parents also benefit from having a chance to gain a different idea for the teacher outside the classroom.

The visit, actually, starts at a preparation stage. The parents are notified about the visit, and a date and time are arranged before the visit. The teacher is in charge to determine the tone of the conversation. The teacher shares information and offers support; he or she explains how the school can support the family and tries to elicit parents’ understanding of the child’s
interests, concerns, and his or her development. The teacher allows parents to share their desires, hopes, worries, problems, and gives them the opportunity to ask questions; s/he also provides them information where to seek help. Ending of the visit requires summarizing the conversation and agreements, discussing the next visit (and whether it is necessary) and arranging the way of communication for the future.

After the visit the teacher takes notes about the visit. As a result of the visit some changes in the child’s curriculum or other school-related activities in which s/he takes part can be made. Whenever it is possible, the teacher analyses results with his or her team or supervisor.

Home visits may be carried out differently. It is possible to visit a family once or twice or several times during the school year. All students or only some can be visit. The visit can last from 30 to 90 minutes. The visit can be carried out by a single teacher (form-master is the most appropriate candidate) or by a team (usually consisting of two people, one of them could be the pedagogical advisor of the school).

All participants in this component were quite pleased with their involvement in the Home Visitation module. They refer to it as useful and easy to use. The teachers demonstrate a good understanding of the method and are they say they are open to use it if they need to (“need” is seen whenever there may be a situation with a difficult child).

**Zippy’s Friends Programme**

We plan to pilot innovative for Bulgaria program Zippy’s Friends in the first class of the Bulgarian school. The program is based on interactive and experiential learning methods. Zippy’s Friends is an internationally recognized program aimed at improving children’s mental health. The goal of the program is to empower children to cope in healthier and more constructive way with problems and with crisis situations at this point in their lives or future through the acquisition of skills for solving problems and understanding and mastery of emotions - his or her own and others’.

Every lesson is aimed at training children to apply different strategies for dealing with difficulties, at improving their self-esteem and to increasing their resilience to traumatic events. This in turn empowers them to help themselves and others and to accept and appreciate the diversity of the children in the class.

The program will be implemented in three stages: training of trainers, selected by the team of authorized organization, training of teachers by already trained trainers from the organization, and implementation of the program in the school.

The Zippy ‘s Friends Program consists of 24 lessons; each lesson lasts 45 minutes and the duration of the whole program lasts one year. It includes a set of illustrated stories of a dragonfly called Zippy and his friends – a group of children. Stories in the stories and activities in the modules deal with everyday difficulties faced by children. Children listen and
discuss issues of the stories and they are let to participate in fun activities (painting, role techniques, games), allowing children to develop positive coping strategies, which makes them feel better and do not feel the need to hurt themselves or others. In each lesson opens a space in which children express their thoughts and feelings related to the task to learn to understand, represent and manage their emotions and to think about more than one solution to a problem. Basic principle is that taken decisions do not harm others.

Conclusion

Though experience and international research indicated that preventive programs of Animus Association are effective, they lack monitoring and evaluation mechanisms. Another important task is better integration of these services in wider juvenile prevention system.

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