

The Estonian model of residential and custodial responses to children and young people in trouble

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The three periods of development

- First Independent Estonian Republic (1918-1940)
- The Soviet period (1945-1991)
- The restored independent Estonian Republic since 1991

First Independent Estonian Republic (1918-1940)

- The time of building up the nation identity
- The period of modernity as in Europe in general
- Prevalence of justice model; youth courts
- Main ideology: troubled children should be isolated from other, 'normal' children and the task to raise them should be given to professionals trained particularly for this work

First Independent Estonian Republic, 2

- Physicians and midwives should inform the municipalities of the fact of detected 'defects' in newborn and young children, and the local authorities must report any children with 'defects' in their area to the Ministry of Work and Welfare.
- Koluvere welfare school – boarding school for children with learning difficulties was opened in 1924.

First Independent Estonian Republic, 3

- A correctional house for young male offenders in Harku county – Harku Colony was opened in 1923.
- The residents of the colony were boys of 8-15 years of age who were either punished by a court order or were under preliminary court observation (Hans Madisson 1927, 1924).
- There was not a similar type of a separate institution for the imprisonment for adolescent girls. They had to serve their sentence in the general women's prison, or in women's section of a general prison.

The Soviet Management of Troubled Young People (1945-1991)

- According to the 1961 Penal Code of the Estonian SSR, section 61.1 on juvenile delinquency, it was possible to apply other methods of managing youth offenders than criminal punishment, providing that the court in question found that appropriate.
 - direction to an educational colony (p.1)
 - direction to a special educational institution for children and young people (p.2)
 - referral to a special health and educational institution for children and young people (p.3)

Juvenile commissions in place of youth court since early 1960s

- The aim was to save young people under 18 years of age from being put through the criminal court system and manage their cases through juvenile commissions, which were public organisations.
- The aim was decriminalization of young offences. In 1963, for example, 69 % of all offences committed by minors were assigned to juvenile commissions.
- Juvenile commissions as part of soviet child protection system
- “nurseries” and distributing centres by militia
- In 1960s, special vocational schools for troublesome children and young people were founded within the general educational system.

The Soviet period, 2

- *“There is nothing in the nature of the socialist order which generate crime, ... because the general causes of crime are liquidated /.../ besides general causes, there are numerous other secondary causes and circumstances, which promote the preservation and even dispersal of crime.” (Kimmel 1966:6)*

The Soviet period,3

- In the case of eliminating juvenile deviance, it is *“extremely important to separate the offender in time from the milieu which promotes deviation both in mentality (psyche) and behaviour. Here is the need to isolate the youngsters who committed danger acts and place them into a colony of a special regime, or even into a work colony for minors.”* (Kimmel 1966:21)

The Soviet period, 4

- In place of bad influence by wrong people, the child had to be influenced by culturally high-level pedagogues who would teach and educate them.
- An educated person understands that to break the law is wrong.

The Soviet period, 5

- The strict pedagogical control of troubled young people characteristic to the soviet system was not categorised as a limitation of freedom in the same sense it could be understood where adults are concerned.
- The basic notion was that because children are dependent on adults and as such need control imposed upon them, isolation from society could and should be perceived as belonging to the category of problem-solving methods rather than a punishment.

The Soviet period, 6

- The soviet educational model based on belief that prevention of deviation is a question of education.

After restoration of independency in 1991

- Three already existing models that were in use in European countries - the German model, the Swedish model and the Swiss model - were discussed
- The German model of a juvenile justice system required creating a new, independent criminal justice system for juvenile, and assumed two separate dogmatic bases for general and juvenile justice systems.

After 1991

- The Swedish model, assumed a single common dogmatic basis with separate practices for adult and minor offenders.
- The point of departure of the Swiss model was to outline a new law that would particularly regulate the methods of managing juvenile offenders that were not included in the criminal and administrative justice system.

After 1991, cont.

- The law specialists who developed the new system wished to develop/adapt a model that differs from the soviet one.
- The reform was done by people who were active in the soviet time.

After 1991, cont.

- In Ministry of Education the head of School Management Department until recent years was the same person. Now he is advisor in same department.
- People still believe in overall impact and problem solving power of education.

A temporary solution

- Quick and cheap: a special law for regulation of young people in trouble while youth court will be developed.
- Juvenile Sanctions Act came into force on 1. September 1998.

The sanctions

- 1) warning
- 2) sanctions concerning organisation of study
- 3) referral to a psychologist, addiction specialist, social worker or other specialist for consultation
- 4) conciliation
- 5) an obligation to live with a parent, foster-parent, guardian or in a family with a caregiver or in a children's home
- 6) community service
- 7) surety
- 8) participation in youth or social programs or rehabilitation service or medical treatment programs
- 9) sending to schools for students with special needs

The third model?

- The Estonian model of residential and custodial responses to children and young people in trouble originates from the so called educational model.
- Is it the third model beside to the justice and welfare models?

Estonian studies on young people in trouble and on social respondents to juvenile problems

- State audits
 - School truancy 2002, 2007
 - The effectiveness of special reformatory schools 2004
- Studies on juvenile delinquency
 - Markina, Sahverdov 2007
- Studies on effectiveness of the JC
 - Rannala, Tikko 2006

Estonian studies, cont.

- Studies on Special Schools
 - Kõiv 2007
 - Saar 2003
 - Strömpl 2005, 2002, 1999, 1996

- Frequent causes of sending to commission: thefts (39%), school truancy (19%)
- About 20% are repeatedly sent to commission
- Frequent senders: police, child protection officers, schools

- Intensity of work of commissions is different in different counties
- In Tartu the commission works twice every week, in other counties - once in a month.

- Lot of critique of special schools
- Lot of critique of system of JC
- Lot of critique of school system and the problem of drop outs
- There is specialisation for work with youth in public prosecution, probation system, police.

Special schools

- Changes the name:
- Special vocational school in soviet time: provided vocational and secondary education (obligatory in since 70s in the SU) with strong after care system.
- Special school for delinquents (since 1992) (in Estonian: *Hälvikute erikoolid*) provided the obligatory basic education – 9 years of schooling – and some manual training, no after care.

Biggest problem in special schools

- Bad organisation of direction into the institution
- Bad organisation of inside management of young people – there is no common concept of functioning the institution
- Escapes of the residents
- Violence inside the school
- Lack of after care
- Absent of solid child welfare and justice political concept, the system is fragmented