

Youth justice and welfare in Estonia

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Aims of the lecture

- To give a short introduction to the historical development of Estonian system of youth justice and welfare
- To describe shortly the current situation
- To initiate discussion on problems concerning the topic

Background information

- Estonian Republic as an independent state was restored 20. August 1991
- Territory: 45 227 km²
- Population: 1 347 510 Estonians: 68%; minorities:32%
- Member of EU and NATO (2004)

Short retrospective look

- Three periods of Estonian state history
 - The first independent Estonian Republic (1918-1945)
 - The soviet occupation (1940/45-1991)
 - The second Estonian Republic from August 1991

Youth justice and welfare in the first Estonian Republic

- Time of creation of national state identity and deepening of national self-consciousness
- Main rhetoric of youth policy: work develops a well-behaved person

- Strong integrative policy: everyone is important
- Youth court and the colony for troubled boys in Harku
- Welfare school in Koluvere for children with health problems

The Soviet period

- The so called pedagogical model:
right environment and right, i.e.
based on soviet ideology
education forms a well-behaved
person
- Soviet ideology and total control

- Nurseries by militia (troubled children were registered)
- Criminal liability from 16 years (grave crime from 14)
- Commissions of Youth Affairs (AAK) – public organization by local Soviets

A total regime full of total institutions

- Boarding-schools
- Special health care schools
- Special vocational schools
- Colony for young offenders
- Youth prisons

Youth justice after restoration of independence: the first years

- Closing militia and AAK
- Deinstitutionalisation:
- Closing colony for young offenders and most of boarding-schools
- Reconstruction of special schools started already in 1989-1990

Changes in age of a child and minor

- Age of criminal liability: 1994 the age of criminal liability was lowered from sixteen to fifteen years of age and as exception in especially serious offences from fourteen to thirteen years.
- the child was re-defined as person under thirteen years of age and a person between thirteen and eighteen of age officially defined as a minor.

Thee acts, three definitions

- Child Protection Act: children are all under 18 years age persons
- Juvenile Sanctions Act: minors are persons between the age of seven and eighteen years
- Youth Work Act: a young person is between of seven and twenty six years of age

The problem with troublesome young people

- Blank in regulation and looking for a new system (1991-1998)
- Special vocational schools reorganized to special schools - 3 closed institutions under the regulation of Ministry of Education

Prisons

- Youth prison for young men
- A special department in women' prison for adolescent females offenders (under regulation of Ministry of Justice)

Looking for a new model of juvenile justice

- Three European models under consideration
- the German model
- the Swedish model
- the Swiss model

The German model

- The German model of a juvenile justice system required creating a new, independent criminal justice system for juvenile crime, and assumed two separate dogmatic bases for general and juvenile justice systems.

The Swedish model

- Swedish model, assumed a single common dogmatic basis with separate practices for adult and minor offenders.
- The Swedish model in essence would meant the preservation of the soviet system, which had its basis on theories of special prevention of punishment and using re-educational methods of justice.

The Swiss model

- The point of departure of this 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.

Combination of models

- A new law to regulation of young offenders Juvenile Sanctions Act (JSA)
- Establish Juvenile Commissions (JC)
- Serious criminal offences observes the adult court

- All cases of juvenile offenders (except those that could be solved either in the general administrative or criminal court system) should be discussed in juvenile commissions. The system had a resemblance to the Swedish model, however, it is based on the actual penal code.

- According to the penal code a person is guilty if he or she was at the moment of the offence at least fourteen years old.
- The age between 14 and 17 is observed as narrow-minded concerning of age. (Commented Penal Code 2002: 121).

Additional reading

- Strömpl, J. (2004) Ongelmallisesti käyttäytyviin nuoriin kohdistuva hoito Virossa.
M.Jahnukainen, T.Kekoni, T.Pösö (toim.) Nuoruus ja kuolukoti. Helsinki: Nuorisotutkimusverkosto: 239-262 (in Finnish)
- Strömpl, J.(2002) *The K. School. Residential Management of Troublesome Girls in Transition-time Estonia.* Tartu University Press. ISBN 9985-56-679-3; Acta Electronica Universitatis Tamperensis: 215, <http://acta.uta.fi> (in English): pp. 64-84.

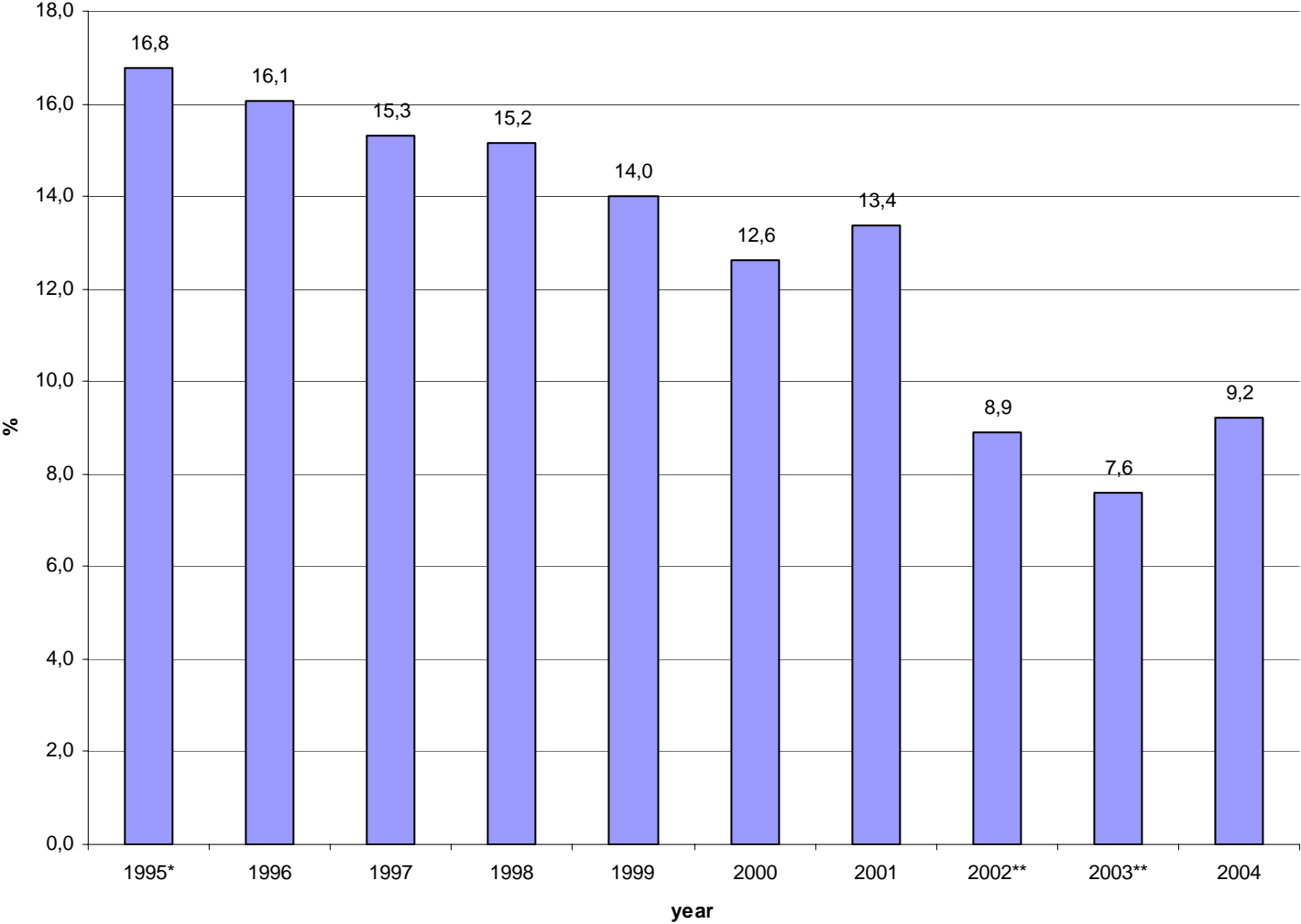
New laws

- Juvenile Sanctions Act (1998)
- New Penal Code (2002)
- System of probation (1998)

Some statistics on juvenile crime

- The number of young offenders in
1995 – 2076
2004 – 1415
2005 – 1712
- The number of offences made by
adolescence:
2004 – 3201
2005 – 3768

Proportion of persons under 18 among persons under prosecution



Seven years of Juvenile Commissions

- Two recent studies on work of JC.
- Ilona-Evelin Rannala, Anne Tiko and Andres Rohtla (2006) *Youngsters with behavioural difficulties and the sanctions applied by Juvenile Commissions*. Ordered by Ministry of Justice
- Liis Kasemets, Riika Ilves (2006) *Study on troublesome young people and the work of Juvenile Commissions*. Ordered by Integration Foundation

Juvenile Commissions

- Aim is to coordinate the juvenile crime prevention
- 62 JC around Estonia; in every county and by most of local governments, in Tallinn by every district.
- Some JC come together once in a month while others work twice in a week.

Members of JC

- Voluntary work, free of charge. Only the secretary has compensation.
- Members are pedagogues, child protection and youth police officers, paediatricians, social workers and psychologists working with children and young people, etc.

- Long time of working experiences with juveniles
- Some of members are former militia workers
- Some of them work in NGOs.

The clients of JC

- Troublesome children and adolescents between 7 and 18 of age.
- The number of children directed to JC is very different in different regions.
- The average is 75- 79 boys in a year and 24-28 girls (Ministry of Education; 1999-2005)

- A typical client is a 13-14 year old boy who has problems at school (truancy), hyperactive, violent and the reason of direction to JC is petty theft.
- Girls have much more difficult problems: vagrancy, smoking, using alcohol, boyfriends.

Home language of clients

- 68% Estonian, 31% Russian, 1% other languages

Causes of direction

- Property tort (petty theft) – 39%
- School truancy – 17%
- Violence – 13%
- Using alcohol – 9%
- Public disorder – 8%
- Smoking – 4%

- burglary – 3%
- Hidden of crime – 2%
- Falsification of documents or using documents of other people – 2%
- Illegal drugs using – 2%
- Broken traffic rules – 1%

School truancy

- In 2003/04 – 909 drop-outs from ordinary school (Statistical Office data)
- Compulsory school attendance is basic school education, i.e. 9 years of schooling, until 17 year of age.
- The biggest problem with school attendance is among 15-16 years old pupils, however even 9 year old pupil are sent to the commission because of their truancy.

Frequency of direction a child to JC

- Differences between repeatedly and once direction to JC (most children are sent once 81%)
- School truants are repeatedly sent

Who sends the child to commission?

- Police – 59%
- Prosecutor – 22%
- Representative of the school – 15%
- Representative of local government (social worker or child protection officer) – 3%
- The parent – 1%

Working with a child before direction to JC

- As a rule before the direction to the commission there were different specialists (psychiatry physicians, psychologists) who tried to solve the problem.

The nine sanctions:

1. Advance
2. School regulating sanction (organizing special class for pupils with so called “educational difficulties”, organizing long day class or after class care groups)

3. Direction to a specialist (psychologist, social worker, etc.)
4. Conciliation
5. Obligation to live with parents, other custodian or in children's home

6. Community service
7. Patronage
8. Obligation to participate in a social project or a course of medical treatment
9. Direction to a special school

- Most used: the advance; community service, and direction to a specialist; mixing the first and the sixth
- Less used: conciliation

Sending to a special school

- The court approval is needed for sending a child to special school
- From 781 clients 23 were directed to a special school and used this sanction only 11 from 26 JC.
- Mostly used Narva commission (4 times).

Realisation of sanctions

- 85% was realized,
- In 3% of clients there was a need to repeatedly remember the sanction

Agreements of concerned parties

- The child and the parents have to be agreeing with applied sanction.
- When there is no agreement than the commission cannot do anything.

General assessment of sanctions

- *“The sanctions are toothless!”*

Problem with Estonian school

- *“At school are supported those pupils who deal successfully with learning by him or herself, but who needs help in learning, he or she has to solve those difficulties alone.”* (Rannala et al 2006: 38)
- Some NGOs offer some services (day centres for basic school pupils, shelters)

The problem of problem family

- Family needs protection and support in bringing up their children.
- Most frequently is repeated the need to “teach” parent to solve children’s trouble.
- It is repeated in development plan of state juvenile prevention for 2007-2009.

Problem with families in trouble

- Some parents cannot deal with their obligation of bringing up children.
- The general state family support policy is underdeveloped.
- Supporting successful families
- Some NGOs offer support (shelters for neglect children, abused children, for women – victims of domestic violence, support for young mothers (Caritas), “Step by Step” program in preschool and in primary school,)

Swinging between

- The welfare model that values the human being and emphasises help
- The justice model that based on the individual responsibility and looks for retribution

Swinging between past and future

- The soviet heritage:
 - Deep gaps between welfare ideology and its realisation;
 - Self-interest
- Orientation to outside: lot of things are done because of demands from EU

Questions to discuss

- Is there anything that you recognise as familiar in your own system of youth justice and welfare?
- Explain how do you compare your own system with other two? Which elements of comparing should be on the basis?
- Give an advice how would you solve the problem of blaming parents and how to “teach” them to be more “good”.

- How to change the situation at school? How to develop the school to be more including and integrative?
- What to do with mixing the rhetoric of helping and believe in the effect of punishment?

Thanks!

See you in January!

You are most welcome to Tartu!