



# KEEPING YOUTH AWAY FROM CRIME SEARCHING FOR THE BEST EUROPEAN PRACTICES

National Report

**Estonia**



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## **1. Introduction**

Estonia is a small country of 45,227 km<sup>2</sup> on the coast of the Baltic Sea that regained its independence from the Soviet Union on August 20, 1991 after 50 years of Soviet occupation. After two decades of independence, Estonia has become a national state with all the characteristic attributes. Estonia is a parliamentary republic with an autonomous political, economic and socio-cultural system.

At the beginning of 2014, Estonia's population stood at 1.32 million people (Estonian Statistics 2014). According to the latest census data, the number of children under 18 years of age makes up 15% of the general population (Estonian Statistics, 31.05.2012). In the period between the two census campaigns (2000-2011), the population of Estonia decreased by 5.5%. Compared to the last census in 2000, the proportion of children in the population decreased from 18% to 15.6%. According to the predictions, both the population and the proportion of children will continue to decrease and so, similarly to many other European countries, Estonia is a country with an aging population.

For children, there are many risks for taking up criminal activities. The most significant are the child's rejection by their own parents, the unfair treatment of the child or family, rejection in the community, and the psychological, social, economic etc problems for the child or family. It is therefore believed that the most effective crime prevention method is to create conditions where every child and their family feels safe, i.e. their welfare is guaranteed at least on the minimum level. In the following we will provide an overview on what is the current state of early prevention in the contexts welfare in Estonia. We will also look into spheres of education and juvenile justice.

### **1.1 Responsibility for children's welfare**

The main responsibility for children's welfare lies with their parents, yet both the state and local administrations are committed to help parents in this task with various support benefits and services. The state offers financial support from maternity and parental benefits – the latter can be requested by either mother or father – to family benefits. Family benefits from the state are divided into one-time and monthly payments. One-time payments are the maternity benefit,

adoption benefit, and the independent life start allowance for youths who have grown up without parental care in foster care or a school for children with special needs. Monthly benefits are the child benefit, child care allowance, single parent child benefit, conscript's or alternative service member child benefit, foster care or family child benefit, and the support for a parent with seven or more children (Sinisaar *et al* 2013:131). Family benefits consider the number of children in a family and increase after the birth of a third child or multiple births. According to the Estonian National Social Insurance Board, state family benefits in 2012 were paid to a total of 160,419 families and 252,255 children (ibid:132).

The state also supports a family in raising a child with disability. According to the National Social Insurance Board, there were 9,983 children under the age of 18 with a valid degree of disability as of January 1, 2013 of whom 9,214 were 15 years of age or younger and 769 were aged 16-17. The proportion of disabled children under the age of 18 was 4.2% of all children under the age of 18 and the total proportion of disabled persons in the population was 7.2% (Sinisaar *et al* 2013:138).

In addition to the financial benefits, parents of children up to the age of 14 have the right to receive 3-6 days of annual paid leave depending on the number and age of children and up to 10 days of unpaid leave.

In case of a child's sickness, the parent has the right to take a certificate for care leave and receive up to 80% of the pay as care benefit. A child under the age of 19 is guaranteed health insurance and free dental care.

The state pays the social tax for parents who raise children under the age of 3 and the state also carries the burden of social tax if the family raises at least 7 children under the age of 19 and at least one child is under the age of 8. The tax break also applies to parents of disabled children.

The goal of the local administration is to support families with low income who receive subsistence benefit from the state budget. Estonia has 15 counties and 215 local administrations (30 cities and 185 rural municipalities). The local administration is also responsible for financing the services designed for families and children; kindergartens and most schools of general education are the local administrations' responsibility as well. The local administrations support at-risk families additionally through their own support schemes such as by paying separate installments of local benefits for the start of the school year or compensating expenses related to medicines or spectacles or supporting the hobbies and camp stay for children from families in financial difficulties etc.

In conclusion, children's poverty is seen as one of the main problems in causing risk behaviour and crime in adolescence and later life. The current system of benefits is heavily geared towards the first two years after birth. After that, the state support diminishes considerably and relies on universal benefits rather than supporting those in need. The problem seems not to be the ignorance or lack of political will but the lack of finances.

## **1.2 Education system, compulsory school age**

The Estonian education system is threefold: recommended pre-school education, compulsory basic school education, secondary or upper secondary education (non-obligatory), higher education. Children in Estonia are obligated to attend basic education that means studying between the ages 7-17. The Estonian education system declares its focus to be on the child that is expressed primarily through the requirement of being able to attend a school near the child's home. The Basic Schools and Upper Secondary Schools Act prescribes attention to the child's educational special needs and the adaptation of the curriculum or assessment system to the specific child's educational special needs.

Ilves reports (2013) that there are 532 schools in total. Slightly more than a half of them are basic schools. In the last five years, the number of schools has decreased by 34. The main reason for this is that the birth rate has been in decline for several years, which means a decrease in the number of children of school age. Apart from regular schools there are also schools for children with special educational needs in Estonia, i.e. schools for children with visual, hearing and speech impairments, children with physical disabilities and with multiple disabilities, children with intellectual disabilities, children with emotional and behavioural disorders, and children who need special treatment due to behavioural problems. Similarly to primary education, general education also follows the principles of inclusive education and, where possible, children are given the opportunity to study in a regular school close to home (ibid).

In the academic year 2012/2013, the number of students in Estonian general education schools was almost 141,000. Compared to 2008, the number of students had decreased by nearly 14,000. The decrease in the number of students concerns mainly the final grades of basic school and the gymnasium level. The number of students in primary school is showing a slight increase again, as more children are starting school due to the small increase in births. (ibid)

The system of universal education should be considered to be well organized and easily approachable in Estonia. There is less criticism on the quality and on what is taught in school and more on the methods that are used – they are considered old fashioned. The declining

number of children has caused shutdown of many small schools in Estonian rural areas and there have been many debates on the importance of preserving schools that are close to home versus the issue of quality of teaching that is delivered there.

An issue that has been tackled with concerns the problem of children who are supposed to go to school but actually don't. As the topic has been stated as a priority also in a political agenda and an effort has been made, the number of „lost children“ has considerably diminished. One might say that the schools have become more inclusive in this aspect. In terms of early prevention, this has been a reasonable policy with good results.

### **1.3 Population, minorities, demographic situation**

As mentioned before, the total population of Estonia has shown a decreasing trend for the last decade or so. This is caused by relatively high emigration and negative population growth. After Estonia's accession to the European Union many residents have seized on the opportunity to study and work abroad. In Estonia, this process has generally been seen as positive since the experience of living, studying or working abroad will enrich Estonia's culture in case the people will return at one point to Estonia.

A majority of immigrants to Estonia are its own citizens who have previously moved abroad (in 2009 this figure stood at 45%, see Anniste 2009:64). Citizens of other countries make up 16.3% of Estonia's population (OECD 2013).

### **1.4 The situation of families**

Laes and colleagues report (2013) that 94% of Estonia's children live in a one-family household and most (73%) in a family with two parents. In the last decade, significant changes have affected the family structure. The number of children whose parents are not married has grown (from 16% to 28%). The younger the children, the more of them live with cohabitating parents (42% of children under 3 and 22% of children aged 12-17). 21% of children in Estonia live in a family of one parent. The overwhelming majority of single parents are mothers (19.5% of all families), the proportion of fathers raising the child alone is small (1.5%). A noteworthy fact is that 0.3% (i.e. about 600) children live on their own. The most common family in Estonia is one with two children (33.7%). The number of children per family has not grown significantly during the period between the two census campaigns. According to the 2011 census data, 9% of the children live in foster families; the older the children, the greater the proportion of children living with foster parents (Laes et al 2013).

The living conditions of the children have improved somewhat during the recent years. Compared to the census data from 2000, the proportion of children who live in better conditions – e.g. the family members have one room each – has grown, while the number of children whose homes lack a bathroom or shower has dropped (from 10% to 8%) and the number of children living in criminal neighborhoods has decreased by more than 5%. The situation for children living in poor conditions has improved to an extent. The proportion of children living in relative poverty has dropped from a figure of close to 40% in 2005 to 30% in 2011 (ibid).

The poverty of a family is considered to be a significant risk factor. In 2011, relative poverty affected 41,700 or 17% of all children. The greatest poverty risk is posed for children aged 11-17 (22%). This is the age where families, as a rule, encounter other problems in addition to poverty when, for example, parents divorce and one parent – usually the mother – has to provide for the family on her own. A foster parent and sometimes foster siblings might arrive in the family. The birth of younger siblings can have a negative material impact on Estonian families (ibid). However, in addition to the drop in material welfare, one must also note other problems encountered during teenage years. Besides the already mentioned disintegration of families, there might be relocation to a new home, changes to the stable arrangements in life – for example, in case of unemployment for the parent(s) –, changes to the family structure: all this impacts on the child's welfare and such a drop can be a great risk for developing into deviating socialization and in turn also criminal behavior.

An especially big risk is seen in the situation where a family with a child lives in absolute poverty. 23,000 children (9.5%) lived in absolute poverty in Estonia in 2011. The proportion of teenagers was 12%.

The children of approximately 650 families live alone while their parents work abroad (information from a study to be launched). Earlier studies indicate that children living alone will encounter more frequently the danger of not adhering to the compulsory education duties. However, such studies centered far too much on the school and teacher and gave precious little information on the daily life of children deprived of parental care. This is why the study to be launched hopes to provide more in-depth knowledge on this issue.

### **1.5 Drugs**

Drug-related problems receive serious and periodic attention in Estonia. Unfortunately the knowledge gleaned from study results has not forced Estonian social policy to be more efficient in developing alcohol and drug policies. The state and local administrations primarily

focus on banning the sale of alcohol and tobacco products to people under age, but studies show that accessing forbidden products is not an overly serious challenge for children. The campaigning against alcohol and drugs is temporary and chaotic and its effects need further study.

In 1995 Estonia joined the international survey ESPAD (European School Survey Project on Alcohol and Other Drugs), a comparative study of European students' consumption of alcohol and drugs. This survey is carried out every four years. The 2011 ESPAD data (Kobin et al 2012) showed that approximately three quarters (73%) of the students aged 15-16 had tried smoking. Boys tried it more frequently and earlier: 40% of the boys and 26% of the girls had tried smoking before the age of 12. 19% of the boys and 16% of the girls considered themselves to be daily smokers. Compared to earlier studies, the proportion of regular smokers has gone down among boys but somewhat grown among girls (Pertel et al 2013).

According to the student health behavior survey (Aasvee et al 2012), in the younger age groups 40% of the 11-year olds and 75% of the 13-year olds had tried alcohol. ESPAD reports that when assessing health risks, youths considered regular smoking to be more hazardous to health than daily alcohol consumption or having at least five alcoholic drinks on days off (89%, 72% and 75%, respectively).

The consumption of illegal drugs has grown according to ESPAD data: while 7% had tried some illegal drugs in 1995, this number had grown to already 30% in 2007. However, according to the 2011 data (32%) this has not continued to grow significantly. The most frequent age for trying drugs is between the age 14-15 and is mostly limited to one or two times. The most popular drug among youths is cannabis, other popular drugs are sedatives and sleeping pills – consumed without doctor's orders –, and inhalants, poppers, ecstasy, and amphetamine (Pertel et al 2013).

## **1.6 Health and safe environment**

The UN Convention on the Rights of the Child, and therefore also the Estonian Child Protection Act, puts the child's right to life, health and a safe environment above all else. However, early and unnatural deaths of children are still a problem in Estonia. About a third of the causes of children's deaths in Estonia are injuries, specifically traffic accident injuries, and suicides. Other leading causes are congenital deformities and the illnesses before and after birth that make up 17% and 16%, respectively, of all children's deaths. The most prevalent illnesses diagnosed in children were sicknesses in the respiratory system – 41% of all initial

diagnoses. These are followed by contagious diseases at 11% and injuries at 9% (Pertel et al 2013).

The responsibility for a child's health and safety remains with the parents and family. Studies also show that health problems and injuries occur primarily with children in families that have other problems, meaning that the best protection is provided for children living in a family with both biological parents. 31% of the children in such families consider their health to be excellent, while the indicators among children with a single parent or foster parent are 25% and 26%, respectively. A significant factor was also the child's assessment of relationships in the family and the child's assessment of their own health condition (Aasvee et al 2012, referred to in Pertel et al 2013).

However, today's children spend a large portion of their every day in activities away from home and parents, in their kindergarten and school. The state and local administrations enforce safety standards in children's institutions that are generally under the supervision of the society. The Estonian Health Board, Chancellor of Justice, Labor Inspectorate et al continue to organize regular visits to assess the conditions with respect to the standards. Unfortunately, however, there are still tragic reports of incidents from time to time that have taken place in kindergartens, foster homes and care homes. One must admit today that there is generally little knowledge on how the children's welfare, including psychological welfare, is guaranteed in children's institutions. There is no in-depth analysis on, for example, the causes of school bullying and the existing anti-bullying programs in kindergarten and school are based not so much on a deep analysis of the Estonian situation but the implementation of programs purchased from abroad, yet these might require tailoring to the local conditions.

## **2. Juvenile delinquency**

In Estonia, the age of criminal responsibility is 14 years. It means that children cannot be prosecuted for misdemeanours or criminal offences if they were less than 14 years old at the time of committing the offence. If the offence was committed at age 14 or over, the child can be prosecuted and serve a sentence, although there are still various mitigating provisions in the law.

In Estonia, the age of full criminal responsibility (meaning that the special provisions no longer apply) is 18 years of age, which coincides with the definition of "child" in the Convention on the Rights of the Child. Compared to neighbouring countries, Estonia applies somewhat lower and more rigorous age limits. For example, the age of criminal responsibility is 14 in Latvia

and 15 in Finland, Sweden and Norway. In Lithuania, children can generally be prosecuted from age 16, and from age 14 in case of serious criminal offences (Dünkel and Pruin 2012).

Punishable offences are defined by the Estonian penal law, which has not been subject to any major reforms within the last decade. Therefore, the data on juvenile crime are generally comparable by year. However, it should be remembered that the statistics only reflect the criminal offences which have been reported to the police and for which the offender is known. If the offender is unknown, it is impossible to say whether it was juvenile crime or not. The interpretability of criminal statistics is seriously limited by the fact that people do not report all crimes and the majority of offences against property remain undetected (Salla et al 2013).

Each year, the police identify approximately 1,500 children who have committed a criminal offence. Statistics say that the number of criminal offences committed by children has decreased by more than a third compared to 2008. However, this change has largely been influenced by demographic factors, i.e. the decline in the number of children. The rate per 10,000 children has remained more or less the same over the years (ibid).

## **2.1 Self reported delinquency**

In 2013/2014 the International Self-reported Delinquency Study (ISRD) was conducted in Estonia (Markina and Žarkovski 2014) for the second time. The study's target group was students of the 7th – 9th grade across Estonia. A total of 3,658 children were questioned. 2,863 children from Estonian-speaking schools and 795 children from Russian-speaking schools responded to the questionnaire.

The prevalence rate of offences among children has declined when compared to 2006, but has increased concerning some individual offence types. Compared to 2006 when less than 2% of children stole something from a store or a shopping centre, this rate has increased to 3.4% in 2014. Less girls than boys commit violent offences and serious property offences. The prevalence rate of committing less serious property offences at the same time is not different for boys and girls (ibid).

The prevalence rate of violence-related offences has markedly decreased. In eight years, the proportion of children having participated in group fights has dropped from 7% to 4% and that of children carrying a cut-and-thrust weapon has also decreased. While 10% of children in 2006 responded that they carry a weapon-like item (a knife, a chain, a baseball bat, etc.), that proportion has dropped to 6% in 2014 (ibid).

Russian children commit offences more frequently than Estonian children. There are differences in almost all offence types studied, except sales and handling of narcotics where there are no statistically significant differences between Russian and Estonian juveniles (ibid).

In 2014, every 5th child of 13-16 years of age has been victimised by theft. The proportion of being victimised by theft has increased from 19% in 2006 to 22% in 2014. 7% of children reported that they have been hit or injured severely enough in the past year to require medical assistance. This proportion has increased when compared to the previous study: in 2006, less than 5% reported that they have been attacked (ibid).

16% of children have experienced bullying online, via e-mail or texting; 6% of children have experienced threats of violence or use of violence against them on the basis of their religion, language, skin tone, social status or other hate crimes during the year preceding the study. More girls than boys are victimised by cyber-bullying and theft. 19% of girls and 12% of boys questioned in the study reported being victimised by cyber-bullying. 23% of girls and 20% of boys have been victimised by theft. In absolutely all offences studied, Russian children are victimised more frequently than Estonian children. Russian children are victimised two times more often by cyber-bullying and three times more often by an assault (ibid).

As a rule, being victimised is not reported to the police. Most frequently, the police are notified if a child is victimised by theft or robbery. The police learn of every 5th incident among the two latter, while 4 out of 5 incidents remain hidden. The least known are incidents of hate crimes (10%) and cyber-bullying (7%). More boys than girls being victimised are reported to the police. The police receive reports of Russian children being victimised more frequently than reports of Estonian children being victimised, except robbery incidents. Becoming victimised by robbery is reported to the police two times more frequently in the case of Estonian children (25%) than in the case of Russian children (12%) (ibid).

Most often, children are victimised by crime at school or in vicinity thereof. Children have reported that 48% of hate crimes, 44% of attacks and 22% of robberies that they have experienced took place in the school building or the school yard. 22% of children have been victimised by school bullying, 17% have bullied others. The proportion of bullies is three times higher among those children who have been victimised by school bullying, compared to those who have never experienced school bullying. More girls than boys are victims of school bullying and rather more boys than girls are bullies. Most frequently, children tell their friends (27%) or parents (25%) about being victimised by school bullying; 24% of children never tell anyone about their worries with bullying (ibid).

Markina and Žarkovski (ibid) reported also that parents' awareness of the child's activities is a significant protective factor for victimization. This means knowing with which friends, where and how the child spends their free time. Children coming from families with good relations between children and parents, where parents support their children emotionally and monitor their activities and where children inform their parents about their life, are less often subject to offences. With all other circumstances characterising the relations within the family being equal, the most important protective factor is the parents' awareness of the child's activities. A risk factor of children committing offences is tensions and conflicts in the family. 12% of children who participated in the study reported living in a family where the parents have alcohol or narcotics problems. 11% of Estonian children reported their parents having drug addiction problems, while 16% of Russian children did so. Alcohol and narcotics problems of parents are a risk factor of children committing offences. Violent conflicts in the family are also a risk factor of children committing offences (ibid).

Corporal punishment and physical abuse of a child increases the risk of the child committing an offence. During the year preceding the study, 15% of juveniles had been corporally punished by their parents and 4% had been physically abused. Among the girls who responded to this study's questionnaire, 5.6% were physically abused during the past year (3.1% among the boys) and 18% of the girls (13% of the boys) were subjected to corporal punishment. Corporal punishment is used more often against Russian juveniles; 21% of them were subjected to corporal punishment during the year preceding the study, while that proportion was 14% among Estonian juveniles. 3.5% of Estonian and 7.6% of Russian juveniles reported being abused (ibid).

A total of 17% of minors reported that one or both of their parents work abroad. The most frequent situation is that the father works abroad (14% of the respondents); 2% of the minors reported that their mother works abroad and 1% reported that both of their parents work abroad. While 15% of Estonian juveniles have one or both parents working abroad, that proportion is 24% among Russian juveniles. Juveniles living alone or with remote relatives or acquaintances taking care of them are more at risk of committing offences. The risk of minors committing offences increases somewhat if their father starts working abroad (from 18% to 20%) but it increases significantly if their mother does so. Where the parents have started working abroad, the children are more at risk of committing offences and risk behaviour if they live alone or if remote relatives or acquaintances take care of them, compared to the situation where grandparents of older siblings take care of the child (ibid).

## **2.2 Juveniles in contact with law enforcement**

According to Salla and colleagues (2013) and pursuant to the Guidelines for Development of Criminal Policy, a fast judicial process in criminal matters involving juvenile offenders helps to reduce the probability of future offences and also limits the potential negative consequences of the whole process for minors. The pre-trial proceedings of juvenile criminal matters should generally last no more than one month. According to statistics, the average duration of pre-trial proceedings in case of children suspected of a criminal offence has decreased two times over six years – from more than five months to 2.5 months. The average duration of proceedings has also become shorter; the duration of proceedings is now also more even across the country. The shorter duration of proceedings is due to the fact that certain investigators and prosecutors have specialised in juvenile cases, which contributes to greater competence (ibid).

In addition to the procedural speed, which helps to protect the rights of children who have committed offences, another important principle of the Convention is the use of extra-judicial measures in case of children who have committed criminal offences. These measures primarily refer to social and educational programmes that ensure better treatment and well-being of children. In the Estonian legal system, juvenile committees serve as an alternative to court (ibid).

According to the Estonian Education Information System, 2,029 children were referred to juvenile committees in 2012 – this is 1.5% of all children in Estonia. Most of the children referred to juvenile committee are not criminally liable, but most of them have committed unlawful acts, primarily misdemeanours. The task of the juvenile committee is to find the sanction that best suits the needs of a particular child (ibid). In the last four years, the number of children referred to juvenile committees has been in constant decline. The main reasons for that are the decreasing birth rate and falling number of juvenile matters. Compared to 2008, the number of children referred to juvenile committees has decreased by 29% (ibid).

## **2.3 Juveniles in closed establishments**

At the end of 2012, there were 36 children imprisoned in Estonia. 16 of them had been convicted and 20 were in custody. In eight years, the number of incarcerated children has fallen more than two times. Most of the children in prison are aged 16 or 17, and there are clearly more boys among the detainees (ibid).

Most of the children serving their sentence in prison have been convicted of offences against property, followed by those convicted of crimes of violence. The majority of thefts are committed by boys – this includes shoplifting, apartment break-ins and thefts of personal

effects in the street. In case of children incarcerated for crimes of violence, approximately half have been convicted of physical abuse of their peers and also about a half have committed an aggravated breach of public order (ibid).

The number of children in reform schools and in penal institutions has decreased: there were 143 students in reform schools in 2005, compared to only 67 in 2012, meaning a 53% decrease. There are currently two reform schools in Estonia (in Kaagvere and in Tapa). The decrease in the number of incarcerated children is in line with relevant UN recommendations and the Convention on the Rights of the Child. Nevertheless, the number of children in prison is still too big and further efforts are required to reduce it (ibid).

### **3. Early prevention in child protection system**

The UN Convention of the Rights of the Child was the first international act ratified by the Estonian Republic soon after emancipation from the Soviet Union in September 1991. Also the first national legal act of the first Estonian parliament was the Child Protection Act (CPA). CPA defines the rights and obligations of children and parents and regulates child protection, which is first of all connected with possible harm and abuse of children in a family. The CPA was later much criticized because of its declarative character and low functional capacity. The implementation of the act became entangled in the lack of supportive regulations.

A new CPA is currently in the works. In 2011 the government approved the *Strategy for Children and Families for 2012–2020* (hereafter Strategy), which, compared with the previous strategic documents, pays more attention to simultaneously improving the skills of the parents and developing the systems for noticing and helping the children in need. The Strategy emphasizes the importance of ensuring secure and friendly living environments for all families living in Estonia regardless of their nationality, religion, language, or place of residence.

The everyday work in social work practice is regulated besides the CPA, as well as the Social Welfare Act (1995), the National Family Support Act, the Parental Benefit Act, and the Family Act. Every family living in Estonia with legal status (citizenship, residence permit, asylum-seeking or refugee status) has an equal right to receive universal child support benefits stated in the National Family Support Act and the Parental Benefit Act. Universal benefits are paid on the state level.

The Parental Benefit Act is designed to contribute to the successful intertwining of parents' work and family life. The benefit itself provides parents with their average salary from the preceding calendar year for the time that they temporarily take off work to care for their children; unemployed parents receive parental benefits in the sum of a minimum amount (in

2013 it was 290 Euros). Any parent, adoptive parent, stepparent, guardian, or foster parent who is rearing a child and who is a permanent resident of Estonia or a foreigner living in Estonia on the basis of a temporary residence permit has the right to receive the parental benefit. State support of families inrearing their children is limited to the listed financial benefits. (Linno ja Strömpl 2014)

### **3.1 Child protection system in Estonia**

Estonia is divided into 15 counties, and it is the county governments that are responsible for adoption, evaluation, and supervision of social services provided by local authorities and consulting local governments in child protection. There are 215 local municipalities in Estonia. They vary by size and number of inhabitants, from 99 persons in Piirissaare to 419,707 persons in Tallinn, the capital city of Estonia. Regardless of differences, all local municipalities hold the same responsibility of helping people and ensuring their welfare. The coordination of child welfare work of cities and rural municipalities and also direct assistance of those in need is performed by child protection workers, but the task can also be entrusted to social workers, youth workers, or education specialists. This indicates that in Estonia there is no uniform perception of child welfare work by local governments yet. According to the annual reports of the Ministry of Social Affairs and to the recent audit carried out by the National Audit Office, only 38% of local governments employ a child welfare official. One-fifth of children in Estonia live in local government units that do not employ a child protection worker. Although according to the Child Welfare Concept prepared in 2005 there should be one child welfare official for every 1,000 children, there were approximately 1,491 children for every child welfare official in Estonia in 2010.

Services for children and families are provided mainly through institutions in municipal ownership or nonprofit organizations, whereas local governments are often more in the role of service buyers than providers. Services are divided into in-home and out-of-home services. The aim of the in-home services is to enhance families' capability to take care of their children and to avoid placement into substitute care. Some in-home services are assigned to the parents, for example, support-person services, different educational programs for raising parental capability, counseling services, participation in family center activities to avoid exclusion from community life, and so on. Some of the in-home services are aimed at the children, such as day care centers, counseling, rehabilitation, and so forth. As usual, services are selected according to the problems the families face; preventive services are lacking. Despite the possibilities that local governments have, the help does not reach children at the right time (i.e., in the early stages of problem). Usually local governments predominantly provide assistance in cases

where a problem has become so serious that the parent or guardian has decided to ask for help from the system. Such kind of waiting for clients' activeness in seeking help demonstrates that prevention and early intervention is not the issue of local government child protection practice, which also means that many of the children in need can be left without any help while their guardians are not active in seeking help. One reason why immigrant families are left out of child protection practice could be that they are not active seekers of help due to insufficient language skill and lack of appropriate and understandable information.

Local governments' child protection officials' activity first of all focuses on protecting children from abusive parents. They have the power and jurisdiction to separate a child from parents if the circumstances at home are dangerous to the life and health of the child. Child protection workers are required to present an application for the decision concerning child's separation in court of law. The child protection worker has to find a placement for the child among available opportunities. There is a well-organized institutional care system in Estonia. A foster family system also exists, but the number of children who are placed into the foster families has diminished over the years. Besides that, local government's child protection workers have to continue working with the family to assure child's and parents' reunification. Information about children and families—service users of child welfare—is insufficient. For years the national statistics registered only children taken into out-of-home care (i.e., separated from parents).

### **3.2 Ombudsman of children**

Since March 19, 2011 the Chancellor of Justice fulfills the role of the Ombudsman for Children in Estonia. His underlying task is to protect and promote the fundamental rights of children. The Office of the Chancellor of Justice has created the Department of Children's Rights with 5 employees. The main tasks of the Ombudsman are to resolve complaints related to children's rights in their relations with the individuals and authorities that perform public functions; to verify whether the legal acts related to children's rights are in conformity with the constitution and laws; to familiarize the society with children's rights; to impartially point out any existing child protection problems in the society; to organize studies related to children's rights; to help start discussions on the topics important for Estonian children and youngsters in the society. An important task for the Ombudsman for Children is also to conduct inspection visits to children's institutions, regardless of whether these are national, local administration or private organizations. Inspection visits are conducted once every three years. The results of the visits are a publicly accessible report with recommendations on child-friendliness, i.e. the goal

of the inspection visits is to develop and improve the situation and to make the activities of the institutions more compliant with children's rights.

During the visits the children are familiarized with their fundamental rights and informed about where they can turn when they feel their human rights are being infringed upon. The Ombudsman for Children also accepts letters of complaint from children or related to them and will resolve the issues, if possible. Unfortunately, practice has shown that Estonian children – particularly children at greater risk or in worse conditions – do not know much about their rights or the opportunities to stand for their rights. They do not know who to write/present letters of complaint and are often afraid to file complaints under their own name, making solving the problem impossible. The Ombudsman for Children receives an average of 8-10 letters a year where the majority comes from students in regular schools and discusses a student-teacher conflict in assessing school papers.

Experience has shown that inspection visits will also empower children in special schools and problems will be reported more readily. However, this knowledge and courage will fade in time. It might make sense for the Ombudsman for Children to have more interaction with children in special institutions but also to remind the staff of these institutions of the existence of such an ombudsman and thereby the existence of children's rights.

#### **4. Policy related to juvenile delinquency**

The prevention of juvenile crime is one of the central issues of criminal policy in Estonia: in the Guidelines for Development of Criminal Policy until 2018 (adopted by the Parliament), prevention of juvenile crime is defined as one of the priorities, in addition to the reduction of recurrent crime.

Meanwhile, the specific measures outlined in these Guidelines are mostly related to the course of action in case of offences committed by children, and not so much to the prevention of such offences in general. The only exceptions are the clauses concerning the school environment and alcohol. As for the school environment, the main focus of the proposed measures is on encouraging completion of compulsory school attendance, and dealing with school bullying and other problems affecting students' mental and physical safety. The goal of alcohol policy is to reduce alcohol consumption among children, which will presumably lead to reduced levels of violence among children.

The Development Plan for Reducing Violence, approved by the Government, also concerns juvenile crime. According to the goals defined in this plan, alcohol consumption should be reduced, on the one hand, and parental skills should be improved, on the other hand. The

document also covers school bullying, violence in children's institutions, and noticing and helping a child who has fallen victim to violence.

Policy documents have paid a lot of attention to the prevention of domestic violence and sexual abuse, and real measures have been implemented in this area. The main focus of the Guidelines for Development of Criminal Policy until 2018 is on reducing the victimisation of minors in the cyber environment and on the provision of treatment for sex offenders. As for domestic violence, the main focus is on the development of an early detection system and on improved cooperation between different institutions. In order to reduce domestic violence, the Development Plan for Reducing Violence proposes the following measures: prevention and awareness campaigns targeting the public and main risk groups; provision of support and protection to victims of domestic violence; and dealing with abusive people.

There are currently no clearly defined policy priorities in terms of using secure facilities for children. The Guidelines for Development of Criminal Policy state that, in case of children in reform schools, measures must be found to reduce recidivism. The main problem is the lack of appropriate support for children who leave reform schools and return home, which means that the majority of these children commit new offences within a short time. In order to reduce the number of children ending up in secure facilities, the Development Plan for Reducing Violence prescribes the implementation of a social programme to help children who have committed criminal offences.

Procedural time limits were established in policy documents already years ago and there has been significant progress in that regard. In the future, restorative justice should be implemented to a greater extent in misdemeanour and criminal proceedings. We should also consider the introduction of the "young adult" concept, which is used in several other countries and recommended by international guidelines – and then define the special conditions for young adults, comparable to the special conditions applied to children.

As one can see, early prevention has not been well established in crime policy documents in Estonia. At the same time the initiatives to do more and with better quality have become more apparent. For example in 2013 the evidence based school bullying program KIVA was initiated in Estonia. Presumably the state will take more responsibility in developing primary prevention programs systematically all over Estonia.

## **5. Summary**

In conclusion one can say that the efforts of Estonian state and municipalities in fostering the welfare of children and early prevention of crime have been in right direction. There has been

more emphasis in adopting universal measures such as benefits and services and less focus on targeting possible criminogenic needs.

In a last decade, there has also been an increase in policymakers' readiness to adopt analytical strategies in policymaking and evaluation. The system has become more open to critical opinions. This is likely to benefit also the quality and scope of early prevention policies.

In terms of best practices in early prevention we provided an example of government's support to families in the first years after the child is born: there are both legal safeguards for the parents and long period of benefits. In the field of education, we found the example of school dropouts and inclusive education. In the field on juvenile delinquency, adoption on evidence based prevention programs that are both family and school based is promising although there is a concern about the sustainability of the projects.

In the area of juvenile delinquency Estonia stands out with high rates of children in closed establishments. Although this is a measure of latter prevention strategies, it shows that primary prevention is lacking. Juvenile delinquency does not attract public interest and there is a need to approach the issue in a more coherent way. Today, one can argue, the health, education, criminal justice and child welfare institutions do not do enough cooperation and work on prevention is developed and carried out largely independently.

Early prevention of crime is not an independent policy area in Estonia. Several institutions deal with the topic but the policy lacks a responsible owner. However we remain optimistic, prevention of crime is a work in progress that will never be finished.

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