Prevention of juvenile delinquency and providing specific services to minor offenders who are not criminally responsible

- Guidelines concerning inter-institutional cooperation -
The manual has been elaborated within the Project “Childhood without Crime” implemented by the General Inspectorate of Romanian Police in cooperation with the National Authority for the Protection of Children’s Rights and Adoption within the Ministry of Labour, Family, Social Protection and the Elderly with the support of the Ministry of Interior of Bulgaria and the Czech Republic. Co-financing of the project was ensured by the ISEC Programme “Prevention and Fight against Crime” of the European Commission.

The aim of this manual is to support specialists who interact with children displaying a pre-delinquent and delinquent behavior as well as to facilitate inter-institutional cooperation in order to promote an integral approach based on the coordination of preventive and special protection measures taken for the best interest of the child.

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FOREWORD

This handbook has been developed within the project "Childhood without crime" carried out by the General Inspectorate of Romanian Police in cooperation with the National Authority for Child Protection and Adoption of the Ministry of Labour, Family and Social Protection and the Elderly, with the support of the Ministries of Internal Affairs of the Czech Republic and Bulgaria.

The project, initiated by the Institute for Research and Prevention of Crime in the General Inspectorate of Romanian Police (G.I.R.P), has proposed increasing the efficiency steps to prevent juvenile delinquency in children under the age of 14. The pillars on which the project are represented, on the one hand, by the consolidation of institutional capacity, namely the improvement of cooperation between the police and the General Directorates for Social Assistance and Child Protection, and on the other hand, by the increasing awareness of the target groups (minors aged 14, parents, teachers, social workers, etc.) on the prevention of juvenile delinquency and services that children with delinquent and pre-delinquent behavior may benefit.

Funding was provided by grants program of the European Commission, Prevention of and fight against crime "(ISEC). The project was initiated after identifying the need to intensify crime prevention activities among children who have not attained the age of criminal responsibility, the age of 14.

Both statistical data and findings in the field of police and social workers concluded that these children are a vulnerable group in terms of crime. From this aspect, as well as the need to strengthen
inter-institutional cooperation, project objectives were established, namely:

- developing a common tool (handbook) for specialists in Romania institutions responsible with the prevention of juvenile delinquency in children under the age of 14;

- improving institutions in Romania to manage issues related to children with pre-delinquent and delinquent behaviour;

- increasing awareness of beneficiaries on preventing antisocial behavior in children under the age of 14;

- dissemination of the best practices on preventing juvenile delinquency in the EU Member States.

The elaboration of this handbook for inter-institutional cooperation in the field of juvenile delinquency primarily for police and social workers, and other professionals who come into contact with children, is the fruit of our concern to provide staff working with children under the age of 14, a common tool. We have proposed that through this work, and by the entire project, to facilitate inter-institutional cooperation, to promote an integrated approach based on the coordination of preventive measures and special protection of children.

The handbook consists of two distinct parts, but interconnected: the first part, and the largest, is a diagnosis of the situation of the management of pre-delinquent and delinquent behavior of children under 14 years of public institutions in Romania, and the second section consists in the presentation of the situation, circumscribed to the same area of intervention of Bulgaria and the Czech Republic. This comparative exhibition aims at providing a broader European perspective on legislation, institutional cooperation and
administrative measures against delinquent children who are under the age of criminal responsibility.

Case studies of the Czech Republic and Bulgaria have been made based on documentary material submitted by external partners, as well as working visits within the project by experts from Romania, Bulgaria and the Czech Republic, who had the opportunity to know directly the public systems of the three countries regarding this category of children.

The diagnosis of the situation of our country seeks to convey in a concentrated and accessible material information concerning the causality of deviant behaviour in children, legal regulations on minors under 14 years, the role and responsibilities of the main institutions that manage the issue of minors, guidelines of institutional cooperation as well as some examples of good practice. The focus is on prevention of juvenile delinquency in this age but also on the measures taken by the authorities in case of juvenile delinquents, pursuing its route from the time of the realization of the offense to the implementation of the protection measures by institutions responsible for child protection. The presentation is not intended to be exhaustive but merely to provide the main guidelines necessary to the specialists in their practical activities, promoting a common perspective among employers in the Police and social structures.

This handbook also aims at supporting the specialists who come into contact with children exhibiting delinquent and pre-delinquent behaviour to use specific tools and practical strategies in their daily lives. The document will be promoted in the training sessions that will be organized within the project, with the police and social workers across the country.

The content of the handbook will be translated into English and promoted in partner countries (the Czech Republic and
Bulgaria) as well as through the European Crime Prevention Network EUCPN, facilitating the exchange of information in the field at the level of EU Member States.

We want to thank everyone who has contributed to this material, giving us relevant information and support based on their experience in working with children having pre-delinquent and delinquent behavior. We hope that the work will be useful to specialists in the field and will promote inter-institutional cooperation in the field of reference, in the superior interest of the child.
PART I: Juvenile delinquency in Romania. Inter-institutional cooperation in children who are under 14 year-old offenders
CHAPTER I

Risk factors for the
development of deviant behavior in children

Juvenile delinquency is a component of the crime phenomenon, with its own identity conferred by the category of individuals it refers to.

The peculiarity of this segment of crime is reflected by the fact that it does not overlap the evolution of crime in general, the generating causes being also different from the situations involving adults. Juvenile delinquency represents a set of behaviors of the children in conflict with the rules of social coexistence, accepted and recognized in society and has motivations of bio-psycho-social rank.

The leading cause of antisocial behavior in children is the influence of the social environment and psychological processes in the consciousness of the individual. The specific circumstances of each person's life have an important role, too. In this context, to find the causes and conditions that generate and promote juvenile delinquency, we must start by analyzing the internal structure of the individual and external factors.

Child's personality begins to emerge after the age of 2, age at which it begins to feel and be attentive to what is happening around. The family is the first who must ensure the forming and shaping the child's personality. In adolescence, the process of completion of personality of the individual continues at a brisk pace. The so-called "crises" of adolescence in relation to the family situation, the society in which the child lives, appear. During this period, the capacity for abstraction and synthesis increases, the child is strong, capable of
great efforts, the class in which he learns, the group of friends leave their mark on the development of the personality. During the same period, his thinking keeps a high dose of subjectivity, in this respect, the example of objectivity of parents and teachers being very important. If the child grows and develops in poor living conditions, in a disunited family, parents with behavioral problems, when he is negatively influenced by peers, friends and so on, the premises of a delinquent behavior are created.

Behavioral disorders are one of the causes of bio-psychological nature of juvenile delinquency. These disorders can manifest through antisocial behaviour (agression, wandering, attempted suicide, etc.). Juvenile delinquency is driven by emotional immaturity, disharmonic development of personality. Adult antisocial behavior is notified by these disorders during childhood, which can take many different forms: stubbornness, physical aggression, impulsivity, etc..

Also, pathological personality disorders present in childhood can cause delinquent attitudes.

Running away from home and vagrancy are other two severe behavioural disorders which are usually associated with school dropout and other negative attitudes. Running away from home is not a crime, but it is a beginning of delinquent behaviour. Vagrancy is an organized form of running away, driven in particular by a dissatisfaction environment in which the child lives. Victims of homelessness are often children reared in social protection services, but also legally constituted families. In general, children with disharmonic personality, those who have suffered some mental changes after various injuries, brain injuries and infections, children with mental disorders etc, are prone to wandering. Among the factors leading to these behavioural manifestations could be mentioned: the spirit of revolt or adventure, independence desire, boredom etc..
**Age.** Some authors consider that there is a close relationship between age and committing antisocial acts. Thus, it was found that the highest number of crimes is committed by adolescents and young people.

**Deficiencies of affection.** It is another cause of juvenile delinquency, of psychological nature. Thus, most offenders come from disunited families or foster care. They may have a disharmonic personality, because of the lack affection. A child deprived of the warmth of a family, the affection of others, will not know to give nice feelings and will be shaped as an egocentric personality, with primary instinctive reactions.

**Social causes.** A labile psyche is not in itself a cause of juvenile delinquency unless certain environmental causes favour this. A child with a healthy, normal psyche, can lead to delinquency if the social environment in which he lives is negative. Among social causes that generate juvenile delinquency we can mention a few:

- dysfunctions of the familial milieu;
- school failure and school maladjustment;
- negative patterns of behavior of the group of friends and of the ways they spend their free time;
- other social causes.

**Dysfunction of the family environment.** In the family, the child spends most of the time. Emerging personality of the child is severely influenced by the example of the parents. The family is the first to prepare the child for life; It can be a positive learning environment, or, conversely, can give the child patterns of behavioural deviations. Juvenile delinquency occurs more often when the child or adolescent, mentally normal, under the influence of so many factors, is frustrated by the formative support and mature affective ambience of a harmonious family.
The dysfunctions of the family system is the primary cause of deviant behavior in children. For a normal psychological development, the child must have a sense of security necessary to his balanced development. This sense depends on the following conditions: protection against blows outside, the satisfaction of elementary needs, coherence and stability of the frame of development, the feeling of being accepted by his people, etc..

**School failure and school inability.** It is a cause of juvenile delinquency, which, in the presence of other factors, facilitates the phenomenon of delinquency, but also an effect of psycho-social dysfunctions of the families the children come from. The entrance into the school environment, the transition from the family affection to the school rigors, often has the meaning and the proportions of a true crisis for the child. The way the child overcomes this crisis depends on the family and teachers.

**Negative behavioural patterns of the group of friends and of the way they spend their spare time.** Friends, as well as street groups, have represented, in many cases, ‘negative’ social groups, even delinquency groups, for some children and young people. Such groups may focus on doing activities at the edge of socially desirable behaviors, getting to commit crimes. The school has a very important role in the way the children spend their free time, through the organized activities, suggested to students. It was also found that there is a link between the training and education level of students and the way they spend their free time.

**Other social causes**

a) The transition from one life to another, from rural to urban existence, can cause deviant behaviour. Thus, it was revealed that, in terms of accelerated industrialization and urbanization, some
individuals fail to adapt quickly to the new situation, which leads to dysfunctions in the socialization process.

b) In the present circumstances, there is an early mental maturity of the child, which is often in conflict with the delay of social maturation, which involves extension studies, the delayed release in the active social life. Most of the time, the minor, wanting to look more mature, tries to imitate the behavior of adults to be considered himself an adult and thus he can get to commit antisocial acts, crimes, saying that in this way proves his courage and maturity.

c) Another cause could be represented by some weaknesses in the activities of the institutions of social control and educational guidance: the judiciary, representatives of educational institutions, social services, etc. The lack of efficiency, the failure to register all the circumstances requiring special protection measures, create favorable conditions for behavioral deviance of the child. Thus, in cases where it is proved that the family is a harmful environment for the growth and education of child, social services must act to remove him from this home and entrust him to an institution of specialized care.

**Note:** The chapter was based on the article "Juvenile delinquency – Favourable Causes and Conditions" published on www.criminalistica.ro site, author Adrian deaf-Herd.
CHAPTER II

Legislative regulations on children who are under 14 year-old offenders

In any society there are rules, norms requiring its members a certain conduct, social desirable actions.

When some individuals deviate from the promoted rules, expectations and values, they are considered to have an undesirable deviant behavior, and will bear the consequences.

These forms of non-conformism, marginalization, association or criminal acts belong to the scope of deviance, regardless of the real causes, underlying them. Behavioral actions and deviations, as pre-delinquent events, are landmarks of opportunities to commit crimes because of the lack of an adequate education or family support, social disorganization and living in an unfavorable environment for the harmonious development etc.

Indictment, guilt and social danger determine the criminal character of an act, which largely influence the sanction to be imposed.

The systems of juvenile justice vary from state to state. They are based on different models and were founded on a wide range of laws and principles. Although systems differ, there are common issues encountered in most countries.
**Age of criminal responsibility** is one of the pillars of juvenile justice, as children who commit crimes can be held liable only if they tuned the age for criminal liability regulated by law.

**Standards** governing the practice of juvenile justice are another common aspect of the juvenile justice system. They are found in certain international documents ratified by the states that want to improve practices in this area.

### 2.1. International regulations

**UNO Convention on the Rights of the Child**

Convention on the Rights of the Child was adopted on 20\(^{th}\) of November 1989, through the resolution of the General Assembly of the United Nations no. 44/25, being ratified by almost all the countries of the world.

This led to new social and public approaches of the concepts of *childhood* and *adolescence*, seeing the state and society as agents co-responsible for the development and implementation of public policies for children and primarily aimed at their welfare.

Children's rights under the Convention can be grouped into three categories:

- **protection**;
- **development**;
- **participation**.

One of the preconditions for integrating children into society and obeying their rights refer to *public and social policies*. 
We cannot be successful in working with delinquent children if we don’t consider the fact that "public policy" is a key concept for understanding and promotion of relations and cooperation between state institutions responsible for the welfare of children and organizations working with children, especially with children who have committed crimes.

Another pre-condition for success refers to institutions. The prevention of juvenile delinquency and the integration of the children into society cannot be achieved if those responsible in the institutions involved in the lives of these children do not recognize their rights as basic criteria and principles to guide them in their professional activity. Institutions of education, social work, child protection, police, justice and health must base their actions on the perception that children are individuals who benefit from specific rights, justice and social inclusion.

We must also point out that one cannot be successful in accomplishing the difficult task of integrating children into society, particularly those living in conditions of risk, if local authorities do not include the concept of children's rights in local politics. At the same time, they must assume responsibility for the local implementation of the UN Convention.

The protection of children as vulnerable and dependent individuals, is understood also as a protection against the elections and strengths of others, and is guaranteed by the right to life, survival and development (art. 6), the right to protection against abuse, neglect and exploitation (art. 19), the right to protection against all forms of exploitation, abduction, sale or trafficking (art. 34-36) etc. The basic idea of these rights is to protect the integrity of the child and recognize his right to be protected against harmful actions and practices.
Criminal law is a tool for creating a society free of offenses and provides legal protection to every citizen. The emphasis lies on issues related to human rights of those involved in legal proceedings. They are regarded as subjects with rights, whether offenders or victims, assuming active responsibility in resolving the conflict caused by the offense.

The Convention sets out the main values to be taken into account by the State in addressing juvenile justice, including the children who are not criminally responsible for their actions.

Article 40 (1) states that children who are in conflict with the law have the right to be treated in such a manner so as to protect their sense of dignity, self-worth and strengthen their respect for the rights and freedom of others. They must be treated according to the age, so as to promote their reintegration and recovery of a constructive role in society.

Article 40 (2b) includes detailed provisions on the right of the child to certain guarantees, including:

- to be presumed innocent until proved guilty according to law;
- matter shall be determined without delay by a competent authority or judicial body, independent and impartial, in a fair hearing, according to law provisions;
- not to be compelled to give testimony or to confess his guilt;
- to be able to appeal the decision and any measure imposed in consequence in front of an authority or a superior competent, independent and impartial court;
- to the free assistance of an interpreter if he cannot understand or speak the used language.
Article 40 (2b) also states some other rights designed to protect children, including:

- to be informed as soon as possible and direct of the accusations against them or, where appropriate, through parents or legal guardians;

- The right to a fair trial in the presence of parents, if this is considered in the best interest of the child because of his age and situation in particular.

Other sets of rules adopted by the international community detail working modalities in juvenile justice:

- The Minimum Standard Rules of the United Nations in the Administration of Juvenile Justice (the Beijing Rules adopted in 1985 by the resolution No.40/33 of the General Assembly);

- The Principles of the United Nations for the Prevention of Juvenile Delinquency (the Riyadh Principles adopted in 1990 by the resolution No. 45/112 of the General Assembly);

- The United Nations Rules for the Protection of Minors Deprived of Liberty (adopted in 1990 by the resolution No. 45/113 of the General Assembly);

- Action guidelines concerning children involved in the criminal justice system (adopted by the Economic and Social Council resolution 30/1997);

- The Minimal Rules of the United Nations for non-custodial measures (the Tokyo Rules/1990);

• The Declaration on the Basic Principles of Justice for the Victims of Crime and Abuse of Power (adopted by the resolution No. 40/34 of the General Assembly).
To these international instruments drawn up by UN bodies are added other normative acts containing principles of juvenile justice, such as:

- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and regional treaties: the Convention on 4th November 1950 for the Protection of Human Rights and Fundamental Freedoms, amended by Protocols no. 3, 5 and 8 and supplemented by the Protocol no. 21;
- The European Convention on the Adoption of Children - 1968
- The European Convention on the repatriation of minors - 1970;
- The European Convention on the Legal Status of Children born out of wedlock – 1975
- European Convention on Recognition and Enforcement of Decisions concerning the supervision of children and restoration of the supervision of children - 1980;
- The revised European Social Charter - 1999;
- European regulation on community sanctions and measures adopted by Recommendation no. R (92) 16 of the Committee of Ministers of the Member States on October 19, 1992;
- American Convention on Human Rights - 1969;
Recommendation of the Council of Ministers on November 5, 2008 on the European Rules on children offenders and for whom measures and sanctions have been established (CM/Rec2008) 11) - establishes compulsory rules for all the forms of reaction to the delinquent behavior of the children and covering, thus, all measures to be taken for them.

The aim of the Rules is to support the rights and safety of juvenile offenders subject to sanctions and measures and to promote physical, mental and social welfare, while being subject to community sanctions and measures, or any form of deprivation of liberty.

According to one of the basic principles set out in Rule 15, any juvenile justice system will promote a multidisciplinary and multi-institutional approach and will be integrated with other major social initiatives for children, to ensure continuity of care of these children (principles of community involvement and continuity of care).

These recommendations apply particularly to children who are not criminally liable and all measures taken for them. The measures are listed in Law 272/2004 and are implemented the strategies and in the organization of the system of child protection and social services in Romania.

When talking about children who have committed crimes, we must take into account European guidelines detailing generally applicable standards in working with delinquent children.

The basic principles governing the European Juvenile Justice are:

✓ The principle of minimum intervention;
✓ The principle of diversion;
✓ The principle of participation.

The principles of the European juvenile justice in preventing recidivism and escalating crime are:
The principle of education;
The principle of self-development;
The principle of re-socialization;
The compensation principle;
The principle of mediation;
The principle of supporting victims.

2.2. National Regulations

Since January 1st, 2007, Romania has been a member state of the European Union, and legislation relating to the protection and promotion of children's rights is essentially in line with international regulations and the Community acquis in this area.

The Constitution of Romania, the fundamental law of the country, provides in art. 16, the fact that citizens are equal before the law and public authorities, without any privilege or discrimination and that nobody is above the law. Free access to justice is provided in Art. 21:

(1) Any person can go to court to protect the rights, freedoms and legitimate interests.

(2) No law may restrict the exercise of this right.

(3) The parties have the right to a fair trial and settlement of cases in a reasonable time.

Protection of children and young people is provided in Art. 49 of the Constitution, which stipulates that they enjoy a special protection and assistance in achieving their rights.

Romanian Criminal Code sets the age of criminal responsibility, as follows:

Art 113 – The limits of criminal liability are:
(1) A minor who has not turned the age of 14 years is not criminally responsible.

(2) A minor who is aged between 14 and 16 years is criminally responsible only if it is proved that he committed the act with discernment.

(3) A minor who has turned the age of 16 is criminally responsible according to law.

Minors deprived absolutely of criminal capacity (up to age 14) cannot get a penalty, but protection measures.

Minors aged between 14 and 16 are relatively deprived of criminal capacity, i.e., as long as they are declared indiscriminate, are assimilated to minors under 14, but if it is demonstrated that they acted with discernment, will be treated as minors over 16 years.

The court may ask the Probation to prepare the assessment report in order to determine the discernment of the minor aged between 14 and 16 years.

It is believed that minors over the age of 16 have discernment and therefore, have absolute criminal capacity and there is no difference, in terms of criminal capacity between them and major offenders but in legal treatment.

**Law no. 272/2004 on the protection and promotion of children's rights, republished in 2014**

Two years before Romania joined EU, i.e. on January 1st, 2005, in Romania a new law on child protection became operative, adopted as legislative package in 2004, later extended by a series of laws designed to supplement and clarify various aspects.

The main regulations of Law no. 272/2004 on the protection and promotion of children's rights, republished in 2014, lines up the international standards and emphasizes that children's rights are human rights.
Law no. 272/2004 was based on four basic principles:

✓ The principle of non-discrimination;

✓ The principle of the best interest of the child;

✓ The right to life, survival and development;

✓ The right to freely express their opinions.

The central idea of Law 272/2004 and of the UN Convention is that every child matters and all entities responsible for promoting and protecting children's rights have a duty to do everything possible to ensure that no child is forgotten or ignored.

Therefore, the Law no. 272/2004 regulates issues relating to children's rights in general and those of vulnerable children. The law pays special attention to several of these categories, such as:

• Children at risk of being separated from their parents - are included and children from families in crisis (e.g. natural disasters, homelessness, loss of income source, alcoholism, drug abuse, etc.).

• Children separated from their parents - this category also refers to children in family foster care or a person, children in foster care or an orphanage.

• Street children - children living and / or working on the streets, alone or with family.

• Children who exhibit deviant behavior - this group of children is at risk of being separated from their families and also includes those who have inclination towards, or show deviant behavior.
• **Delinquent children** - children who have committed an offense, but not criminally responsible, as well as those who are criminally responsible.

Law no. 272/2004 on the protection and promotion of children's rights, republished in 2014, provides a number of regulations on **children who have committed an offense under the criminal law and are not criminally responsible, establishing the fundamental principles** in the field:

**Article 84** - (1) For the child who has committed an offense under the criminal law and is not criminally responsible, on a proposal from the General Directorate of Social Assistance and Child Protection in whose administrative territorial unit the child is, one of measures referred to in art. 59 letters a) and c) will be taken, i.e. **placement** or **specialized supervision**.

(2) In the disposal of one of the measures provided in art. 59 letter. a) and c), the Commission for Child Protection, when there is parental consent or legal representative of the child or, if appropriate, the court, where the agreement is missing, will take into account:

a) the conditions that favored the act;

b) the seriousness of the offense;

c) the environment in which the child grew up and lived;

d) the risk of committing again an act under criminal law by the child;

e) any other evidence which characterize the situation of the child.

**Article 85** - (1) The measure of specialized supervision is to keep the child in his family, provided that certain requirements are obeyed, such as:

a) he attends school;

b) the use of day care services;
c) he undergoes medical treatment, counseling or psychotherapy;

d) prohibition of attending certain places or having connections with certain people.

(2) When the continuation in the family is not possible or when the child is not fulfilling his obligations under specialized supervision measure, Child Protection Commission or, where appropriate, the court, after the distinctions mentioned in art. 84 para. (2), may order his placement in the extended family or the substitute one, as well as the fulfillment of obligations by the child under paragraph (1).

Article 86 - If the offense under the criminal law, committed by the child who is not criminally responsible, has a high degree of social danger and if the child for whom they have established measures referred to in art. 85 commits further offenses, child protection commission or, where appropriate, the court requires, for a temporary period of time, the placement of the child in a specialized residential service.

Article 88 - (1) Throughout the implementation of measures for the child who commits criminal acts and is not criminally responsible, specialized services will be provided, to assist children in their process of reintegration into society.

According to art. 84 para. (3) of Law no. 272/2004, republished in 2014, parents of a child who commits criminal acts and not criminally responsible are required to attend counseling sessions conducted by the General Directorate of Social Assistance and Child Protection, based on a customized program of psychological counseling."

The child who has committed an offense under the criminal law and is not criminally responsible will not be accompanied and assisted by a psychologist or social worker, designated by the general direction of social assistance and child protection at any stage of a criminal investigation (art. 88 para. 3).
It is forbidden to make public any information relating to criminal offenses committed by the child who is not criminally responsible, including data on this person (art. 87).

**Article 61 of Law no. 272/2004**, republished, stipulates that parents and the child who has turned the age of 14 have the right to sue the established measures of special protection with free legal aid, under the law.

The law provides premises of inter-institutional collaboration in the field of child protection, stipulating at the art. 1 that "public authorities, private authorized bodies as well as individuals and legal persons responsible for child protection are obliged to respect, promote and ensure children's rights established by the Constitution and law, in accordance with the provisions of the UN Convention on rights of the Child, ratified by Law no. 18/1990, republished, with the subsequent changes, and other international instruments to which Romania is a party".

It also states that: "State intervention is complementary; State ensures child protection and guarantees the compliance of all of its rights in the specific activity performed by state institutions and public authorities with responsibilities in this area."
CHAPTER III

The role of the social assistance and child protection in child behavior management of deviant children under the age of 14.

Practical Guidelines

3.1. Social assistance structures and child protection

The monitoring of the observance of the principles and rights established by Law no. 272/2004, republished and the United Nations Convention on the Rights of the Child, ratified by Law no. 18/1990, republished, as well as the coordination and control of activities to protect and promote children's rights is carried out by the Ministry of Labour, Family, Social Protection and the Elderly.

Within this ministry, the National Authority for Child Protection and Adoption works at central level. It monitors the observance of the rights of all children and takes the necessary steps to help create
a society fit for children, this process involving central and local government authorities, civil society, parents and children.

The defense of the rights and freedoms of the child in his relations with the public authorities, in order to promote and improve the condition of the child, is achieved through the institution of the Ombudsman.

**Institutions and local service**

The institution related directly to the situation of the child who has committed a criminal offense and is not criminally responsible is the *General Directorate of Social Assistance and Child Protection* at the child's home or in whose administrative-territorial jurisdiction the child was found. This institution *subordinated to the county council, respectively to local councils of the sectors of Bucharest* and may suggest, depending on the situation of children who are criminal offenders, some *special protection measures* provided for in art. 59 letters a) and c) in Law. 272/2004, namely: *placement and specialized supervision*.

The General Directorate of Social Assistance and Child Protection exercises in the field of protection and promotion of children's rights, *the following main tasks*:

a) coordinates the activities of social assistance and family protection and child rights in the county, respectively in the sector of Bucharest;

b) coordinates, at county level, the activities and measures of implementation of the objectives of the strategies of the county in the field of protection and promotion of the child's rights;

c) provides methodological guidance to activities of public services of social assistance;
d) ensures, at county level, the uniform application of the legislation in the protection and promotion of children's rights;

e) monitors and analyzes the observance of children's rights in the county/district and proposes measures for situations in which rights are violated;

f) monitors the authorized activity done by children in the cultural, artistic, sports, advertising and modeling fields, within its territorial jurisdiction;

g) requests information and documents, under the law, from any public or private person or the individuals involved in its sphere of competence, they have the obligation to make them available within 15 days from the date of the request.

Public Services of Social Assistance organized in towns and cities, and persons responsible for social services within the local communal councils, follow the evolution of child development and the way his parents exercise their rights and fulfill their obligations with respect to child who has benefitted from a measure of special protection and has been reintegrated into his family; work with the General Directorate of Social Assistance and Child Protection in the field of child protection and transmit all data and information required in this area; draw up the plan of services, which aims to prevent the separation of children from their parents and they implement it. This plan is based on the application establishing a measure of special protection of the child by the General Directorate of Social Assistance and Child Protection. Upon termination of special protection measures, they follow the evolution of child development and how parents exercise their rights, compiling monthly reports for a period of at least six months.

Child Protection Commission - is another specialized unincorporated body of the County Council, that has decisional activity in the field of protection and promotion of child’s rights. In this respect, it has one of the special measures of protection,
when there is the agreement of the parents or other legal representative of the child.

(1) The Commission consists of seven people and has the following structure:

a) President - Secretary General of the county, respectively, the secretary of Bucharest district;

b) Vice President - Director of the General Directorate of Social Assistance and Child Protection. This may delegate his responsibilities to the deputy general director who coordinates the activities of protection of children's rights;

c) five members.

(2) Members of the Commission are:

a) a pediatric specialist, appointed by the public health departments of the county, and from Bucharest;

b) a special education teacher with experience in special education, designated by the school inspectorate of the county, respectively, Bucharest;

c) a representative of the territorial police inspectorate;

d) the representative Agency for Payments and Social Survey of the County, and Bucharest, with responsibility for social assistance;

e) a representative of the private accredited bodies, proposed by the General Secretary of the counties or sector of Bucharest.

The Commission has the following main tasks:

a) determines the classification of the degree of disability of the child;
b) finding, under the law, of the proposals relating to the establishment of a measure of special protection of the child;

c) the resolution of requests on the issue of maternal assistant certificate;

d) other duties provided by law.

The case appealed to the General Directorate of Social Assistance and Child Protection, by the prosecutor who investigated the situation of the minor, will be submitted to the Commission for the Protection of the Child, which will decide one of the measures of special protection, if there is parental consent expressed in front of the members composing it. The meetings of the Commission to resolve the case of a minor, take in special places that ensure the confidentiality of data and information regarding the child, the respect for the dignity of persons appearing before the Commission and privacy of the debates of the Commissioners.

The resolution of the case regarding the child includes the following steps:

✔ presentation of identity data of the child and persons called / summoned in front of the Commission for Child Protection to solve the case;

✔ submission of the initial assessment on the situation of the child, the motivated proposal on the establishment of a measure of child protection;

✔ the obligatory mention of the child's opinion on the proposed measure, including data on the child's age, maturity and his ability to form and express an opinion.
Solving such a case will be made no later than 30 days from the date of registration of the referral by the Director in sessions.\(^1\) Immediately after receiving the request for the establishment of a measure of special protection, the General Directorate of Social Assistance and Child Protection has to prepare individualized protection plan.

In setting the objectives of the individualized protection plan, priority is given to the child's reintegration in the family or, if not possible, placement of the child in the extended family. The objectives of the plan are established after the mandatory consultation of the parents and extended family members that could be identified.

It is mandatory to submit the **report on the psycho-social investigation** of the child by the specialist of the General Directorate of Social Assistance and Child Protection who has investigated the case and the **individualized protection plan** (IPP\(^2\)) – to the Child Protection Commission or the court.

The document by which the planning of services, benefits and special measures of special child protection is realized, based on the psychosocial assessment of the child and his family in order to integrate him into society -IPP - is developed in programs of specific intervention with short-term, medium and long goals for the following aspects:

- ✓ health needs and health promotion;
- ✓ care needs, including security and promotion of prosperity;
- ✓ physical and emotional needs; educational needs and aiming at obtaining appropriate educational outcomes corresponding with the potential of development of the child;

\(^1\) Commission meetings are not public.

\(^2\) The document by which the planning of services, benefits and special measures of special child protection is realized, based on the psychosocial assessment of the child and his family in order to integrate him into society
✓ leisure needs, social needs;

✓ ways of maintaining connections, where appropriate, with parents, extended family, friends and other persons to whom the child has developed ties of attachment;

✓ development of independent life skills;

✓ opportunities of family reintegration.

**Psychosocial report** will include data on personality, physical and mental state of the child, the conditions in which he was raised and where he lived, any data on the growth and education of the child, which can be used by the Commission for Child Protection in solving the case, in the proposal of a measure of special protection of the child, in finding the position of the child regarding the proposed measure.

In addition to these documents, the child's file will also include the **service plan** that was drawn up by the public service of social assistance, the **point of view of local authorities** and **community consultative structures** in relation to the need for a special protection measure.

**The service plan** is prepared and implemented by the public social service, held in the cities and towns, as well as by persons responsible for social services within the local municipal council from the administrative territorial unit where the child is, after the evaluation of the situation of the child and his family.

In Bucharest, the preparation and implementation of the plan is carried out by the General Directorate of Social Assistance and Child Protection in each sector. The service plan is approved by the **mayor** and aims to prevent abuse, neglect, exploitation and all forms of violence against children or the separation from his family. To this end, public service of social assistance or, where appropriate, the General Directorate of Social Assistance and Child Protection in each sector of Bucharest has the obligation to provide
services and benefits designed to keep children in the family and support the access of the child and his family to other services.

The service plan can have as a finality the submission of the demand establishing a special child protection measure to the General Directorate of Social Assistance and Child Protection only if, after providing services covered by this plan, it appears that keeping the child with his parents is not possible.

3.2. The procedures followed by the court

The stipulations of solving the cases on measures special protection provided by Law No. 272/2004, republished, and is supplemented by the ones of the Code of Civil Procedure.

The Court from the child’s home or the court in whose jurisdiction the child was found, if the child's domicile is not known (Civil Division), decides one of the special measures mentioned at the proposal of the General Directorate of Social Assistance and Child Protection. The court will decide one of the special measures of protection instead of the Commission when there is no parents’ agreement or other legal representative of the child.

When the General Directorate of Social Assistance and Child Protection has in its records a child who has committed an offense, but is not criminally liable and does not have parental consent in taking a measure of special protection, will make a requisition to the
Court\textsuperscript{3} – the Section for cases involving minors and family to decide on one of them.

The court must resolve the emergency, summoning the child's legal representative and the General Directorate of Social Assistance and Child Protection, the prosecutor’s presence is required. The hearings in juvenile cases cannot be more than 10 days. The court will obligatorily hear the child who has turned the age of 10 years because the child has the right to be heard.

If the court considers that his hearing is necessary to resolve the case, may also hear the child under the age of 10 years. The hearing takes place only in the Council Chamber in the presence of a psychologist and only after a preliminary preparation of the child for this purpose. It is indicated the presence of a person to support the child at the time of his hearing. The child's opinions will be taken into account in relation to the age and maturity of the child.

At the time the court is seized, and during the trial, at the request of the court, the General Directorate of Social Assistance and Child Protection will prepare and present the report on the child, which will include data on:

- personality, physical and mental state;
- socio-medical and educational history;
- conditions in which the child was raised and where he lived;
- proposals concerning the individual, family or the service of residential type where the child could be placed;

\textsuperscript{3} The Court from the child's home or the court in whose jurisdiction the child was found, if the child's domicile is not known.
any other data on the growth and education of the child, which can serve to solve the case.

Decisions by which the ground of the case shall be decided will be taken on the day the debate ended (the pronouncement can be delayed more than 2 days) and are enforceable and final. They may be appealed within 10 days of notification by the parties.

Parents requiring the restoration of full exercise of parental rights benefit from free legal aid, under the law.

Police, prosecutors, probation services are required to provide the necessary support, according to their competence, to specialized services for child protection who has committed a criminal offense and is not criminally responsible, for the smooth running of the activities of the General Directorate of Social Assistance and Child Protection.

3.3. Practical guidelines in the intervention of social services

Objectives in providing services to delinquent child are:

- prevention and control of repeating actions or deviant behavior of children;

- educating children in a spirit of respect for the law and the moral values in the spirit of tolerance, dignity and solidarity;

- encourage and support children in moving towards a fair and responsible life;

- accountability and awareness of children to the factors that might endanger the physical and moral development;

- school, family or social reintegration of the child;
- prevention of the situations favoring crime;
- recovery and rehabilitation of delinquent children.

*In achieving these objectives, regular meetings of psycho-behavioral counseling or individual psychotherapy or programs of individual and group counseling with beneficiaries will be organized.*

**Categories of beneficiaries** of specialized services:

- children who have committed a criminal offense and are not criminally responsible;
- natural family, extended or substitute, where appropriate, the child who has committed a criminal offense and is not criminally responsible;
- other legal representative of the child who has committed a criminal offense and is not criminally responsible;
- local community the children belong to;
- other partner institutions (schools, health units, etc.).

**Services** available to the General Directorate of Social Assistance and Child Protection which also covers the issue of delinquent and pre-delinquent children are:

- day services;
- family Services;
- residential services.

Day services are designed to ensure the maintenance, restoration and development of the capacity of the child and parents, to overcome situations that could lead to separation of the child from his family.

Day services include: day care, counseling and support for parents, care homes and support for the rehabilitation of children with psychosocial problems, monitoring services, assistance and support to pregnant women prone to abandon their child.
For the child who has committed a criminal offense and is not criminally responsible, these are organized as centers of guidance, surveillance and support of social reintegration of the child, and access to these services is made under the plan of services (PS) or, where appropriate, individualized protection plan (IPP) and the mayor / manager of the legal person in whose structure the service works. Among the responsibilities of day services we can mention:

- providing an educational program appropriate to age, needs, and potential of development and characteristics of the children;
- providing recreational and social activities;
- providing psychological counseling and educational and vocational guidance to children;
- providing advice and support for parents;
- development of specific programs to prevent abusive behaviors of parents and family violence;
- providing habilitation and rehabilitation programs;
- the contribution to the objectives included in the plan of services or, where appropriate, individualized protection plan.

**Family services** are those services that ensures, at the residence of a person or family, the growth and childcare separately, temporarily or permanently, from his parents, in response to the settlement of the placement measure.

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When the case handler finds that family and / or child are entitled to a certain benefit, he must support the family in its efforts to obtain that right (e.g., to contact the authority or organization providing the benefit in question, to support family in preparing the necessary documentation to accompany the family when they consider this necessary, etc.). The plan of services may have as a final the submission to the General Directorate of Social Assistance and Child Protection of the demand establishing a measure of special protection of the child.
For the child who has committed a criminal offense and is not criminally responsible, they must organize a specific training module for individuals or families who provide special protection of the child.

Among the duties of family services we mention:

- the assessment after the referral, of the child's needs and the periodical review of the assessment of the child’s needs;
- preparation and revision of individualized protection plan for the child;
- monitoring and recording the evolution in the implementation of individualized protection plan;
- organization, coordination and monitoring of activities involving other specialists, when the child's needs require these interventions;
- maintaining relationships of the child with the natural family or any other person relevant to his life;
- preparing, maintaining and updating the documentation on the situation of children who benefit from this service and, respectively, the situation of the families who provides for him;
- supporting and monitoring the growth and care of the child and ensure that families are informed, accept, understand and act in accordance with the law;
- providing information to the extended or substitute family on the types of support available;
- providing information concerning the procedures to be followed in case of suspected abuse, neglect or other complaint against the family;
- the assessment, annually or whenever needed, of the activity of each family.

- **Residential services** are services that provide protection, growth and childcare separately, temporarily or permanently, from his parents, in
response to the placement measure. For the child who has committed a criminal offense and is not criminally responsible, these are organized as centers of guidance, surveillance and support for the social reintegration of the child.

Among the duties of residential services we mention:

- provide accommodation, food, space, equipment and sanitary conditions required for the special protection of children;

- ensure, where appropriate, health surveillance, health care, rehabilitation, care and constant supervision of children;

- ensure safety and security of beneficiaries;

- provide beneficiaries protection and assistance in order to know and exercise their rights, a favorable climate for the development of children's personality, leisure opportunities;

- ensure beneficiaries' access to information, culture, informal and non-formal education to assimilate the knowledge and skills necessary for social integration;

- ensure the participation of the beneficiaries in group activities and individualized programs, tailored to their needs and characteristics, the intervention of specialty;

- contribute to the objectives contained in the individualized protection plan;

- seek concrete ways to implement special protection measures, integration and development of the beneficiaries in the service and formulate proposals to supplement or amend the individualized protection plan or improving the quality of the care provided.

- If proper services are not provided to protect children who commit crimes, including qualified and trained personnel, proper treatment and
individualized approach, results of the intervention in the services may not be what you want.

CHAPTER IV

The role of the police in managing the criminal behaviours of children under the age of 14.

Practical guidelines of the activity of prevention and control

4.1. Legal aspects in handling cases involving minors under the age of 14

Law no. 272/2004 on the protection and promotion of children's rights, republished in 2014, is the principal law governing police intervention for minors under 14 who commit criminal acts.

In the Criminal Code and Criminal Procedure Code there are references to cases involving minor offenders, but these are oriented towards minors who
are criminally responsible (between 14 and 16 they are criminally liable if it proves that they committed the act with discernment, over the age of 16 they are criminally responsible, according to the law). For these categories there are specified educational measures (custodial or non-custodial) that can be applied (art. 114, 115 Criminal Code), special provisions on preventive measures applied to minors (Code of Criminal Procedure, art. 243, 244), the Proceeding in cases with minor offenders (Chapter III CPP).

Returning to minors under the age of 14 mentioned in this paper, according to police procedures, a criminal case concerning a person under the age of 14 who have committed an offense under the criminal law and is not criminally responsible is solved with:

a) **classification** when the prosecution is not exercised or, as applicable, the prosecution is not exercised as there is one of the cases provided by art. 16 para. 1 of C.P.P.;

b) **giving up the prosecution** when there is no public interest in the prosecution of the crime, and according to Law. 272/2004 on the protection and promotion of children's rights, republished, the measures of special protection, respectively, placement and specialized surveillance are applied.

Law no. 272/2004 on the protection and promotion of children's rights, republished in 2014, states in Chapter V - "Protection of children who have committed a criminal offense and are not criminally responsible", what action can be taken against these minors and who have responsibilities in the field.

For the activity of the Police, it is noteworthy, in particular, the art. 88, para. 3 according to which, “The child who has committed an offense under the criminal law and is not criminally responsible will be accompanied and assisted by a psychologist or social worker
appointed by the Social Assistance and Child Protection at any stage of the criminal research ".

It is also important that in the activities of the police art. 87 should be obeyed: “It is forbidden to make public any information relating to criminal offenses committed by the child who is not criminally responsible, including data on his person”.

4.2. The procedure for the hearing of minors under the age of 14

The Code of Criminal Procedure establishes a special procedure in cases involving minor offenders, but this is aimed at children over the age of 14 who, in certain circumstances, are criminally liable. Criminal procedure rules do not include provisions for children under 14 who have committed crimes, as long as they are not criminally responsible, being outside the criminal process.

Hearing children under 14, who are in conflict with the criminal law, is, essentially, an activity different from hearing adults, a kind of hearing that requires paying special attention by preparing judicial bodies (you need to have both a comprehensive legal training and knowledge of legal psychology), and the child, with the choice of listening techniques that take into account the characteristics determined by the degree of development of the child or by the stages characteristic to the biological age of the minor.

Preliminary data will be obtained from family and school environment as well as data relating to the concerns, circle of friends, favourite activities of the minor.

The hearing of the minor under the age of 14 is customized according to age, physical and mental development, i.e. his background:

– the period from 1-3 years is not relevant to judicial investigation;
– the period of 3-6 years is characterized by instability and unequal perception of space and time;

– the period from 6 to 10 years is defined by increasing cognitive function, development of memory and its capacity of rendering. The child begins to distinguish between truth and falsehood;

– the period from 10 to 14 years is characterized by contradictory conduct, determined by completion of puberty: memory develops, the child is able to interpret phenomena, but at the same time is willing to exaggerate, and can be easily influenced;

– the period from 14 to 18 years approaches him to the major, but his lack of experience must be taken into account.

Judicial body must take into account that attitudes and behavior of the minor are influenced by parents, relatives and other people with whom he comes in contact, the desire to put it on or even the inability to discern the truth (especially until the 10-12 years). The minor can be heard at the headquarters of the judicial body or a familiar place (school, home, home, preferably in a specially equipped room for hearing). Citation term is recommended to be minimized.

The investigator should show patience and tact, address minors in an accessible language and to formulate the questions carefully, taking into account the danger of their suggestion. Recording declarations should be done at the level of understanding of the children.

Discussions with relatives, parents, teachers, social services staff (where applicable) and juvenile friends will outline a psycho and intellectual portrait, in order to enable good planning of the strategy of hearing. Thus, one can establish the persons with whom the minor communicates more
easily, who can influence him and are more reliable, choosing the one who will be present at the hearing of the child.

The characteristics of the age, the possible influences of the ‘rebellious’ adolescence, the limits of life experience and intellectual baggage will be taken into account. The statements of the minor will not be viewed with irony or superiority, as a cold attitude of the investigator will generate a recoil, a retreat and so the communication will be obstructed. On the other hand, a very relaxed attitude could attract the tendency of the minor tendency to fable.

The hearing of the minor will be preceded by conducting preliminary discussions, designed to facilitate the establishment of a trust relationship between minor and judicial body. The talks will be aimed at revealing the concerns of the minor, making then a gradual transition to listening to the free narrative.

The same rules of sobriety in hearing the free reports will be observed, without unnecessary interference or suggestive mimes which, especially for, minors, may bring undesirable results: childish fable, denying any facts, refuge in mutism, etc. Threats or promises to create a more difficult or easier situation in the process will not be made, because they would obviously affect the sincerity of the declarations of the minor.

The guided hearing follows- which involves addressing specific questions, depending on the nature of the crime, the manner and conditions of committing, the procedural position and personality traits of the minor learned during the preparation and implementation of the hearing. According to all the problems which must be detailed, questions about times and relationships prior to the offense or regarding elements during the offence, or certain events, attitudes, discussion after committing the crime will be asked. Questions will have to be clear, no suggestive tint and no more meanings.
Although the solution of the file is predictable from the investigator’s point of view, the statement of the minor under the age of 14, author of the crime, is valuable when, through this, they get to other people, usually major who have taken part in the criminal act. There are often situations in which a major inciting the minor under 14 years to commit crimes, knowing that the latter is protected by law.

Special rooms are not organized enough to conduct interviews with minors under 14 years, but every officer must make his own arrangements for the activity under optimal conditions. According to art. 88 of Law no. 272/2004, republished, when carrying out activities with minors under 14 years, including the hearing, the psychologist or social worker appointed by the General Directorate of Social Assistance and Child Protection is called.

In practice, the parents are also called (the tutor or the person who take care or supervises the minor).

4.3. The prevention of crime in the Romanian Police

Crime prevention is alongside the control, one of the essential attributes of the Romanian Police, which helps to protect the rights and freedoms of the individuals and the community, the public and private property, as well as the defense of public order.

This means all the measures meant to reduce or to help reduce crime, the damage caused by it and the feeling of insecurity of citizens by preventing criminal activities directly and / or through policies and interventions designed to reduce the criminogenic potential and the causes of crime.

The main goals of prevention are:
- reducing the number of crimes and participants to commit them;

- reducing the risk of victimization;

- reducing the consequences of breaking the law;

- increase the confidence of the population in the police;

- ensuring a climate of public safety.

Crime prevention is conducted in accordance with the principles of respect for human rights and freedoms, legality, social partnership, fairness in partnership relations, transparency, continuity, flexibility, i.e. adapting to the diverse problems of the community.

The activity of the Romanian Police in this domain includes the following steps:

a) the study of crime and the causes that generate it and the analyze of quantitative and qualitative changes in the structure of the crime on medium or long term, at national, regional and local level;

b) carrying out activities aimed at reducing the risk of crime and victimization;

c) quantitative and qualitative evaluation of the results.

Structures of analysis and crime prevention in the Romanian Police work in these activities with operative formations, with other units of the Ministry of Internal Affairs, with public and local authorities, non-governmental organizations, partners in the private sector, the media and citizens:
In the Romanian Police structures of crime prevention work as follows: at central level the Institute of Research and Prevention of Crime operates (IRPC), as subordinated to the General Inspectorate of Romanian Police. It was established in 1998 and consists of two offices - Research Office and Prevention Office. I.R.P.C. coordinates, monitors and controls the activity of the territorial formations: 42 prevention structures in all counties and in Bucharest.
Locally, within each police inspectorate of the county and the General Directorate of Police from Bucharest, structures of analysis and crime prevention responsible for the organization and activities circumscribed to this domain, are constituted. These work permanently with structures of public order, traffic police and criminal investigations at county level and are coordinated by deputies of public order of the heads of units.

Crime prevention activities are conducted in a uniform manner throughout the country, both in terms of working instruments and on the directions of intervention. Thus, all actions are procedural national / regional / local initiatives, being embodied in programs, projects or prevention campaigns.

Each year, the Institute of Research and Crime Prevention, based on clearly defined criteria and after the consultations with the departments of public order and criminal investigation from G.I.R.P. (The General Inspectorate of Romanian Police) and county police inspectorates, identifies the domains of national priority areas of action of Romanian Police, in order to prevent crime.
The document strategically developed for national prevention priorities, paves the premises of a coherent, integrated, efficient, nationwide approach.

4.4. Prevention of Juvenile Delinquency: national priority of Romanian Police

Prevention activities undertaken by the police, juvenile delinquency and victimization of minors represent a major and constant concern. Moreover, since 2011, this area has been designated a national priority of prevention, which implies a concentration of specific actions to this category of beneficiaries, in order to reduce the risk of victimization and involvement in criminal activities.

The prevention of juvenile delinquency is achieved through the intervention of the causes, conditions and circumstances that may cause or encourage criminal acts, taking action on both minor and micro- and macro- environment which they belong, by developing a unified and coherent system of management of deviant behavior of minors. This approach to the problem involves collaboration of Police with other institutions or organizations with child protection concerns.

In their activity, the structures of analysis and crime prevention direct, in particular, their attention to children at risk. We want that, by conducting information and awareness campaigns, through discussion and preventive materials sent to schools, juvenile reception centers and so on, to create and strengthen the skills of correct, anti-delinquent behavior. The range of preventive activities is a diverse one, along the years it has got increasingly more complex and modern meanings.
Here are further illustrated examples:

a) meetings with target groups (students, their parents, teachers) for the distribution of materials with preventive aspect and the presentation of the consequences of involvement in the commission of crime - organized during the school year or at camps during the holidays;

b) organization of performances and watching movies for pre-school pupils and watching thematic films;
c) organization of sports activities, as well as leisure alternatives, which promote nonviolence, team spirit and anti-delinquent recommendations are sent;

d) organization of competitions and exhibitions of drawings with preventive theme, arranged in places of public interest;

e) organizing competitions for students to test knowledge, at the end of information sessions;
f) participation in local meetings with representatives of the General Directorate of Social Assistance and Child Protection, school inspectorates, representatives of religions and representatives of NGOs, for the identification and implementation of activities with impact on children;

f) organizing marches of students;

g) thematic theater festivals.
Furthermore, through the media and modern information technologies preventive messages to ensure a greater number of receptors among target groups are promoted.

**Minors under the age of 14** represent a special category, and specific steps of prevention structures of the Romanian Police should focus on them. The need for the orientation, constantly and continuously, of prevention activities towards these minors, who have a high risk of vulnerability, both in terms of crimes, and in terms of victimization, derives from a series of features of this category.

In this respect, we mention: **minors have personalities which can be educated, there is the real possibility of correcting deviant behavior - shaping the attitude of young people to a nondelinquent life with higher efficiency than the adults**, preventive steps can be assimilated to the educational process, given that most preventive interventions are conducted in schools, with the possibility of involvement of teachers and parents, to adequately inform the children.

In this context, structure of analysis and crime prevention at central and local level organize informative-preventive activities in school, activities intensified during special events such as, "Crime prevention week ", the project, "Another School : to know more, to be better! "etc..

From the scope of victimization topics are addressed, such as **browsing safely the Internet, conflict management in school and beyond, preventing robberies, pickpocketing, preventing disappearances of minors, sexual abuse, protecting children's rights**, etc. Topics covering juvenile delinquency include references to concepts such as **offense, criminal law, criminal liability, details of age limits and measures applicable to minors, the types of crimes committed by minors, and recommendations**
to avoid antisocial behavior and dubious entourages, the observance of laws and life rules, etc. Meetings with students and teachers are designed to be interactive, giving possibility for the audience to comment, ask questions, for a much better communication and transmission of the message in an effective way.

The prevention police officers use, in addition to presentations and discussions themselves, a number of supporting materials, such as preventive leaflets, brochures, videos and movies, focusing on examples, specific cases, the impact on students, then recommendations to prevent risk situations.

4.5. Practical guidelines: successful projects in preventing juvenile delinquency

A. Information Centre and Crime Prevention of Bucharest

Within the process of alignment with European standards of police service in our country, the General Inspectorate of Romanian Police collaborates with similar institutions in EU member states to exchange best practices and implementation in Romania of models that have proven in time, their efficiency.

Thus, in order to enhance informative-preventive activities carried out by specialized structures of the Romanian Police, with the conceptual and logistical support of Police Baden-Württemberg in Germany,
The Center for Information and Crime Prevention, whose activities are coordinated by the Institute for Research and Prevention of Crime, was established in Bucharest.

This provides immediate and direct connection between the Police, as state institution to serve the citizens, and members of the community it serves. However, the establishment of the center aimed to increase community capacity to channel their efforts in developing civic spirit and social cohesion.

Information provided to beneficiaries are multidisciplinary, because, in addition to specialists of the Institute, representatives of other structures of the Ministry of Internal Affairs make presentations, such as: firemen, policemen, workers of National Anti-drug Agency, National Agency against Trafficking of Persons.

The center provides opportunities for training human resources in the fight against crime, namely: training volunteers in crime prevention, conducting training and education sessions, dissemination of information on volunteering and neighborhood watch.

The main activities at the center are:

- Organizing roundtables, debates, seminars, attended by structures of the Police and the Ministery of Internal Affairs, as well as other public institutions, NGOs and so on, to identify ways of cooperation in crime prevention;
- Conducting meetings with students, where issues are discussed, such as legal education - general concepts, juvenile delinquency prevention, internet safety, prevention of the victimization of the minors, antisocial behavior, violence in sports, earthquakes and fire protection, prevention of using drugs or ethnobotanical plants, road education.
B. The project of legal education "There are no two ways about it!"

Since the school year 2010/2011 to the present (2014), the General Directorate of Police of Bucharest, through the Service for Analysis and Prevention of Crime implements, at the level of the capital Bucharest, the project of legal education "There are no two ways about it!"

It is developed in collaboration with the School Inspectorate of Bucharest, with the support of the Ministry of National Education.

The project aims to reduce the vulnerability of the minors to commit criminal acts. Initially, the main target group consisted of all seventh graders from Bucharest, about 13,000/year of study. At the request of teachers and parents, the project was extended and adapted for grades VI, VIII, IX-XII. The central pillar of the project is represented by a manual of legal education which presents, popularly, the main concepts and offenses of the Criminal Code.

The situation of the beneficiaries so far, during the school years, is as follows:

<table>
<thead>
<tr>
<th>Beneficiaries</th>
<th>2010/2011</th>
<th>2011/2012</th>
<th>2012/2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of activities</td>
<td>508</td>
<td>418</td>
<td>752</td>
</tr>
<tr>
<td>Number of pupils</td>
<td>11,812</td>
<td>11,422</td>
<td>20,346</td>
</tr>
<tr>
<td>Number of teachers</td>
<td>1,312</td>
<td>687</td>
<td>1,311</td>
</tr>
</tbody>
</table>

Also, within the project since 2011, the competition "Safety Olympics" has taken place, involving about 2,000 children. Young students have made the models of safe houses, cars with safety features and protective dogs and the older ones have developed projects for school regulations, and detective stories.
CHAPTER V

Interinstitutional and international cooperation. Present and Perspectives

5.1. Coordination of prevention and intervention efforts between institutions in Romania

At the moment, the most important goal to improve the implementation of the legal system of child protection and prevention of juvenile crime in Romania is to ensure better coordination of the activities of various institutions with responsibilities in this area. Only through collaboration between parents, schools, public institutions (police, social structures and child protection), local authorities, representatives of cults etc., an effective positive intervention, with long-term results on children can be provided.
Methods and interventions are essential components to work with the child who commits criminal acts because they allow authorities to respond effectively in cases of juvenile crime, coming both in support of children, and the others involved.

To help them, on medium and long term, children offenders - particularly those with early onset – The General Directorate of Social Assistance and Child Protection develops specific prevention strategies (especially for social services at local level) and initiates actions, in cooperation, at national level (especially between police, schools and social services).

Also, Romanian Police carries out, at central level, programmatic documents that establish priorities for prevention - juvenile delinquency is a constant among institutional concerns. Specialized structures in the county police inspectorates prepare programs, projects or campaigns aimed at preventing juvenile delinquency which implements with the support of traditional partners: school inspectorates, departments of social work and child protection, NGOs.

The group of children with early onset in crime is still one that can be addressed most easily and effectively, using targeted preventive measures, which are intended to take effect at several levels (child, parents, school, kindergarten ). The starting point for the introduction of prevention and intervention specifically targeted to juvenile delinquency must be thorough information on the facts, a competent analysis, followed by a rigorous planning. The collection of information should take into account:

- individual issues relating to delinquent children;
- local aspect - the recognition and characterization of the problem area (neighborhood, school, etc.).
Interinstitutional communication of information on juveniles who commit criminal offenses:

Introduction, in Law no. 272/2004 on the protection and promotion of children's rights, republished in 2014, of the provisions of Art. 88, para. 3, according to which "the child who has committed an offense under the criminal law and is not criminally responsible will be accompanied and assisted by a psychologist or social worker appointed by the Social Assistance and Child Protection, at any stage of a criminal investigation," creates the conditions for good cooperation between police and social workers.

It is important that workers from the social structures should be informed of the minor and his conduct since the first activities of criminal investigation, in order to assist the child and to initiate specific activities, essential in establishing child protection measures.

A quick information about delinquent/deviant behavior of a child can be crucial in terms of providing specific help as soon as possible.

In particular, prosecutors responsible for processing information must know the need to transmit information to the General Directorate of Social Assistance and Child Protection as promptly as possible. Providing information is irrespective of the legal assessment of the content and the purpose is just to prevent risk. The General Directorate of Social Assistance and Child Protection evaluates the information in terms of the measures needed to help the child and should therefore have access to all information about it. Delinquency, as well as factors such as neglect, abuse or truancy from school are very important.

In terms of the role that the state plays in the educational process, the school must provide students a safe climate. The director of the school, teachers, local authorities and the structures of the Ministry of Internal Affairs with tasks in the field, other public authorities and parents assures that this requirement is obeyed.
Specialized support provided by the Police and the Prosecutor must also be incorporated in this process.

If informed in time, police can detect delinquent behaviour of the pupils or dangers they are subjected, and therefore, can act in time against committing crimes.

Reporting criminal acts committed in the context of the school, to the General Directorate of Social Assistance and Child Protection, enable workers in these structures to have a clear picture of the serious crimes committed in school by children or against them. In this way it is possible to apply measures for specific target groups and special situations.

In the framework of cooperation, each school and the local police department nominates a contact that is accessible at any time. Cooperation with contacts is reflected both in the assessments of current cases and in regular meetings held quarterly or at least twice during the school year in question. In individual cases, they may decide to include the prosecution, too.

The school is obliged to inform the police (usually the contact of the police, cited above), immediately after finding out about one of the criminal offenses listed below, if they are connected with school, committed by a student / against a student or such action is imminent:

- murder;
- sexual offense (rape or sexual abuse);
- robbery;
- serious injury (with weapons or dangerous objects or committed by a group);
- violations of regulations regarding the regime of weapons and ammunition;
- offenses related to drug use and trafficking.
Teachers must inform the school board immediately on these acts.

At the end of the criminal investigation conducted by the police, a report on crime / criminal minor suspect. The General Directorate of Social Assistance and Child Protection (D.G.S.A.C.P.) evaluates the information of the police and decides - in cooperation with the police - the concepts of appropriate prevention, particularly the ones regarding violence.

5.2. Cooperation in taking special measures of protection and crime prevention

Inter-institutional cooperation regarding juvenile offenders finds the most relevant practical expression in the work of child protection committees (see Chapter. III, section 3.1.)

It works within the County Council and they have decisional activity in the protection and promotion of children's rights.

The case brought before D.G.S.A.C.P, by the prosecutor who investigated the situation of the minor, shall be submitted to the Commission for Child Protection, which will decide one of the special protection measures (placement / surveillance specialist), if there is parental consent expressed in front of the members.

In addition to the activities within the Commission for Child Protection, public institutions and the local authorities cooperate in the implementation of projects, campaigns to reduce juvenile delinquency and provide a good preventive information of minors. This cooperation is usually stated by cooperation agreements signed between institutions at central and / or local level, then, joint activities being carried out.
A. Examples of inter-institutional partnerships:


The project "STAY SAFE"

In Bucharest, the majority of reported disappearances of minors are the ones in foster care, the departures of the children being voluntary. Their contact with an unsecured area, such as road increases the risk of their victimization, assaults, drugs, sexual exploitation and even trafficking are among the crimes that may affect such vulnerable groups.

The project is to conduct regular legal education activities in orphanages and social apartments. In 2013, 41 preventive activities were carried out, involving 364 institutionalized children and 108 foster parents. The activities take into account the age of children, the information being received through cartoons by younger children and thematic films by the older ones.

Informing social workers was done both in centers and in seminars in which juvenile crime trends and ways of dealing with them were presented. Moreover, General Directorates of Social Assistance and Child Protection are partners of the General Directorate of Bucharest Police in the Strategy of crime prevention in the city of Bucharest (2011-2014).

II. Collaboration of the Office of Analysis and Prevention of Crime - County Police Inspectorate Covasna with G.D.S.A.C.P. Covasna

Campaign to prevent the involvement of institutionalized children in committing antisocial acts, namely violent offenses and theft

• Period: March to June 2013;
• Activities carried out by police - the development and support of exposures on the prevention of juvenile delinquency and child victimization, distributing preventive materials;
• Activities of representatives G.D.S.A.C.P.: ensuring there are children in the planned activities, providing spaces of carrying out activities and necessary logistics;
• Location: Special School in Olteni, village Bodoc, G.D.S.A.C.P. Covasna, support centers for institutionalized young people;
• Number of participants - 127 institutionalized children and young people, 20 employees of G.D.S.A.C.P. Covasna
• Issues discussed: behavioral problems, monitoring children with behavioral problems, providing information and counseling, training employees of G.D.S.A.C.P. Covasna regarding the referral of cases within the jurisdiction of Police.

B. Positive practices identified in the cooperation between institutions:

a) collaboration between probation services and G.D.S.A.C.P. in developing assessment reports required by the court;
b) prevention projects that include practical issues (e.g., visits to prisons);
c) police may propose the prosecutor, in addition to the solution, of non-prosecution, and the referral of the case to G.D.S.A.C.P.;
d) G.D.S.A.C.P. announces all parties involved in a particular case (police, school, Public social services or other social services, parents, etc.) about the decision of the committee or the court.

e) information, at the local level, between institutions / organizations involved (police, schools, NGOs, G.D.S.A.C.P.) about prevention programs that they carry out;
f) concluding a contract between G.D.S.A.C.P. and family, for the children towards whom protective specialized measures are established, contract to provide family obligation to participate in the established program, indicating that the duration of the measure can be adjusted based on the results in working with family.
5.3. International cooperation in the prevention of juvenile delinquency project "Childhood without delinquency"

Dynamics of crime in recent years, new forms of crime generated by modern technology, and globalization, are challenges that institutions that protect rights and freedoms must adapt and cope successfully.

In this context, crime prevention has gained increasing importance in the Member States of the European Union, being considered an imperative of the moment. As shown in a series of EU directives and programs, including the Stockholm Programme on Justice and Home Affairs in Europe in the period 2010-2014, "the best way to reduce crime is to take effective measures to prevent the commission itself, including by promoting social inclusion, using a multidisciplinary approach that includes administrative measures and promote cooperation between the authorities and citizens of the Union who have similar experiences and are affected in similar ways by crime and insecurity related to it, in everyday life."

The European Commission manages a number of funding programs that include, within their area of intervention the domain of prevention of juvenile delinquency and child victimization, protection of children’s rights, etc. Such grants program is "Prevention of and Fight against Crime" (ISEC), which is an opportunity for organizations involved in child protection, to strengthen institutional capacity, develop collaboration with other institutions and to enhance the exchange of best practices with other states, too.

The project "Childhood without delinquency", which was developed in this book, is one of the projects funded by these grants. It aims to increase the effectiveness of programs to prevent juvenile delinquency in minors who are not criminally liable. Project beneficiaries are children aged up to 14 years, their parents and teachers - the component information / prevention, and police and social workers - on the level of institutional capacity. The initiation of the project, jointly, by the Institute of Research and Prevention of Crime from the General Inspectorate of Romanian Police and the National Authority for Child Protection and Adoption of the the Ministry of Labour, Family and Social Protection and the Elderly, is marked by the shared desire to improve inter-institutional
cooperation. Of course, there is this cooperation, as noted, being regulated by law (functioning of the Commission for the protection of children, information that police must make for social structures and child protection early in criminal investigations, etc.), or decided by cooperation agreements in the field of crime prevention, etc.

In practice, there is still a need to strengthen this cooperation, harmonization of working procedures and to clarify some aspects of the powers and the intervention of each institution. The production of this manual, as well as organizing training sessions to be attended by police officers from criminal investigation and prevention structures, and workers of General Directorates of social assistance and child protection in all counties, aim precisely this aspect of efficient inter-institutional cooperation.

During the project mixed teams will be formed, with specialists from partner institutions, to work together both in the workshops of training sessions, and subsequently, implement a preventive campaign among secondary school students.

We expect that this cooperation, strengthened during the Project “Childhood without crime”, create that interpersonal professional bond, as a basis for future joint projects.

Also, attracting foreign partners in this project - the Ministries of Interior of the Czech Republic and Bulgaria - facilitates the exchange of information on specific legislation, cooperation of institutions in the field of methods and means of prevention of juvenile delinquency.

International cooperation will be extended by a conference of the project, with the participation of 10 European countries. This will contribute to the exchange of experience in the field and will be followed by the creation of a guide with examples of good practice, which will be disseminated to experts from EU Member States, through the European Network of Crime Prevention.
PART II: European Experiences in the field
CHAPTER VI

Czech experience in juvenile delinquency prevention and the management of the cases of juvenile offenders who are not criminally responsible

6.1. Legislative framework

In the Czech Republic persons who turned the age of 15 are criminally responsible. On 1st January 2004 the Law 218/2003 came into force, covering court proceedings in cases concerning minors, which changed the legal regulation in relation to punishment and hearing children, as well as the procedural issues relating to cases involving minors.

The Law relating to court proceedings in cases concerning minors builds on the principles of restorative justice (aimed at restoring the initial state). The main objectives are: education of minors, trying to direct the individual to find a place in society, namely the contribution, if possible, to compensate for losses incurred by the conduct against the law.

The law aims to regulate the conditions of criminal responsibility of the minors for behaviors described in the Criminal Code, to regulate the procedure, the modality of decision and implementation of the court proceedings in cases concerning minors. The ratio of general rules (Criminal Code, Regulation Criminal Rules, the Law concerning the family, the Law regarding
the socio-legal protection of children, the Civil Code) and the Law on court proceedings in cases concerning minors is governed by the so-called principle of specialty, according to which the general regulation is used only when the Law on court proceedings in cases concerning minors does not provide own special provisions.

**Basic Principles of Law no. 218/2003 on on court proceedings in cases concerning minors:**

(1) This law, together with the Criminal Code, sets out the rules for proving guilt, penalties and the ways of imposing them, for children under 15 who commit criminal offenses. Measures taken against these minors, seek first of all to restore disrupted social relations, place the child in family and social environment, and prevent relapse.

(2) Criminal measures can be used only when the special modalities of the procedure and measures, in particular the ones which restore disrupted social relations and help prevent acts against the law does not clearly lead to the goal of this law.

(3) The measures required under this law must take into account the personality of the person they are imposed to, including his age and his intellectual and moral maturity, health status, as well as his personal, family and social relationships, and must be proportionate to the nature and seriousness of the offense. Political, national, social or religious affiliation of the adolescent or the child under the age of 15, of his family or the family in which he lives or the way of educating the adolescent or the child under the age of 15, cannot be a reason for imposing measures according to this law.
(4) According to this law, in the proceeding it is necessary to consider the age, health and intellectual and moral maturity of the person the proceeding is applied to, for its future evolution is at risk as little as possible and acts for which procedure was initiated, their reasons and circumstances are very clear and the commission of such acts to attract liability under this law. The procedure must be conducted so as to prevent other acts that violate the law. Competent bodies, according to the law, cooperate with the competent body for the social and legal protection of children.

(5) According to the law, the personal data of the person, against whom the procedure is conducted and private life must be protected, so every person of this type is protected from harmful influences, observing the principle according to which the person is considered innocent until guilt has not been proven legally.

(6) Each child under the age of 15 is entitled, unless the law decides otherwise, that the act has to be judged by the Juvenile Court, without delay and within a reasonable time.

(7) According to this law, the procedure shall be such as to ensure that the injured party will be compensated for the damage caused by the offense committed against the law or that other appropriate legal compensation will be given.

(8) Judges, prosecutors, police and civil workers of Probation and Mediation Service, which deals with criminal offenses committed by minors, must have special training in the interaction with minors.
The procedure for adjudicating cases involving minors and evaluation of facts committed by minors under the age of 15 is held by the juvenile courts.

6.2. The procedure for minors who commit antisocial acts

Measures that may be imposed by law for acts committed by minors are:
- Educational measures;
- Protection measures;
- Criminal action.

Currently, the practice of criminal activities in juvenile offenders (under 15 years old) is that the Czech police investigates the case and submit it according to law. After the submission of the case to the prosecutor, based on the demand of the Police, the Court submits the proposal of establishing measures.

Participants in the procedure regarding the imposition of measures on children under 15 who have committed a criminal offense are: the minor, the competent body of socio-legal protection of children, the child's legal representatives, persons to whom the child was entrusted to education or to another similar care, other people whose rights and obligations will be discussed in the proceedings, and the prosecutor. During the procedure, the Juvenile Court establishes a lawyer as a tutor of the child. The lawyer shall also exercise his rights after the child turns 18 years, until the end of a proceeding in a case concerning a child under 15. The procedure does not stipulate as necessary the hearing of the child if the act was duly proven in another way, but always competent authorities must ensure that he was able to express his views in the given case.
If the Court decides otherwise, meetings in cases regarding the institution of measures for the child under the age of 15 who has committed a criminal offense, take place with no public presence.

Youth Court always allows attendance to the workers of probation and mediation service.

If a child under 15 committed an offense, Juvenile Court may impose the following measures, usually based on the results of preliminary pedagogical-psychological research:

a. obligation regarding education;
b. limitations concerning education;
c. reprimand with warning;
d. inclusion in a therapeutic, psychological or educational appropriate program in a care and education facility;
e. probation officer's supervision;
f. protection education;
g. protective treatment.

When imposing obligations of education, educational limitations and reprimands the child's age is taken into account.

Obligations concerning education. Juvenile Court, and in the preparation procedure – the prosecutor may impose upon the young person obligations on education, which are in particular the following:

- to live with their parents or another adult who is responsible for his education;
- try to compensate for damages caused to injured parties;
- to compensate, according to his powers, the damage caused by his act or contribute in another way to eliminate the consequence of his act;
- to take part, during his spare time, in appropriate programs of social education, counseling, therapeutic program, appropriate education, program, retraining or other
program leading to the development of social skills and personality of the young man who is not included in a probation program.

Court can not impose upon the minor the obligation to pay the damage, but in some cases he may find another way to compensate for this.

**Educational limitations.** Juvenile Court and in the preparation procedure, the prosecutor, may decide an educational limit, imposing upon the minor, in particular:
- not to take part in certain actions or not to be in another unsuitable environment;
- no contact with certain persons;
- not to be in a certain place;
- not to hold objects that could be used for committing other acts of criminal type;
- not to use drugs;
- not to participate in gambling, lottery type games or slots;
- not to change residence without announcing in advance the probation counselor.

Educational limitations, according to the preceding paragraph, may be imposed upon the minor only if they do not intervene negatively in the preparation for a future job, especially if they do not affect the obligations related to education program.

**Reprimand with warning.** By reprimand with warning, Juvenile Court, and in the preparation procedure - the prosecutor notifies the juvenile, in the presence of his legal representative, about the activity against the law committed by him and draw his attention to the practical consequences that he may face, according
to this law, if, in the future, he would commit another offense.

If there is a well-defined purpose and it is appropriate, the Juvenile Court (and in the preparation procedure- the prosecutor) may, with the statement of the reprimand with warning, transfer the punishment of the juvenile to his legal representative, the school where he is a student or the educational institution where he lives. In such a case, the Juvenile Court first asks the point of view of the school or educational institution.

The legal representative, the school or educational institution must inform the Juvenile Court or the Prosecutor on the outcome of the measure. If the Juvenile Court rebuked the young man and at the same time the Court gave him a warning or, possibly, transferred the obligation to punish the juvenile to his legal representative, school or educational institution, the juvenile is considered as a person who has not been convicted. These measures may be imposed for the child under the age of 15 only by the Juvenile Court.

In order to impose the measures, the Juvenile Court has takes into account the educational impact on the child and also seeks the preventive effect of the measure. Measures may be imposed on the child until the age of 18, except for protective treatment, which may be imposed and exercised after the age of 18.

More measures may concomitantly be required, if these are necessary to achieve the purpose. The Juvenile Court may exonerate the minor from the imposition of measures, if it is enough to discuss the offense committed by the child with the prosecutor or in front of the Juvenile Court.
The imposition of measures is determined by the Juvenile Court by issuing a sentence. Rejecting the proposal of the prosecutor, suspending the proceeding, modification and cancellation of the imposed measure shall be determined by the Juvenile Court, by issuing a resolution.

**Probation officer's supervision**

Probation officer's supervision means the regular follow of the juvenile’s behavior in his family, the way of educational action of his parents on the minor, monitoring compliance of the program of probation imposed, pursuing educational obligations and limitations imposed by the Juvenile Court, as well as the guidance of the minor by the probation officer towards a positive behavior and a life in accordance with the law.

The purpose of the probation officer's supervision is:

a) monitoring and control of juvenile behavior, aiming to ensure protection of society and reduce the possibilities of repetition of criminal activities;

b) specialized guidance and counseling children in order to create the premises that, in the future, he respects the laws and rules of social coexistence.

The young man who is supervised by a probation officer shall:

a) work with the probation counselor in the way the counselor decides, based on the plan drawn up for probation supervision;

b) be present at the probation officer at the terms that have been set; when setting terms, the probation counselor takes into account the relationships of the
juvenile, his living situation during the supervision and his relations with the environment in which he lives;

c) notify the probation officer about his address, employment, the compliance of educational imposed limits or obligations, or other important circumstances to exercise supervision, which were established by the probation officer;

d) does not prevent the entry of the probation officer in his home.

The exercise of the supervision of the probation officer

The exercise of the supervision is decided by the president of Juvenile Court, and the preparatory proceedings, the prosecutor of unit of the Probation and Mediation Service in whose district the child resides or is located.

Help and counseling are provided by the probation officer, in the preparation and implementation of the individual probation plan for the supervision of the juvenile.

If the juvenile violates the supervision that is established and the conditions of supervision, and seriously or repeatedly violates other educational imposed measure, the probation officer shall immediately inform the President of the Juvenile Court and, in the preparation procedure, he will inform the prosecutor who established the surveillance. In the case of less serious violations of the conditions and educational imposed measures, the probation counselor can give the minor a reprimand, but these admonitions are only two in number during a year. Imposition of reprimands is not a decision under the Penal Code.

If the President of the Juvenile Court (or in the preparation procedure – the Attorney) determines otherwise, the probation counselor draws up a report on the exercise of
the child’s supervision, the achievement of educational imposed measures, as well as his personal, family and social relationships, the current situation in his life at least every six months.

*Education of protection* consists in placing the minors under the age of 15 in educational closed institutions (diagnostic institutions). Education of protection lasts as long as necessary to achieve its purpose, that is, it is not required for a specified period, which is characteristic of all protective measures, but may last until the child turns 18, after which it can be extended in exceptional cases up to the age of 19. When the order is considered to be achieved, the person is released, but a possible parole is taken into account, i.e. during a probation period or, possibly, protection education can be changed into institutionalized education (this is required by the law on family and its regime is freer).

Education of protection is established by the courts for the child under the age of 15, if he commits a criminal offense for which the law permits an exceptional punishment (the most serious offenses, for example, first degree murder), and at the time of the offense the child was less than 12 years old. However, this measure may be set for child between 12 and 15 years old, if this is justified by the nature of the offense and whether the measure is absolutely necessary for his education.

*Protection treatment* may be established by the Juvenile Court to the child under 15, based on the results of preliminary research of his mental state, if the offense is committed:

a) in the state due to mental illness;

b) under the influence of drugs or in connection with the abuse of these substances, whether it is about a
child who abuses these substances, and his release, without the imposition of protective treatment, is dangerous.

Depending on the nature of the disease and treatment options, the Juvenile Court establishes institutionalized protection or ambulatory treatment. Institutionalized treatment may be altered subsequently by the Juvenile Court into ambulatory treatment and vice versa. Protective treatment lasts as long as it is necessary. Juvenile Court checks, at least once every 12 months, if the reasons remain for further treatment, otherwise it will be stopped.

6.3. Hearing of minors who commit criminal acts

The hearing of the juvenile offenders is done only by the Police of the Czech Republic, namely specialized workers of the Office of judicial and research police. At the hearing of the minor offender, the hearing room can be used for children, where the hearing is recorded audio and video, thus, offering the opportunity of registration of immediate reaction of the offender. In the investigation of the offense, the minor offender is questioned whether the act was proved in another way, but the child having the right to express his point of view on crime.

The stages in hearing the suspicious person younger than 15 years old: knowledge of the case; provide necessary information regarding the personality of juvenile offenders; organizing the hearing, selection and summoning the participants; hearing of the suspect under the age of 15 in compliance with all legal, forensic and psychological principles.
The socio-legal protection authority of the child, the parent (tutor), possibly a psychiatrist, a psychologist are present at the hearing.

The course of the hearing: the minor offender is informed about the circumstances of the case, the reasons of the hearing, the persons present at the hearing.

At the beginning of the hearing, the police officer instructs the child, taking into account the child’s age and ability of understanding, concerning his rights and obligations resulting from the Law no. 218/2003 on the procedure in court cases involving minors (has the right to express his point of view in the given case, to everything he is accused of, he is not obliged to testify. If he testifies, he may specify the circumstances which turn out in his favour. The child’s attention is drawn to the false accusation, etc. If the infringement of the law is proved, the case will be solved by the Juvenile Court).

Finally, when the Protocol on hearing the person under 15 suspected of having committed a criminal offense, is drafted, the content of the hearing is validated by signature by the juvenile and the persons present. Possibly, other information about the progress of the case is given. All persons (witnesses, injured parties, the offender, the person notified) who take part in the investigation, are trained to maintain the confidentiality, taking into account the young people who are in a position of minor witnesses or offenders.
Protocol Structure of hearing people aged under 15 suspected of having committed a criminal offense:

On ............the date ............. ............. at ....... the time he was heard

Name, surname; Date of birth; Place of birth; Previous name and surname; Citizenship, nationality; Permanent address, postal code; simultaneous address, postal code; Name and location of the school; Identity established (possibly personal code); Name and first name of the family /legal representatives; Address of the family / legal representatives in case of remission; Place of work; In the past he was heard for the offense, criminal offense, several times; In the past, he was disciplined at school;

Last grade of his behavior at school at the end of the school year and the first half of the year; Heard about ...; Attitude towards the things discussed; Family / legal representatives have been notified regarding the hearing on ...; Hearing held in the presence of ...; After familiarization with the subject you train hearing: "In relation to the facts, you have the right to express yourself to all that you are charged as a fault, but you do not have to testify. After the familiarization with the topic of the hearing you are trained: "In relation to the facts, you have the right to express your opinion to all that you are charged, but you do not have to testify. If you testify, you can present circumstances that are for your benefit. You have the right to use your mother tongue during the interrogation. You have the right to inspect the file, take extracts from it, take notes and make a copy of the file. During the testimony you are not allowed to invent anything that is not true about anyone else. If your action is proved against the law, this will be resolved in Juvenile Court. In drawing up the protocol at the end of the hearing, you will read or you be read the protocol and if you want to correct, supplement or change something in the protocol, you have to say and the protocol will be corrected."

The point of view of the minor regarding the information and to the topic ...; After reading, the minor declares that the protocol and declaration are in conformity with the content of his testimony;

Protocol signed as correct and complete on .......date..... time

..........................................................................................................

Police officer Authority for the socio-legal Minor

protection of children
All persons (witnesses, injured party, monitor, offender ...) participating in the investigation are properly trained regarding the young and minor people who are in a position of witnesses or perpetrators and are forced to remain silent.

**6.4. Examples of preventive intervention**

*The project “Ajax’s Diary” for second graders of the primary school*

"Ajax’s Diary" is a preventive project whose aim is to increase legal information of young children of school age, their guide being the police dog "Ajax". The children from the second grade of the primary school learn, using "Ajax’s Diary", preventing various phenomena of social pathology, such as: bullying, alcohol, drugs, gambling, etc. and are also familiar with everyday common problems, such as traffic movement or their own safety.

Students receive the diary with which they work throughout the year, with the help of teachers and parents. The police officers are preparing different competitions and tests, and at the same time, they are studying what they learned from police dog, Ajax. The diary contains various topics, one for each month of the school year. The topics are addressed in an appropriate manner to the age of the pupils. Schoolchildren are gradually familiar with police and with the activities of this institution.

**September** - *Familiarization with the Police of the Czech Republic*, for example, police uniforms, police units of the Czech Republic and its technology. Storing important telephone numbers of the integrated storage system.
Tools - pictures of the police force, the model of handgun.

October - Traffic topics - pedestrian. The principles of correct movement on roads, streets and sidewalks are emphasized. Students learn basic road signs and the directions of traffic police, in the case of malfunctioning of traffic lights at the intersection.

Tools – traffic signs, reflective vests etc.

November - Own safety - the safety of children in school, at home and on the street. Students are informed of the correct behavior when meeting with strangers.

December - The topic "What is allowed and what is not allowed": students discuss the rules of conduct to be followed at home or at school and what penalties and sanctions are applicable in case of breaking these rules. They transmit information about the age of criminal responsibility in the Czech Republic.

January – The topic "Children and criminal acts", which is adapted to this age. They talk about criminal acts which affect or may affect children directly, such as theft, robbery, serious personal injury, destruction, fraud (catalog or task book signing), slander, spreading false alarms.

Tools - criminal law.

February – The traffic topics - cyclist. It underlined the need to wear protective elements – helmets, mudguard, reflective markings, the importance of knowledge of traffic rules, including traffic signs.

Tools - brief traffic test.

April and May – They discuss about alcohol addiction, smoking, gambling and drugs. It draws particular attention to the consequences of the criminal acts.

Tools – “briefcase with drugs.”

June – Safe holidays.
The project "The list of safety requirements"

The project consists of a series of videos designed for children aged between 10 and 16 years, their parents and teachers. The first two parts were conducted under the auspices of the Ministry of Education of the Czech Republic and distributed to all primary schools in the country. The individual stories of the first part the risk of meeting with a stranger are presented: the story of Andrea, who was raped on a "blind date" or the story of little Monica, the girl who has corresponded with a pedophile. The second part highlights the growing problem of child prostitution.

In both materials the dark side of the Internet is highlighted, the public being accompanied by the producer of a successful show with police theme. The objectives are to attract attention on the dangers hidden behind different identities on the internet, as well as in preparing children not to become victims and deal with risk situations.
CHAPTER VII

Bulgarian Experience in preventing juvenile delinquency and juvenile case management of offenders who are not criminally responsible

7.1. Legislative framework

Protecting the interests of the child, carrying out extensive activities in the field of prevention, extrajudicial procedures and the influence of some educational, training and social measures for a crime already committed are the basic principles of the law approach to the antisocial behavior of minors under the age of 18. The prevention of juvenile delinquency is regulated by the special law for combating the antisocial behaviour of minors under the age of 18.

In this regulatory there are covered some measures to the children who come into conflict with the law as well as the system for preventing the antisocial behaviors for this age group. The system includes a central commission which is attached to the Government, local municipal committees, specialized police structures, homes for temporary placement for minors, boarding schools, etc.

• Criminal responsibility and measures for the children in conflict with the law

According to the Criminal Code (C.C.) of the Republic of Bulgaria, a child has no criminal liability up to the age of 14 and, in the case of committing criminal offenses, it applies only to the correction measures regulated by the special law for combating the antisocial behaviour of minors under the age of 18.

After the age of 14, according to the C.C., the case can be forwarded to the legal authorities in the extrajudicial structures - local committees for combating the antisocial
behaviour of minors under the age of 18, the criminal trial being replaced by one of the educational measures provided in the special law for minors.

- **Educational measures**

  The measures taken for the children with deviant behaviour are educational and are similar to those recommended in the Minimum Standard Rules of the United Nations in the Administration of Juvenile Justice.

  They are required after the completion of a special report and the analysis of the causes and facts that led to the deviant behaviour. The report contains information on the health, physical and mental development, talents and inclinations, personal qualities, social and family environment of the child, the possibilities of correcting the antisocial attitudes, motives and circumstances in which the criminal offense was committed, the antecedents and the measures taken, etc.

  The special law for combating the antisocial behavior of minors under the age of 18 (art. 13) provides measures such as:

  - granting increased attention on the part of the parents of the child in conflict with the law;
  - putting the child under the supervision of a mentor;
  - the obligation to mend the damage created, through his own work, if this is within his powers;
  - the obligation to pursue community service work;
  - participation in the consultations and programmes for overcoming the compulsive behavior, etc.

  The law also regulates the sanctions against the parents who have not paid enough attention to their children and for which they have committed antisocial actions. When the parental behavior is criminal, the materials are sent to a prosecutor.

  The preventive effect of the educational measures can be appreciated in the light of the fact that the relative
number of the children who have relapsed is of about 12-15%.

7.2. The institutional system for preventing and combating the antisocial behavior of minors under the age of 18

The Central Commission for combating the antisocial behavior of minors under the age of 18 attached to the Government of the Republic of Bulgaria (The Central Commission) coordinates, manages and controls the system for preventing and combating the antisocial behavior of minors under the age of 18. The Chairman of this Commission is the Deputy Prime Minister and its members are deputy ministers and heads of institutions, that are concerned with the juvenile issues.

The Central Commission shall establish forecasts and proposals for the preventive measures and for raising the awareness of the society towards matters related to the deviant behavior of minors.

The Central Commission publishes the "Social Education" journal, which includes specialized articles and practical examples to extend the experience of experts regarding the issues related to the deviant behavior of minors under the age of 18. A Training Center operates alongside with the Central Commission, in its training courses there being included topics covering legislation, the interaction of the local committees with the Prosecutor's Office, the departments for "social welfare" of the Ministry of Labour and Social Policy, non-governmental organizations, etc.

The Local committees for combating the antisocial behavior of minors under the age of 18 (the local committees) are those legal structures which provide for organizing, directing and controlling the activities of prevention and combating the antisocial behaviour of children, at the municipal level. They operate in 296 municipalities in the country.

The local committees deal with specific cases received from the judicial organizations and establish the educational measures towards the children in conflict with the law. These committees
carry out the selection of the persons directly involved in the educational measures and encourage their voluntary participation in prevention.

The main activity of the local committees is that of social prevention. As the volume of activities performed, we can mention that in the year 2012, at the national level, there were conducted 460 programs that benefited 198,854 children.

The forms of work depend on the specifics of the local and include:
- consultation with children and parents;
- assisting the children at risk of crime;
- educational activities;
- organizing activities with the children in conflict with the law, in their spare time.

The local committees operate in various areas: conflict resolution; overcoming communication problems; prevention of risk behaviors; preventing antisocial behavior at sporting events; prevention of social pathologies - drug addiction, alcohol consumption; religious education and spiritual values; sports activities; arts-related events; competitions, themed shows. In many municipalities, these committees conduct activities of prevention with the parents of the children who have problems. At the same time, the local committees help to limit the school absenteeism, the social integration of the children in conflict with the law and assist to solve the social problems of the children and families at risk of crime, the priority being the prevention of the criminal aggression and violence among children.

The prevention centers and counseling offices are created as adjuvant organizations of the local committees, according to the law, and provide free assistance to children and parents in order for these to resolve their deviant behaviors. They also organize preventive campaigns, educational workshops and publish materials for the specialists of the System for combating the antisocial behavior of minors under the age of 18. In addition to these centers, there are also created clubs for the social workers, counselor educators and head teachers as well as clubs for the
The teaching rooms for children are structures in the Police Department with a specialized staff who have psychological or pedagogical training. They seek and identify children in conflict with the law; participate in preliminary investigations related to the case when the victims or the perpetrators of a crime are children; identify the minors who have been victims of crime and abuse from parents or from third parties; provide police protection to children.

The homes for temporary placement for minors under the age of 18 can accommodate minors under the age of 18 who carried out antisocial actions and whose residence cannot be established, as well as those who are neglected, making it inadvisable to leave them to their parents. The length of staying in these homes is up to 15 days but, after the first 24 hours of receipt of the child, the resolution from a prosecutor is required in order to determine the period of residence of the minor.

The social-pedagogical boarding schools and the correctional boarding schools are reformatory boarding schools where there are placed minors aged up to 18 who have committed crimes or antisocial actions, when the measures provided for without departing them from their family gave no results. Their placement in these schools is made only by court decision.

The inter-institutional cooperation of the local committees

Within the framework of the plan of action regarding the implementation of the national Strategy to combat drugs, the local committees collaborate with the police, the child protection departments, the municipal and county councils. They also conduct studies and organize seminars to prepare counselors for preventing drug addiction. For example, more than 11,000 children
and their parents have been the subject of these studies during 2012. In the same period, the local committees have identified 123 groups of children and families at risk and have implemented over 30 programs of prevention and assistance.

Many local committees assist the local commissions for fighting against the trafficking in human beings and work for the prevention of sexual exploitation and trafficking in children. They organize campaigns to present, in front of the minors aged under 18, the risks of sexual exploitation and trafficking in persons, the risky situations that would create conditions for sexual offenses.

According to the Child Welfare Law and the Ordinance No.1 concerning public order and safety of municipalities, the secretaries of the local committees participate in joint checks along with the social workers and the police employees on compliance with the hours of home provided for minors, the limiting of alcohol consumption, etc.

The local committees participate in teams and assist the compliance with the rights and obligations of the child protection organizations at the local level in connection with the implementation of the coordination Mechanism for the interaction of the matters in the case of the children - victims of violence or at risk of violence, as well as for the interaction in the case of intervention in crisis situations.

The local committees, operate in close collaboration with the school prevention committees, the school board, the counselor educators and the head teachers. On the basis of the information received from them, the local committees seek solutions to include in schools those children who have not attended classes. The members of the committees visit the children at home and have meetings with their parents.

In all areas, the prevention and the fight against antisocial behaviour is carried out through the collaboration between the local committees and the specialized police employees.
7.3. Examples of preventive intervention

The Central Commission together with the National Agency for "State Security" (NASS), have created the "Guide for the recognition, identification and educational activity with minors under the age of 18 who share ideas or belong to some extremist or radical organizations". In order to limit the phenomenon of crime among minors there has been drawn up the methodological guide "School – a safe environment for children". The main purpose of this document is to create a safe school environment (inside of schools and their adjacent areas) in which the antisocial activities committed by or against students to be minimized.

Initiatives in the district "Lozenetz" – Sofia

Competition with the theme "The juvenile justice as I see it" in which students can participate by writing compositions, essays, poems or drawings, collages, own texts for songs, dancing, etc.

Contest entitled "I stop for I can hear you ...". This approach is aimed at studying the feelings and emotions of children. Neglecting the problems of the students may lead to the appearance of deviant behaviour or some other different types of abuse.

Children's opinions are collected anonymously in a box placed in a visible place. In this format, they answer the questions: "What happens in our school? What I like and what not? How do I feel? " Students' opinions are used by the local committee, the representatives of parents and the school board.
LEGISLATIVE GUIDELINES

National legislation:


Legislation of the partner countries (Bulgaria, the Czech Republic):

- The special law for combating the antisocial behavior of minors, the Republic of Bulgaria;
- Law No. 218/2003, regarding the court proceedings in cases concerning minors, the Czech Republic.

International legislation:

- The Minimum Standard Rules of the United Nations in the Administration of Juvenile Justice (the Beijing Rules adopted in 1985 by the resolution No.40/33 of the General Assembly);
- The Principles of the United Nations for the Prevention of Juvenile Delinquency (the Riyadh Principles adopted in 1990 by the resolution No. 45/112 of the General Assembly);
• The United Nations Rules for the Protection of Minors Deprived of Liberty (adopted in 1990 by the resolution No. 45/113 of the General Assembly);

• The Minimal Rules of the United Nations for non-custodial measures (the Tokyo Rules/1990);

• The Declaration on the Basic Principles of Justice for the Victims of Crime and Abuse of Power (adopted by the resolution No. 40/34 of the General Assembly);

• The International Covenant on civil and political rights;

• The International Covenant on economic, social and cultural rights;

• The Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, as amended by Protocols No. 3, 5 and 8, supplemented by the Protocol. 21;

• The European Convention on the adoption of children - 1968;

• The European Convention on the repatriation of minors - 1970;

• The European Convention on Recognition and Enforcement of Decisions concerning the supervision of children and restoration of the supervision of children - 1980;

• The European Social Charter, revised - 1999;

• The European Regulation on Community Sanctions and Measures, adopted by Recommendation No. R (92) 16 of the Committee of Ministers of the Member States on October 19, 1992;

• American Convention on Human Rights, 1969;

• The Recommendation of the Council of Ministers on November 5, 2008, on the European Rules on children offenders and for whom measures and sanctions have been established (CM/Rec2008) 11).