

# CHILDREN IN CONFLICT WITH THE LAW

# **CHILDREN IN CONFLICT WITH THE LAW**

**Needs assessment of primary, secondary  
and tertiary prevention services in Moldova**

July 2015

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# INTRODUCTION

Moldova's justice sector has undergone significant reform over the last two decades. The country has made important progress in its transition from a soviet style criminal justice system based heavily on punitive measures, monitoring and institutionalisation, to an approach focussed on reintegration and rehabilitation, and respect for human rights, due process and the rule of law. This transition has included reform of laws, systems and institutions, as well as capacity building of officials and practitioners working in the justice sector. It has also included comprehensive efforts to establish a juvenile justice system that is in-line with international standards; in 2002 the Moldovan Government in collaboration with UNICEF undertook a comprehensive "Reform of the Juvenile Justice System" programme, which has involved significant changes to Moldovan law, policy and practice regarding children in conflict and contact with the law.

Despite the considerable progress that has been made in this area, substantial gaps remain. In particular these gaps relate to a lack of services and programmes that *prevent* offending. Prevention services encompass a broad range of interventions, and may include: services which aim to prevent children from engaging in offending behaviour in the first place by addressing factors which lead to offending; services for children who are exhibiting offending behaviour, but are under the age of criminal responsibility; services for children who have committed an offence; and, services to promote the reintegration of the child into his or her community, whether he or she was ultimately released, diverted or sentenced to a correctional facility. Prevention services relate closely to the broader social infrastructure and support mechanisms that are available to vulnerable children and their families.

Given the broad nature of prevention services, for the purposes of this study these services are broken into three categories, and defined as follows:

**Primary prevention** is defined as relating to prevention programmes aimed at children with anti-social behaviour and those who are at high risk of offending;

**Secondary prevention** is used to describe services aimed at those children who have committed crimes and are either 'diverted' out of formal judicial proceedings or who are given a non-custodial sentence;

**Tertiary prevention** is used to refer to programmes for children who have been convicted of an offence and who have been given a custodial sentence and refers to reintegration and rehabilitation programmes that assist children to return to their communities and prevent recidivism.

Prevention services are of particular relevance to children and form an integral part of any juvenile justice system. The requirement that States provide preventative services for children is contained in core international standards on juvenile justice - including the UN Convention on the Rights of the Child (UN CRC), the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and the UN Guidelines on Juveniles Deprived of their Liberty (Havana Rules) – emphasise the importance of prevention services.

UNICEF is currently working closely with the Moldovan Government to assist authorities to develop the necessary social infrastructure and support programmes for children and families who are at risk of coming into conflict with the law. This study has been designed to inform their work in this area through: first, assessing the needs of children in conflict with the law and at-risk of coming into conflict with the law; and second, identifying and assessing existing primary, secondary and tertiary prevention services in Moldova. Based on the identification of needs and analysis of services, the study has defined the gaps in prevention services that exist in Moldova, drawn conclusions about the needs for specific prevention services, and informed the development of a set of detailed and practicable recommendations for the reform and development of prevention services in Moldova.

# METHODOLOGY FOR RESEARCH

The purpose of this study is to determine the need for services which can help to prevent children at-risk of offending from committing an offence / coming into conflict with the law in Moldova.<sup>1</sup> More specifically, the methodology for the study has been developed in order to respond to the following questions:

1. Who are the children with ‘anti-social’ behaviour (at risk of or likely to become involved in offending) in Moldova?
2. What are the rights and needs of children and their families with regard to preventative services (i.e. care, guidance and support, education, substance abuse counselling, life skills)?
3. What are the services (primary, secondary and tertiary) that could help mitigate risk factors?
4. Which of these services are available in Moldova (according to both law and practice) and how are they functioning (including content, extent of implementation, purpose/target beneficiaries, quality, effectiveness, impact, capacity, regulation/government oversight)?
5. What are the gaps in primary, secondary and tertiary services? How could they be filled?

*This final research question will be addressed through the development of comprehensive and in-depth recommendations regarding the reform and establishment of primary, secondary and tertiary prevention services in Moldova.*

Data collection and analysis for the study was divided into two phases. *Phase I* aimed to collect data and produce analysis regarding: the backgrounds of children at-risk of offending and their families, the services that are available to meet those needs, and gaps in existing services. *Phase II* of the research included a more comprehensive examination of the services identified in *Phase I* (i.e. how are they functioning, including content, extent of implementation, purpose/target beneficiaries, quality, effectiveness, impact, capacity, regulation/government oversight). In particular, *Phase II* has aimed to answer the second part of question 5: ‘how could these gaps be filled,’ through informing the development of a set of detailed and practicable recommendations. Findings and analysis from *Phase I* are presented in this report.

<sup>1</sup> For the purposes of this study, we will use ‘at risk’ to refer to children who are from backgrounds that make them more susceptible to becoming involved in offending behaviour. When we are referring to a child who has demonstrated offending behaviour in the past, we will use the term ‘child with anti-social behaviour’, as this is UNICEF terminology and is least likely to have a stigmatising impact on children identified as part of this category.

## **1.1. DATA COLLECTION AND ANALYSIS**

The study employed a mixed-methods approach to data collection, including both quantitative and qualitative methods and an analysis of law and policy. A mixed methods approach was selected in order to: draw from the strengths of both qualitative and quantitative methods; gather data that is rich, accurate and representative; and, ensure that data is both in-depth and comprehensive. All qualitative data has been gathered from primary sources, but a large proportion of quantitative data was taken from secondary sources of national/regional data. The particular methods and data sources used are detailed below:

### ***Collection of existing data and statistics***

Existing data and statistics were collected to establish an overall picture of who are the children in conflict with the law and the children with anti-social behaviour / at risk of offending in Moldova. The following organisations, bodies and agencies provided data for the study:

*Police General Inspectorate; Prosecutor General's Office; Central Probation Office; Department of Penitentiary Institutions /Prisons; Ministry of Education; Ministry of Labour, Social Protection and Family.*

Existing data and statistics have been broken down by district (where possible).

### ***Qualitative data collection***

Qualitative data collection was the primary data collection method utilised in the study. Qualitative data was collected through in-depth interviews and focus group discussions with children, their parents and carers, as well as government officials, NGOs, practitioners and other key stakeholders in the juvenile justice and child protection systems. Focus group discussions and individual interviews were conducted with: police, prosecutors, social workers/social assistants, teachers, specialists from the Psycho-pedagogical Assistance Service, staff of residential institutions, medical staff, probation officers, penitentiary staff, lawyers, diversion programme staff, relevant NGOs and civil society, and government officials from relevant departments. These discussions were focussed on gathering information from practitioners about their experiences working with children in conflict with the law / with antisocial behaviour, the risk factors that lead children to offend, and the prevention services which are available to children and their families.

In-depth interviews were also conducted with children and their primary caregivers, including: children below the minimum age of criminal responsibility (14 years old) with 'anti-social' behaviour and their immediate caregivers; children between 14-18 years old, with 'delinquent behaviour' and who have come in contact with the criminal justice system, and their immediate caregivers; children and young adults (up to the age of 23) in custody, under probation, or who had been the subject of a custodial sentence, and their parents/guardians; children who have been referred to diversion programmes and their parents/guardians and; children who were 'at-risk' of offending. Children were accessed through the probation services, social assistance; various care centres and the juvenile penitentiary. Interviews with children and caregivers included a number of life history questions in order to understand how children developed anti-social / offending behaviour, the risk factors and underlying causes that contributed to this trajectory, the preventative factors that help children to change their behaviour, their particular needs, and their experience accessing services.

A full list of interviews and focus group discussions conducted, broken down by category of respondent, for phase I can be found in 'Annex 1' of this study.

## 1.2. SAMPLING

### Variables for diversity in the targeted population

In order to ensure that research findings are relevant across the country, researchers attempted to include a diverse sample of children and caretakers with regard to the following variables: gender (sex); ethnic group; urban/rural; level of education; substance abuse; family environment (absence of one or both parents, alcohol/drug consumption in the family, domestic violence); socio-economic status; behaviour patterns.

### Selection of Research Sites

The *phase I* data collection was conducted over 5 research sites:

1. Chisinau Municipality - Central, children held in custody, urban
2. Ialoveni District – Central, high rates of offending
3. Soroca District - Northeast, Roma community (rural)
4. Ungheni District - Central/west, UNICEF diversion programme, progressive local government, financial resources (rural)
5. Balti Municipality - Central/north, UNICEF diversion programme, Russian speaking, urban, drug related crimes

Meetings were held with representatives of: police, prosecutors, social assistants, probation officers, teachers and specialists from the specialists from the Psycho-pedagogical Assistance Service, as well as children and their families, in each district. Officials from the central level were also included in the research, including representatives of the Ministry of Justice and Ministry of Labour, Social Protection and Family. The research sites were selected in order to represent geographic and demographic diversity to the greatest extent possible.

Rather than focussing on particular regions, research sites in *phase II* were determined based on existing services identified during *phase I*, and gaps in the *phase I* findings that require further inquiry.

# CAUSES OF OFFENDING: RISK FACTORS FOR CHILDREN COMING INTO CONTACT WITH THE LAW IN MOLDOVA

## 2.1. CHILDREN IN CONFLICT WITH THE LAW IN MOLDOVA

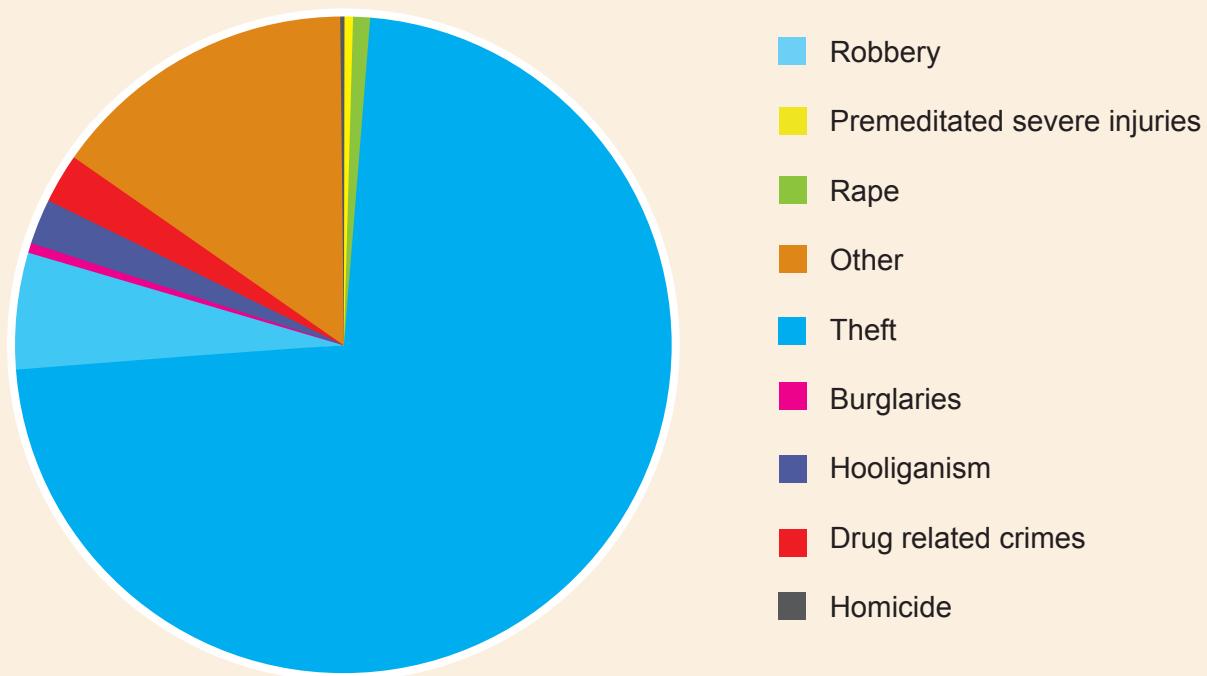
In order to determine which groups of children are at-risk of developing offending behaviour and understand the underlying causes of this behaviour, it is useful to establish a general picture of the nature and extent of juvenile offending in Moldova. Data from the National Bureau of Statistics demonstrates that the number of children convicted of an offence annually has decreased in Moldova over recent years, from a high of 2,750 in 2004 to 1,142 in 2013.<sup>2</sup> This striking drop may be explained by a number of factors, including: reforms to the juvenile justice system, which have resulted in changes in policy and practice by police and prosecutors; a drop in the population of children in Moldova<sup>3</sup>; an increase in the age at which young people offend; or simply a drop in the number of offences committed.

As is demonstrated by the charts below, which present the breakdown of juvenile offending in Moldova by type of crime, thefts comprise the vast majority of juvenile convictions in Moldova. Theft is followed by robbery, hooliganism, rape and drug related crimes, while convictions for homicide and premeditated severe injuries are rare. Indeed, over 70% of all crimes committed by children or in which children participated in 2014 were thefts. Theft was also the most common offence for which children were convicted that year, comprising 51% of all convictions, followed by hooliganism at 8.3%. This breakdown is consistent with juvenile offending rates across the globe; theft tends to be by far the most prevalent type of offence committed by children in nearly all countries.

<sup>2</sup> The Centre for Human Rights of Moldova (2013) *REPORT on the Observance of Human Rights in the Republic of Moldova 2014*. Available at: <http://www.ombudsman.md/en/rapoarte-anuale> (Accessed 22nd April 2015), p. 251.

<sup>3</sup> Ibid.

**Figure 1: JUVENILE OFFENDING BY TYPE OF CRIME 2014**



While the data collected for this study is not representative and therefore cannot be used to draw conclusions about the nature and extent of juvenile offending in Moldova, practitioners' summaries of their experiences are consistent with patterns that emerge from existing quantitative data. While sexual offending is certainly less prevalent than other offences committed by young people in Moldova, sexual related offences were of particular concern to some professionals, who reported that they were increasing, especially in the context of young people's growing access to explicit material online.<sup>4</sup> A professional in the Department of Education in Ialoveni reported having had "4 cases of sexual violence"<sup>5</sup> at the district level in 2014, and the prosecution office in Ungheni listed sexual offences as amongst the most common offences in the district, reporting that, "*the most common offences committed by minors in Ungheni are thefts, robberies and sexual offences*".<sup>6</sup>

The table below presents the total number of offences per year, broken down by type of offence. It demonstrates that while offences appear to have decreased in the five-year period numbers of offences, including homicide, premeditated severe injuries and rape, spike again in 2012.

<sup>4</sup> Focus group discussion, staff at Goian Juvenile Penitentiary, 23 February 2015.

<sup>5</sup> Individual interview, Educational department, Ialoveni, 20 March 2015.

<sup>6</sup> Individual interview, prosecutor responsible for cases with children in conflict with the law, The Prosecution Office, Ungheni, 6 March 2015.

**Figure 2: JUVENILE OFFENDING, BROKEN DOWN BY TYPE OF CRIME, 2008 - 2014<sup>7</sup>**

	2008	2009	2010	2011	2012	2013	2014
Total crimes committed	1502	1143	1358	1262	1468	1142	1166
Homicide	12	8	8	5	15	4	2
Premeditated severe injuries	11	8	14	8	38	1	3
Rape	30	23	26	22	32	12	10
Theft	1001	726	888	881	1021	802	854
Robbery	117	108	114	83	99	77	67
Burglaries	27	20	20	11	19	18	6
Hooliganism	52	51	46	45	40	32	25
Drug related crimes	26	33	33	39	34	9	18
Other/unknown crimes	226	166	209	168	170	187	181

#### ***Demographic profile of children who offend***

Offending appears to be particularly prevalent amongst older children; data from the National Bureau of Statistics suggests that over the past five years crimes have been committed – or at least reported and recorded - more frequently by 16-17 year olds than 14-16 year olds, regardless of the nature of the crime, as is demonstrated in Figure 3, below.

**Figure 3: JUVENILE OFFENDING, BROKEN DOWN BY AGE GROUP AND OFFENCE COMMITTED, 2008 - 2014<sup>8</sup>**

	Age group	2010	2011	2012	2013	2014
Total crimes committed	14-15	517	620	707	548	612
	16-17	1,069	1,094	1,268	887	1,149
Robbery	14-15	48	37	33	35	32
	16-17	117	77	95	74	87
Theft	14-15	416	511	580	435	486
	16-17	628	689	793	572	812
Burglaries	14-15	4	5	4	7	5
	16-17	17	10	20	18	10
Hooliganism	14-15	8	10	7	9	10
	16-17	55	70	73	38	39
Drug related crimes	14-15	1	1	3	1	3
	16-17	26	39	33	12	21

Offences appear to be committed by boys much more frequently than by girls. According to data from UNICEF CEE/CIS TransMonEE Databank, in 2012, 92% of children charged with an offence were boys and 8% girls, and in the same year 97% of children convicted of crimes were boys and only 3% girls. The professionals interviewed as part of the research confirmed the trends identified

<sup>7</sup> National Bureau of Statistics of the Republic of Moldova, *Crimes committed by minors by Type of crimes and Year, 2000 – 2014*. Available at: <http://statbank.statistical.md/pxweb/Dialog/Saveshow.asp> (Last accessed 20 October 2015).

<sup>8</sup> National Bureau of Statistics of the Republic of Moldova, *Minors who committed crimes by Type of crimes, Age group and Years, 2010 – 2014*. Available at: <http://statbank.statistical.md/pxweb/Dialog/Saveshow.asp> (Last accessed 20 October 2015).

above, reinforcing the finding that ‘criminal behaviour is most common amongst boys’.<sup>9</sup> When asked to speak about the particular types of offences that involve girls, respondents reported that while girls are sometimes involved in thefts and robberies, offences by girls are often related to in gang activity and gang in-fighting.<sup>10</sup>

Finally, existing research demonstrates that environmental factors, such as school absenteeism, poverty and lack of appropriate care are associated with juvenile offending. According to a UNICEF commissioned Situational Analysis of Vulnerable, Excluded and Discriminated Children in Moldova, *‘in Moldova, as in other countries, juvenile delinquency is associated with school drop-out and school absenteeism. Most minors that committed crimes in 2010 (85.7%) are not enrolled in school.’*<sup>11</sup> Furthermore, the Children’s Ombudsman’s 2012 report found that most juveniles convicted of crimes were not in employment<sup>12</sup>, and that offenders come mainly from disadvantaged, single-parent, or multiple children families or were children without parental care.<sup>13</sup>

## 2.2. RISK FACTORS THAT MAY LEAD TO OFFENDING

Considerable debate has occurred around the question of *who* prevention programmes should target, as well as which programme models are most effective.<sup>14</sup> In order to answer these questions it is important to establish the *risk factors* which increase the likelihood of children developing anti-social behaviour, and, ultimately, coming into conflict or contact with the law. Based on these risk factors, it is then possible to identify the needs of at-risk children, which must be met in order to prevent this trajectory from occurring.

Much has been written over the past decade about the risk factors for children developing offending behaviour or committing an offense and the groups of children who are most likely to become involved in offending activities<sup>15</sup>, and there appears to be broad agreement on the factors associated with the development of criminal behaviour by children. The risk factors identified in Moldova through this assessment were largely consistent with existing research, but also included several context-specific risk factors. The risk factors identified, are elaborated in the following section, and summarised below. They are particularly relevant to answering research question 1 – *‘who are the children with anti-social behaviour (or at risk of or likely to become involved in offending) in Moldova?’*

- **At the individual level:** low intelligence, low empathy, impulsivity and hyperactivity; and in Moldova specifically, special education needs, poor mental health, experiences of loss, vulnerability to negative influences, and alcohol and substance misuse<sup>16</sup>;
- **Within the family:** poor family management (failure to set clear expectations for behaviour, poor supervision or monitoring, inconsistent or harsh discipline); family conflict, low income, poor housing; and in Moldova in particular, abuse, violence, inappropriate care and neglect, abandonment, parental alcohol or substance misuse, disability, poor parenting skills, poverty and movement;

<sup>9</sup> Focus group discussion (3), police from district and village level, Soroca, 26 February 2015.

<sup>10</sup> Focus group discussion (2), school pedagogist, psychologist from Azimut Temporary Placement Centre, SAP (Psycho-pedagogical Assistance Service), Soroca, 23 February 2015.

<sup>11</sup> UNICEF Moldova Country Office (2011) *Situational Analysis of Vulnerable, Excluded and Discriminated Children in Moldova*.

<sup>12</sup> The Centre for Human Rights of Moldova (2013) *REPORT on the Observance of Human Rights in the Republic of Moldova 2014*. Available at: <http://www.ombudsman.md/en/rapoarte-anuale> (Accessed 12 September 2014), p. 147.

<sup>13</sup> The Centre for Human Rights of Moldova (2013) *REPORT on the Observance of Human Rights in the Republic of Moldova 2014*. Available at: <http://www.ombudsman.md/en/rapoarte-anuale> (Accessed 12 September 2014), p. 147.

<sup>14</sup> Most of the research on prevention comes from the USA and the UK, but there is also research from the CEE/CIS States (see: [https://www.unicef.org/Albania/UNICEF\\_JJGood\\_Practice\\_WEB.pdf](https://www.unicef.org/Albania/UNICEF_JJGood_Practice_WEB.pdf)), the European Union and Australia.

<sup>15</sup> For a thorough discussion of risk and protective factors associated with the development of offending behaviour see, for example, Farrington, David: ‘Childhood Risk Factors and Risk Focused Prevention’ in the Oxford Handbook of Criminology (2006) and the Youth Justice Board report (2005) Risk and Protective Factors.

<sup>16</sup> European research has added the following factors to this list: being male, having parents with offending and anti-social behaviour, substance abuse and poor health.

- **At school:** disengagement, low achievement and attending disorganised schools. In Moldova the most common risk factors at schools were found to be lack of resources within schools and an inability to meet students' needs, including special educational needs, bullying, disengagement of pupils and absenteeism;
- **At the level of the local community:** living in deprived neighbourhoods, associating with delinquent peers and experiencing feelings of alienation.<sup>17</sup> In Moldova the risk factors at the community level were found to be a lack of accessible, age appropriate and engaging activities, and stigma towards Roma, adopted children, children from vulnerable and impoverished backgrounds.

Although the risk factors identified above as applicable to Moldova have been divided into community, school, family and individual, the results of this study demonstrate the extent to which the risk factors listed above are interrelated and mutually reinforcing; they often cause and contribute to each other. For this reason in the analysis below, risk factors are broken down into two rather than four groups; first, the child's direct experiences of violence, abuse and neglect; and second, aggravating environmental factors that may cause or contribute to these experiences, and undermine a child's ability to cope with or overcome them. The interrelated nature of risk factors indicates the importance of a multidisciplinary approach to prevention services that can respond to relevant risk factors at all levels.

### ***Experiences of Violence, Abuse and Lack of Appropriate Care***

Professionals participating in the research consistently attributed children's development of offending behaviour to their experiences of violence, abuse and neglect at home. As put by a probation officer from Ungheni:

*"The children who come into conflict with the law are from poor vulnerable families where children commit thefts in order to have something to eat, get clothed, have similar gadgets as their friends, or it is simply that they have been brought up in a violent environment at home and they take it as a normal behaviour".<sup>18</sup>*

Research findings suggest that inadequate (parental) care is a fundamental and widespread contributor to children's development of anti-social or offending behaviours. The vast majority of the children interviewed for the research reported having experienced varying degrees of poor care, and in some cases, neglect, which appear to have contributed to their offending behaviour. Poor and inadequate parenting can have a grave impact on a child's physical, mental and emotional development; studies have shown that children who have experienced neglect are more prone to behavioural difficulties, which may lead to anti-social and even criminal activity.<sup>19</sup> Existing research has also linked poor parenting, including lack of supervision to children's development of antisocial behaviour and involvement in criminal behaviour.<sup>20</sup> Conversely, positive and consistent parenting skills are key protective factors in preventing offending.<sup>21</sup>

<sup>17</sup> See 'Prevention and Reduction: A review of strategies for intervening early to prevent or reduce youth crime and anti-social behaviour', Department for Education and CAYT 2010, p.13.

<sup>18</sup> Individual interview, the Probation office, Ungheni, 4<sup>th</sup> March 2015.

<sup>19</sup> Petersen, A. Joseph, J. Feit, M. (2014), *New Directions In Child Abuse And Neglect Research*, Eds; Committee on Child Maltreatment, Research, Policy, and Practice for the Next Decade: Phase II; Board on Children, Youth, and Families; Institute of Medicine; National Research Council, Available at: <http://www.ncbi.nlm.nih.gov/books/NBK195985/pdf/TOC.pdf> (Accessed on 23 April 2015).

<sup>20</sup> Machteld, Hoeve, Judish Semon Dubas, Veroni L. Eichelsheim, Peter H. Van der Laan, Wilma Smeenk, and Jan R. M. Gerris, *The Relationship Between Parenting and Delinquency: A Meta-analysis*, Journal of Abnormal Child Psychology, 2009 August: 37(6): 749-775.

<sup>21</sup> McCarthy, P. Laing, K. Walker, J. (2004), *Offenders of the Future? Assessing the Risk of Children and Young People Becoming Involved in Criminal or Antisocial Behaviour*, Newcastle Centre for Family Studies, University of Newcastle upon Tyne. Available at: <http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/RR545.pdf> (Accessed 22nd April 2015).

Child respondents described having experienced poor parental care in a number of forms, including a lack of provision of basic needs; lack of attention to their activities and whereabouts (lack of supervision); a lack of authority and guidance; lack of care and support; and, in several cases, neglect and even abandonment. Adult carers and practitioners described the impact of these experiences on behaviour; several reported that children's behaviour worsened when they were experiencing decreased supervision. Professionals in Moldova described poor parenting skills as one of the key issues affecting children's involvement in anti-social and criminal behaviour across the research sites; for instance, according to one education professional, "*lack of control from parents and authorities [is] the main reason behind anti-social behaviour*", and emphasised the importance of "*working with the family so that they understand that the family should have taken more responsibility [for the child]*".<sup>22</sup>

Interestingly, a number of the parents themselves recognised that their own poor parenting had contributed to their children's offending behaviour. As one father explained, "*I think the reason he started to steal was that he did not receive adequate education from his mother, and she did not receive an adequate education from her parents. I think the main cause was a lack of proper parenting from his mother*".<sup>23</sup>

Several parents explained to researchers that they 'did not know what to do' to help their child or improve their children's behaviour, and were unsure of whether relevant support services were available, and if so, how to access them: "*Everybody thinks I'm guilty for not looking after my children, but I cannot cope with them. I do not know what to do. The social assistant helped me to get some financial support from the state, since I had no place of my own, no job, but I have two children to feed. I do not know whether there is a psychologist or educational support staff at school*".<sup>24</sup>

Poor parenting and lack of sufficient attention and supervision are likely to be a particular problem where parents are unable or unwilling to devote sufficient time or energy to, or behave appropriately with their children; practitioners reported that many of the children with behavioural problems who come to their attention are from families where one or both parents were entirely absent, often working abroad. Respondents in the study reported that neglect frequently occurs as a result of children being placed in inappropriate care arrangements, often with extended family members, when their parents migrated for employment opportunities. A probation officer described the particularly extreme case of a 17-year-old Roma boy, who had been left in the care of his grandparents, who, for age, health and financial reasons were unable to provide him with the care and supervision needed. As the probation officer handling his case explained:

*"We were contacted by the prosecutor about the case of a Roma child...his mother remarried and went to Transnistrian region and his father left to go to Russia. He was left in the care of grandparents but both of them were very old and the financial situation was appalling. One was severely disabled and blind. [The boy ended up] living on the street. No one was looking after him...He did many thefts and made contact with one of his uncles, who was older and who had committed lots of crimes already – drug related crimes and already in conflict with the law. This was the only person he was speaking to... They found him in a very small place, you can't call it a house, there was no toilet, there were maybe 8-10 people in this hovel. One day they found him, he had clothes from someone else, he was barefoot and very hungry".<sup>25</sup>*

<sup>22</sup> Focus group discussion (2), mother of child with behavioural problems/violence and School Director, SAP (Psycho-pedagogical Assistance Service), Soroca, 23 February 2015.

<sup>23</sup> Individual interview, father of child on probation, Botanica Municipal District Probation Office, Chisinau, Focus group discussion (3), police from district and village level, Soroca, 26 February 2015.

<sup>24</sup> Individual interview, mother of two boys with behavioural problems/offending behaviour, Social Assistants Centre, Soroca, 24 February 2015.

<sup>25</sup> Individual interview, social assistant, Probation Service, Soroca, 25 February 2015.

Neglect and lack of appropriate care are more likely to occur in families suffering from income poverty and economic deprivation. Several parents explained that this affected their ability to provide the supervision and care they wanted to give their children. For instance, some parents reported having to work abroad for extended periods in order to provide for their families (leaving children in the care of other family members), or being unable to provide for their children's material needs due to lack of or low income. In some cases, neglect by parents or caretakers is so serious as to constitute a child protection concern. The following case study demonstrates how neglect, which was aggravated by emotional abuse, facilitated a child's development of offending behaviour:

*"I'll start by telling you about a case of a 15 year old boy. His mother died and father left him when he was small. The child was under the guardianship of the grandmother and she was cohabiting with another man. They sold their apartment and moved in with the man and because of a lack of supervision, the child started to steal things. He didn't steal very expensive things, but he stole lots of things. The grandma was called quite often to the police about him and she was asked to pay a fine for not supervising the child properly. They made an assessment and found out that he couldn't communicate well with the man he lived with.*

*A teacher spoke to the child and found out the grandmother and man were hiding food from the child and the child knew and was upset. From the same teacher, I found out that the grandmother was fed-up with the boy because he was behaving this way and they were having to pay fines all the time and to punish the child the grandmother and man decided to lock him out of the house when they were at work. He was locked out once for 2 hours in the cold waiting for them to come back.*

*At the age of 13 or 14 the boy tried to commit suicide (cut his wrists) and roughly the same time, although she was receiving some money from the guardianship, the grandmother refused to carry on being his guardian and didn't want to see him again.*

*The boy now had nowhere to live. He lived with a classmate for a while and at some point the mother told the school that having him as well as her own children was too much of a burden. At that stage the director of the school contacted the social assistant, who knew the grandma was the guardian and didn't know that she had refused the guardianship and that the boy was homeless".<sup>26</sup>*

It is important to note that in the case presented above, there was no intervention from child protection services until the child was homeless, even though his family circumstances clearly warranted intervention at a far earlier stage. The issue of late identification and intervention will be explored in the next chapter of the report, which assesses existing primary prevention services in Moldova.

In addition to lack of appropriate care, participants in the study drew links between physical and sexual abuse and the development of behavioural problems, including offending behaviour. This is consistent with existing research; 'studies have reported significant associations between a history of childhood abuse or neglect and various conduct problems, including those classified as oppositional defiance disorder or conduct disorder'.<sup>27</sup> For instance, respondents in a study by the National Research Council working with children with anti-social behaviour, reported that in their experience children who had been victims of violence are more likely to be prone to emotional and/or aggressive outbursts and are at greater risk of developing problematic behaviour likely to lead to offending.<sup>28</sup>

<sup>26</sup> Individual interview, social assistant, Soroca , 24 February 2015.

<sup>27</sup> Petersen, A. Joseph, J. Feit, M. (2014), *New Directions In Child Abuse And Neglect Research*, Eds; Committee on Child Maltreatment, Research, Policy, and Practice for the Next Decade: Phase II; Board on Children, Youth, and Families; Institute of Medicine; National Research Council, Available at: <http://www.ncbi.nlm.nih.gov/books/NBK195985/pdf/TOC.pdf> (Accessed on 23 April 2015).

<sup>28</sup> Ibid.

Practitioners in the study explained that when children experience and witness physical and psychological abuse, they are likely to repeat these patterns of behaviour; “*It is known that deviant behaviour, if there is a potential, starts at age 10-11. Usually the source is the family... what the child sees in the family*”.<sup>29</sup> Indeed, several of the children and young people interviewed for the research described being victims of, or witnesses to domestic violence when asked to speak about their home lives: “[*My father] was a bit harsh because of the drinking problem and would be violent against my mother and the children*”.<sup>30</sup> Furthermore, a number of parents attributed their children’s behavioural problems to experiences of physical and psychological abuse:

*“My husband...is very violent towards me and the children. I wish I could go to my mother and leave him but I am afraid of him. Going to stay with my mother might be in the children’s best interests”.*<sup>31</sup>

Finally, several respondents, who had worked with children with anti-social or offending behaviour, reported that the children they work with, particularly girls, had been victims of sexual violence. A foster carer in Ialoveni district looking after a 16-year-old girl who was displaying behavioural problems in school, explained: “*The older girl was placed in foster care with a lot of health issues, skin problems, fleas, and even sexual diseases. I went to the doctor and found out that the girl was sexually abused, raped*”.<sup>32</sup> Similarly, professionals from the education department in Ialoveni expressed concerns about the increased vulnerability to sexual abuse that girls experience in family environments with inappropriate care. The damage caused by experiences of physical and sexual abuse can be especially severe when the victim is unable to access appropriate psychological and other support services.<sup>33</sup>

### **Aggravating Environmental Factors**

Environmental factors impact on a child’s development of offending behaviour by contributing to or aggravating direct risk factors, placing stress on the child and undermining the child’s resilience factors. The most influential environmental factors that emerged from the study (many of which are interrelated) include: poverty and economic deprivation; alcohol and/or substance misuse; experience of loss; disability, physical and mental health problems; movement; unmet special educational needs; absence from school; negative peer influence; and experiences of discrimination.

### **Poverty and economic deprivation**

Poverty was extremely prevalent among case studies included in the study: while the 31 children who were at risk of offending (or who had offended) included in the study cannot be taken to constitute a representative sample of the general population, the vast majority had experienced some level of financial hardship while growing up. The association between poverty and offending / anti-social behaviour is consistent with existing research, which has linked both family and ‘neighbourhood’ poverty to juvenile involvement in crime.

Practitioners working with children from vulnerable backgrounds explained to researchers that poverty contributes directly to the offending behaviour of many children as theft in particular becomes a survival strategy for children whose families are unable to meet their basic needs. Several participants’ involvement in criminal behaviour was directly linked to unmet basic needs, as demonstrated by the two cases of severe neglect described in the previous section, where children were driven to steal food items due to the lack of provision of food. As one professional working on a diversion project in

<sup>29</sup> Individual interview, social assistant, Botanica Municipality, Chisinau, 24 February 2015.

<sup>30</sup> Individual interview, child with offending behaviour, Faclia Centre, Balti, 4 March 2015.

<sup>31</sup> Individual interview, mother of child with anti-social behaviour, Soroca, 25 February 2015.

<sup>32</sup> Individual interview, parent, Ialoveni Probation Office, Ialoveni, 11 March 2015.

<sup>33</sup> Petersen, A. Joseph, J. Feit, M. (2014), *New Directions In Child Abuse And Neglect Research*, Eds; Committee on Child Maltreatment, Research, Policy, and Practice for the Next Decade: Phase II; Board on Children, Youth, and Families; Institute of Medicine; National Research Council, Available at: <http://www.ncbi.nlm.nih.gov/books/NBK195985/pdf/TOC.pdf> (Accessed on 23 April 2015).

Balti explained, “One quite frequent reason [for offending] is to cover food needs and financial needs, like clothing and such, because parents do not take care of their parenting responsibilities”.<sup>34</sup>

Further, poverty may inhibit positive familial influence<sup>35</sup> and increase the likelihood that a child will experience lack of appropriate care or neglect. Several parents explained that they were too occupied meeting their children’s survival needs to provide the child with appropriate care and supervision. For instance, one parent whose two boys were both absenting themselves from school in Soroca explained: “The most effective way to encourage my children to stay in school would be for me to spend more time at home with them, but I need to work because I need to feed them, so I can’t stay at home”.<sup>36</sup>

Poverty and unemployment are endemic in Moldova and it is therefore not surprising that many of the children and families interviewed for the study reported that one or more family members were unemployed. Apart from the loss of parental care if a parent has to travel abroad to find work, as described by one respondent, the stresses associated with unemployment and poverty may also serve to de-motivate children, lowering their aspirations and hopes for their own futures and removing their drive to work hard and attend school: “All parents used to have jobs to go to, but now they don’t find ways to motivate their children, they see the only jobs available are low paid and parents don’t work and are too laid back so children are not motivated either”.<sup>37</sup>

Poverty was seen to have a similar effect on children’s recidivism; when a child had no one to provide for them, and no means of providing for themselves after a period of probation or detention, professionals reported that they are likely to continue offending. Children who have reached the age of 18 and are no longer eligible for receiving the support of children’s services (such as accommodation in a temporary placement centre), may be particularly vulnerable to reoffending due to their inability to sustain themselves.

### **Alcohol and/or Substance Misuse**

An additional environmental risk factor emphasised by professionals across the research sites, which was further confirmed by the testimonies of over half of the children interviewed, is that of alcohol abuse by parents and caretakers. Alcohol and drug abuse is reported to be a serious problem in Moldova, exacerbated by stresses such as poverty and lack of opportunity. This is concerning, as numerous studies have emphasised the link between alcohol and substance misuse by parents and caretakers, and the development of anti-social and offending behaviour amongst children.<sup>38</sup> Research has demonstrated that parental alcohol misuse is associated with, ‘an increased rate of a range of negative outcomes in children and adolescents, including alcohol and drug abuse, conduct disorder and delinquency, attention deficit behaviours and internalizing disorders, particularly anxiety and depression.’<sup>39</sup>

Indeed, parents/guardians’ alcoholism appeared to have a number of repercussions on the lives of the children whose cases were included in the research, including; varying degrees of neglect, abandonment, financial strain and exposure to domestic violence (both as victims and witnesses). Some children had been deprived of familial care altogether as a result of parents’ alcoholism, and were placed in (often inadequate) alternative care arrangements. Finally, professionals interviewed

<sup>34</sup> Individual Interview, ELPIS, Balti, IPR Project, 26 February 2015.

<sup>35</sup> [http://scholar.harvard.edu/files/sampson/files/1994\\_cd\\_laub.pdf](http://scholar.harvard.edu/files/sampson/files/1994_cd_laub.pdf)

<sup>36</sup> Individual interview, mother of boy with offending behaviour, social assistance office, Soroca, 25 February 2015.

<sup>37</sup> Focus group discussion (2), mother of child with behavioural problems/violence and School Director, SAP (Psycho-pedagogical Assistance Service), Soroca, 23 February 2015.

<sup>38</sup> Heilbrun, K., Goldstein, N. E. S., & Redding, R. E. (2005). Juvenile delinquency: prevention, assessment, and intervention. New York, Oxford University Press.

<sup>39</sup> Lynsky, M. T., Fergusson, D. M. and Horwood, L. J. (1994), The effect of parental alcohol problems on rates of adolescent psychiatric disorders. *Addiction*, 89, 1277-1286.

for the study repeatedly linked children's upbringing in an environment of alcoholism and violence to the development of anti-social behaviour. The impact of alcohol as a risk factor is illustrated by the case of one boy in foster care in Ungheni, whose foster carer told researchers:

*"I was not aware of his biological family, but after a while the child himself started to tell me. He told me that his mother and father used to drink a lot of alcohol, did not look after him, were sending him to the shop to buy more alcohol and they were beating him for no reason. Many times they used to send him away from home. One day, when they did not allow him home, the child went to the mayor's office in the village and told him everything. Therefore, the child was taken out of the family. After a while, the child started to behave badly at school, I was called by his class master and she told me that the child was a bit violent towards other children and had used bad language".<sup>40</sup>*

Furthermore, several respondents explained that the use of alcohol and drugs contributed to their own personal involvement in offending behaviour, a trend which was confirmed by many of the practitioners included in the study. When asked about causes of offending, a staff member from ELPIS, a community-based programme that provides psycho-social and other support services for children aged 12 – 18 who are at-risk of offending in Balti, replied: "Some children use light drugs – marijuana or glue sniffing. They are dependent on it. It's considered offending behaviour but mostly it encourages other offending behaviour because they need money and aren't in control of their minds".<sup>41</sup> Similarly, a member of a focus group from the penitentiary division when asked about causes of offending noted that: "Most of the crimes are committed by children in an alcoholic state".<sup>42</sup>

### ***Experience of loss***

A number of studies have shown that traumatic experiences, such as the loss of a parent or sibling, can 'elevate' the risk that a young person may become involved in antisocial or offending behaviour.<sup>4344</sup> Without the presence of a variety of protective factors (discussed below) within the child's life, this damage may be difficult for a child to overcome. Several children interviewed for the study reported having experienced the death of one or more parents, and some had also experienced the deaths of siblings, which they described as having had a significant impact on the behavioural problems they developed later in life. Problematically, however, very few children had received counselling or support to overcome their experiences of loss and abandonment.

For instance, one young woman with a history of juvenile offending, currently serving a sentence of community service in Chisinau, described to researchers how she had been affected by a fire, which killed her older sister and some other family members when she was five years old. She was placed in the care of her grandmother until she was eight and then sent to boarding school, from where she ran away with friends after a few years and fell into thieving and other offending behaviour.<sup>45</sup>

Another child, currently in detention in Goian detention facility, described how his stealing began due to lack of parental oversight or support after his father committed suicide and his mother went abroad to work:

<sup>40</sup> Individual interview, foster parent of a boy with offending behavior, Ungheni, 3 March 2015.

<sup>41</sup> Focus group discussion (2), staff of IPR/ELPIS programme, Faclia Centre, Balti, 4 March 2015.

<sup>42</sup> Focus group discussion (4), Chief of Department of Penitentiary Institutions and colleagues, Department of Penitentiary Institutions, Chisinau, 23 February 2015.

<sup>43</sup> Maschi, Tina, Carolyn A. Bradley and Keith Morgan, *Unraveling the Link Between Trauma and Delinquency: The Mediating Role of Negative Affect and Delinquent Peer Exposure*, Youth Violence and Juvenile Justice, 2008, 6:136.

<sup>44</sup> Draper, Ana and Hancock, Maggie (2011) *Childhood parental bereavement: The risk of vulnerability to delinquency and factors that compromise resilience*. Mortality, 16 (4). pp. 285-306.

<sup>45</sup> Individual interview, child with offending behaviour, Faclia Centre, Balti, 4 March 2015.

*"My father committed suicide, he hanged himself in 2009 after working abroad for a year.  
Was anything done to help you cope with that?*

*I got some help from my older brother and uncle but there was no help from any social services".<sup>46</sup>*

Our findings were consistent with wider research on the effects of trauma on children's behaviour, and a number of cases (such as those mentioned here) demonstrated the negative outcomes children in Moldova who had lost family members were experiencing.

### **Physical and mental health problems**

Disability in a parent or guardian was also found to play a role in the lives of some of the children who participated in the study; it appeared to increase the likelihood of poverty and, for some children, resulted in additional caring responsibilities. Several social assistants interviewed for the study described cases where disability affected the provision of supervision (and financial support) to a child who went on to develop anti-social or offending behaviour.<sup>47</sup>

The effects of disability are exacerbated by the fact that there is only a very small amount of state support available to most families experiencing disability in Moldova. In several cases from the study, the additional financial and caring responsibilities experienced by a family faced with disability or health problems exacerbated other risk factors (poverty, lack of appropriate care, neglect, etc.), with implications for the child's education, and access to opportunities, and ultimately, risk of offending.

*"There were 4 persons living in the same household: the child (aged 11), the father, the child's auntie and uncle. The father is disabled, has no legs. The mother left them to go abroad where she might have a new family.*

*The auntie (the father's sister) and her partner take care of both, the child and his father. The father receives a state indemnity for being disabled – 300 lei and the auntie receives a financial support from the state – 300 lei.*

*The child abandons the school because he has to look after his father or he just does not want to go to school".<sup>48</sup>*

Several of the children interviewed for the study reported experiencing both physical and mental health difficulties. These health problems, which were often related to other risk factors that they had experienced (i.e. loss, abuse and neglect), may contribute to a child's development of anti-social or offending behaviour if left untreated. In particular a few of the children interviewed told researchers that they had a history of depression and that they were experiencing suicidal feelings, or had even attempted suicide, around the time of their offending. Other children and parents described feeling unhappy and/or displaying emotional or aggressive outbursts. Professionals explained to researchers that in their experience, unaddressed mental health needs often led to fighting with peers and disruption within a child's family, school and social lives.<sup>49</sup>

### **Movement**

In exploring the life histories of children with anti-social behaviour, the study demonstrated clear links between deterioration in a child's behaviour and a change of residence.

<sup>46</sup> Individual interview, young man convicted of an offence, Goian, Juvenile Penitentiary, Chisinau, 23 February 2015.

<sup>47</sup> Individual interview, social assistant, Probation Service, Soroca, 25 February 2015.

<sup>48</sup> Individual interview, psycho pedagogical assistant, SAP (Psycho-pedagogical Assistance Service), Soroca, 23 February 2015.

<sup>49</sup> Individual interview, mother of child with behavioural problems/violence, SAP (Psycho-pedagogical Assistance Service), Soroca, 23 February 2015.

After moving, some children (and their parents) described how they had experienced feeling excluded, isolated or ostracised in their new town, village and/or school. Others experienced discrimination from children and adults in their new community. One parent described how her son's behaviour deteriorated as a result of these difficulties, which he faced after a family move:

*"They are looked at as 'foreigners' from Soroca in the village, and he was a stranger and so everywhere there's a problem: they blame him and even teachers do not accept him easily. Initially he had fights with his peers, then with teachers and then he got involved with psychologists. Even the police tried to find clues that he did something wrong, tried to find proof that he started fires, but now police don't see it as main issue."<sup>50</sup>*

Indeed, research on prevention has demonstrated that positive relationships with peers and feelings of 'belonging' within a community are important protective factors – when these are disrupted, this may place a child at risk.<sup>51</sup>

### ***Unmet special educational needs***

A number of the parents interviewed stated that their child (who had been involved in anti-social and/or offending behaviour) had difficulty learning in school. Some of the children spoke directly of finding classes too hard, of not enjoying school, of feeling disenfranchised and reluctant to attend, and of experiencing conflict and exclusion amongst their peers.

The diagnosis of common learning disabilities in developed states, such as attention deficit disorder, dyslexia or dyspraxia is still very much in its infancy in Moldova. It is suspected that many children with such learning disabilities go through their entire school career with undiagnosed special educational needs. There are few special educational specialists available in schools and few who are able to provide on-going support: as one respondent told researchers: "*The child finds it difficult to study. No one from school has helped him with his studies, with his behaviour, nor has he had any help from the social assistant*".<sup>52</sup> Indeed very few children spoke of receiving extra support educational support when they needed it. In some cases learning difficulties appeared to lead to absenteeism, which in turn may contribute to offending behaviour.

### ***Absence from school***

A high proportion of the children interviewed for the study were reportedly absent from school on a regular basis, often around the time of their offending. Practitioners frequently described school absence as being associated with offending. When asked about the reasons for their absenteeism, some children stated that they had not attended because they found school boring and/or difficult, while others reported that they were not able to attend because they were caring for younger or disabled family members:

***"Do you like going to school?***

*Yes I do like going to school. Sometimes I'm asked by my mum to stay at home to look after my little brother, but I would prefer to go to school."*

<sup>50</sup> Individual interview, mother of child with behavioural problems/violence, SAP (Psycho-pedagogical Assistance Service), Soroca, 23 February 2015.

<sup>51</sup> McCarthy, P. Laing, K. Walker, J. (2004), *Offenders of the Future? Assessing the Risk of Children and Young People Becoming Involved in Criminal or Antisocial Behaviour*, Newcastle Centre for Family Studies, University of Newcastle upon Tyne. Available at: <http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/RR545.pdf> (Accessed 22nd April 2015).

<sup>52</sup> Focus group discussion, child (M, 11) and child's aunt, Psycho-pedagogical Assistance Service, Ungheni, 2 March 2015.

### **Negative peer influence**

When asked to explain the cause of offending behaviour in a specific case, many parents, professionals, and children themselves referred to peer influence, and attributed offending behaviour to the fact that the child started hanging out with a 'gang' or 'bad group of friends'. For instance, one mother, in explaining the reason her son had committed a theft, told researchers: "*He hadn't been in trouble before, but he got in with bad friends*".<sup>53</sup> Another mother expressed her concerns for the influence her son's older friends were having on his likelihood to offend:

#### **"Has he been in conflict with the law?**

*His friends maybe but not him. He's very easily manipulated by the group though, I am worried they might be preparing him for a job – I know they smuggle drugs in from Russia etc. and I'm worried that they are prepping him to be a drugs mule."*

The influence of peers on offending behaviour often interacts with other risk factors. Respondents often described how children became involved with a group of peers that influenced them to engage in offending behaviour because they weren't attending school. Furthermore, several children explained that they started offending because of a desire to belong to a group, or gain the respect of their peers. This is likely to be a particular draw for children who lack support or a feeling of belonging within their families or in other areas of their lives.

Similarly, some respondents explained that children become involved in offending to gain social status, a sense of achievement, or even out of boredom. This may appeal in particular to children who are unable to achieve or progress in other areas of their lives. A probation officer described how one of his supervisees had committed multiple thefts not because he needed or wanted the items; he was stealing them to gain the respect of peers who admired that kind of behaviour:

*"This boy – he offended 5 times. When he stole things he didn't take all of them for himself, he shared them with other children so that they would look up to him. This child was left without supervision so in order for him to show himself he can do something he started to steal – he didn't do it for himself but to be looked up to".<sup>54</sup>*

### **Discrimination**

Discrimination, marginalisation and exclusion of children on ethnic or racial grounds, or based on the marital status of their parents, remains a significant issue in Moldova. Several children and families involved in the study reported having been affected by discrimination, which is likely to have contributed to their vulnerability, isolation and perhaps ultimately their offending behaviour. Their experiences of discrimination varied: some children reported having been discriminated against because of their vulnerable background and/or the family's limited financial means; others experienced exclusion due to their special educational needs. In addition, a small number of cases revealed discrimination against adopted children. For instance, in one case, a mother explained how her adopted son had been marginalised within the school and community, which she felt had negatively affected his behaviour:

#### **"How do you think the process could have been improved to help improve your son's behaviour?**

*We could have collaborated together (myself and the school and other actors) – when I first heard about his behaviour and started to try and do something, I didn't think that the problem would 'come against me' but it did. I had a long journey and a long fight - they wanted me to take him out of school but he didn't need to be sent to a separate residential school and I*

<sup>53</sup> Individual interview, Soroca Probation Service – mother of boy on probation for robbery, 25<sup>th</sup> February 2015.

<sup>54</sup> Individual interview, probation officer, Probation Service, Soroca, 25 February 2015.

*was desperate. It is the parent's role to get involved first, but here there was discrimination. He faced stigma because he was adopted - he was marginalised by his community and by authorities".<sup>55</sup>*

Discrimination against Roma children clearly remains a relevant issue, and was raised by a number of professionals. A number of professionals in the justice system reported that they were aware of cases where Roma children had experienced discrimination because of their ethnicity. For example, one district level prosecutor noted that Roma children were likely to receive a harsher sentence than a non-Roma child: "*In court they will see 'Roma' and send the child to jail because they think they are worse than the rest of us".<sup>56</sup>*

It is important to note that several professionals spoke in discriminatory terms themselves about Roma children, expressing strong opinions about the greater propensity for Roma children to come into conflict with the law and to re-offend.

There remains a strong pressure to behave well within the community and to conform to social norms. Children who were seen as being at risk or who were displaying anti-social behaviour are subject to discrimination, even before they have committed a criminal offence. One parent explained that she was so ashamed of her child's behaviour when he started to miss school and hang around with older people smoking and drinking that she had wanted to send him away to boarding school to prevent other people in her community finding out.

Children's exposure to discrimination can serve as a risk factor in itself,<sup>57</sup> and in some of the cases discussed, children's experiences of discrimination appeared to cause anger and frustration and/or to reduce their engagement with school or positive social activities.

## 2.3. PROTECTIVE FACTORS

The previous section outlines the risk factors which contributed to children's development of anti-social / offending behaviour: understanding risk factors is critical to determining the needs of at-risk children and how services can effectively meet these needs and ultimately prevent offending. In addition to reducing risk factors, existing literature on prevention emphasises the importance of developing protective factors. Protective factors may help children cope with and overcome risk factors. In particular, research has indicated that '*self-efficacy (believing that one can perform tasks successfully), having a positive outlook, having a stable, warm and affectionate relationship with one or both parents, bonds with teachers and with other adults or peers who hold positive attitudes and are role models with good social behaviour as well as good social skills*'<sup>58</sup> are fundamental to preventing offending behaviour.

Unfortunately, for the majority of children and young people interviewed for the study, these protective factors were not present, which reduced their ability to cope with the multiple and overlapping risk factors that they were experiencing. This is consistent with existing analysis which suggests that the interplay between the multiple risk factors and lack of protective factors lies behind most children's

<sup>55</sup> Individual interview, mother of child with behavioural problems/violence, SAP (Psycho-pedagogical Assistance Service), Soroca, 23 February 2015.

<sup>56</sup> Individual interview, prosecutor specialising in children's cases, Soroca Prosecutor's Office, 27 February 2015.

<sup>57</sup> Prior, D. Paris, A. (2005) *preventing Children's Involvement in Crime and Anti-Social Behaviour: A literature review*, Institute of Applied Sciences, University of Birmingham. Available at: <http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/RR623.pdf> (Accessed 23rd April 2015).

<sup>58</sup> See 'Prevention and Reduction: A review of strategies for intervening early to prevent or reduce youth crime and anti-social behaviour', Department for Education and CAYT 2010 p.13 and Review of Good Practices in Preventing Juvenile Crime in the European Union, European Commission 2006.

development of anti-social behaviour or offending: '*multiple risk factors cluster together and interact in the lives of some children [who become involved in criminal activity], while important protective factors are conspicuously absent.*'<sup>59</sup> It is important to note that not all children who experience multiple risk factors and lack of protective factors go on to develop anti-social behaviour: 'resilience' plays a key role in helping many children to achieve positive outcomes in spite of their difficult circumstances.<sup>60</sup>

Much has been written on the topic of resilience, but for the purposes of this report, we take it to mean, '*the process of, capacity for, or outcome of, successful adaptation despite challenging or threatening circumstances,*'<sup>61</sup> which enables children to overcome or 'cope' with adversity, rather than leading to their involvement in anti-social or criminal activity. It is thought that resilience may be promoted by the presence of protective factors in a child's life<sup>62</sup> and is displayed in a number of ways:

1. By achieving positive outcomes even though they are at high risk.
2. By adapting successfully to stressful experiences and situations.
3. By recovering quickly from a crisis or trauma.<sup>63</sup>

Conversely, high levels of risk and limited protective factors may negatively affect resilience.<sup>64</sup> Unfortunately, as the proceeding chapters of the report will demonstrate, there are few prevention services in Moldova that can contribute to building a child's resilience. There are virtually no parenting programmes, few programmes to assist children to address their offending behaviour, and a low level of intervention by child protection services, who appear to have limited professional and human capacity. Evidence from this study indicated that child protection is largely passive, responding only when a situation reaches crisis point and the damage is done, rather than pro-active, intervening when problems first present themselves, despite the fact that virtually all of the children would fall within the definition of a 'child at risk' as defined in the Law on the Special Protection of Children at Risk and of Children Separated from their Parents (Law No 140). Schools can also play a role in mitigating anti-social and offending behaviour, especially in conjunction with child protection and law enforcement personnel. At present, however, schools do not appear to be playing a major role.

Before assessing the existence of various services, it is important to acknowledge that for children in the study, the availability (and the cost) of services was not the only factor that affected their access to services. For instance, several girls in the study described having to devote all of their free time to household chores. Other children were reluctant to attend having experienced discrimination due to their impoverished or vulnerable background; as several practitioners explained, even when costs were reduced to enable a child to access a service, the children did not always participate successfully due to feeling 'different' from the other children. Thus in considering the development of (and improvement on existing) services, it is important to consider how to mitigate any barriers that at-risk children may face in accessing them.

<sup>59</sup> Youth Justice Board, (2001), *risk and protective factors associated with youth crime and effective interventions to prevent it*, p.8.

<sup>60</sup> McCarthy, P. Laing, K. Walker, J. (2004), *Offenders of the Future?Assessing the Risk of Children and Young People Becoming Involved in Criminal or Antisocial Behaviour*, Newcastle Centre for Family Studies, University of Newcastle upon Tyne. Available at: <http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/RR545.pdf> (Accessed 22nd April 2015).

<sup>61</sup> Masten, A., Best, K. and Garmezy, N. (1990) 'Resilience and development: contributions from the study of children who overcome adversity', *Development and Psychopathology*, vol. 2, p. 425.

<sup>62</sup> McCarthy, P. Laing, K. Walker, J. (2004), *Offenders of the Future?Assessing the Risk of Children and Young People Becoming Involved in Criminal or Antisocial Behaviour*, Newcastle Centre for Family Studies, University of Newcastle upon Tyne. Available at: <http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/RR545.pdf> (Accessed 22nd April).

<sup>63</sup> Masten, A.S. (1994) 'Resilience in individual development: successful adaptation despite risk and adversity', in M.C. Wan and E.W. Gordon (eds) *Educational Resilience in Inner-city America: Challenges and prospects* (Hillsdale, NJ: Laurence Erlbaum) pp. 3–25.

<sup>64</sup> McCarthy, P. Laing, K. Walker, J. (2004), *Offenders of the Future?Assessing the Risk of Children and Young People Becoming Involved in Criminal or Antisocial Behaviour*, Newcastle Centre for Family Studies, University of Newcastle upon Tyne. Available at: <http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/RR545.pdf> (Accessed 22nd April).

When children don't have the opportunity to engage in activities that promote their social, mental and physical development, this may leave them bored, frustrated and isolated from the community. It can also mean that they miss out on opportunities to develop important social skills and support networks (through friends and adult mentors). Sports, arts and cultural activities, and other community based activities are recognised as serving a protective purpose, helping children to develop 'positive identity, belonging and connectedness and opportunities for success'<sup>65</sup>, which can all pay a role in preventing children from becoming involved in anti-social or criminal activity.<sup>66</sup>

## 2.4. THE NEEDS OF CHILDREN AT-RISK OF OFFENDING IN MOLDOVA

In sum, the study demonstrates that children engaged in anti-social and offending behaviour in Moldova are exposed to multiple risk factors, and there are insufficient protective services to mitigate the effect of risk for those children. Poverty, family breakdown and parents working abroad are all significant risk factors for children. In many cases children with anti-social or offending behaviour could equally well be regarded as children in need of protective services due to their experiences of lack of appropriate care, and in some cases, neglect, abuse and violence. In addition, many of the children engaged in anti-social and offending behaviour were in serious need of psychological support, particularly those who had suffered loss or abandonment. In other cases, children at-risk weren't found to be receiving the support they needed at school, leading to absenteeism: a major risk factor for offending behaviour. Finally, there is continuing discrimination towards children from vulnerable backgrounds, children from Roma communities, adopted children and children from residential schools, amongst others.

Analysis of these risk factors, and consideration of the protective factors that might help children to cope with and overcome them, points to a number of needs that must be addressed through the development of prevention services. These needs are presented in no particular order in the list below. The next chapter of the report, which assesses primary, secondary and tertiary prevention services that are currently in place in Moldova, considers the degree to which services are available to meet these needs, and identifies gaps in preventative services.

### Box 1: NEEDS OF CHILDREN AT RISK OF OFFENDING

1. Prompt identification and referral of children suffering or at risk of suffering neglect violence, abuse and exploitation;
2. Adequate parental supervision and care for 'at-risk' children;
3. Adequate options for placement in alternative care;
4. Psychological support and therapy for 'at-risk' children;
5. Family based solutions to address conflict and improve family dynamics ('at risk' families);
6. Intensive parenting support for caretakers to improve parental care;
7. Access to family planning / sexual and reproductive health services;
8. Financial resources for families in need;
9. Increased opportunities for vocational training, career support and assistance with finding employment ('at-risk' children and offending children);
10. Support for children at school (particularly children with special educational needs / behavioural problems);
11. Opportunities to participate in extra-curricular activities.

<sup>65</sup> McCarthy, P. Laing, K. Walker, J. (2004), *Offenders of the Future? Assessing the Risk of Children and Young People Becoming Involved in Criminal or Antisocial Behaviour*, Newcastle Centre for Family Studies, University of Newcastle upon Tyne. Available at: <http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/RR545.pdf> (Accessed 22nd April).

<sup>66</sup> Ibid.

# PRIMARY PREVENTION

The previous chapter of this report identified the factors that appear to contribute to offending and anti-social behaviour by children, and concludes with a list of needs of children, families and communities that must be addressed in order to prevent this behaviour from escalating.

The second half of the report includes: an assessment of preventative services that exist in Moldova; an analysis of the degree to which existing services meet the needs listed above; and identification of gaps in the current system. The chapter explores services provided by government agencies at the district level and within municipal districts, with a focus on the policies and practices of: social assistants and child protection specialists (Ministry of Labour, Social Protection and Family); police (Ministry of Interior); and, teachers, school psychologists and Psycho-pedagogical Assistance Service specialists (Ministry of Education). It also reviews non-state services that children and families are able to access through non-governmental organisations, community-based organisations and religious organisations.

### **3.1. RESPONSIBILITIES FOR PRIMARY PREVENTION: A SHIFT IN APPROACH**

**For the purposes of this study, primary prevention programmes are defined as those aimed at children who have already been identified as displaying patterns of anti-social behaviour and those who are at high risk of offending, including children below the minimum age of criminal responsibility.**

The lack of programmes and services aimed at preventing at-risk children from coming into conflict with the law in Moldova has been established by other studies and assessments. Findings from this study are consistent with their conclusions: research respondents across government sectors, as well as children and carers, noted the limited nature of such services.

At present, primary prevention services in Moldova (and particularly those provided by government) appear to be largely confined to educational interventions and monitoring by the police force, the issuance of administrative fines for parents, the provision of (financial) social assistance, and minimal levels of counselling by psychologists and social assistants at the district level. In particular, respondents noted a lack of services that are targeted to or accessible by the children who are most at risk.

This lack of services is in part explained by recent changes in approach to primary prevention by the Moldovan Government. Historically, primary prevention efforts in Moldova were led by the Ministry

of Interior (Mol), and in particular, a specialised unit within the Mol, known as ‘juvenile inspectors’, which has existed since Soviet times.<sup>67</sup> The role of the juvenile inspectors was set out in Ministry of Interior Ordinance No. 400, 10<sup>th</sup> November 2004, which empowered the unit to keep a list of children in the area who were known to be involved in anti-social behaviour, but did not apply to children under the age of criminal responsibility. The unit conducted preventative activities with children ‘on the list’, though such activities largely consisted of monitoring the child, including visiting the child and his or her family at home. The Ordinance provided that children below the age of criminal responsibility who exhibited delinquent behaviour were to be referred to the Commission for Minors. The outcome of such a referral was frequently placement of the child in a special residential school/home.

This approach to preventing offending / anti-social behaviour focussed on policing, monitoring and institutionalisation, rather than the provision of community based services. According to a UNICEF assessment of juvenile justice reform in 2012, these activities failed to have much impact in terms of prevention.<sup>68</sup> In order to be effective, primary prevention services should be focussed on addressing (the causes of) anti-social and offending behaviour of children.

The recommendations of the 2012 assessment of juvenile justice reform led to changes in law and policy, including the closure of residential schools, the ending of the role of the juvenile inspectors, and the establishment of a multi-agency approach to primary prevention. In 2007 the Commission for Minors was replaced by the Commission for Protection of Child in Difficulty at the district level. Meanwhile, the number of children in residential schools referred to in Ordinance No. 400 has decreased and a number of the institutions have been closed. The Objective 1.7 of the National Strategy “Education 2020” sets the target of “Social and educational re-integration of children living in residential-type institutions, which will lead to a decrease in the number of children from these institutions by 25% by 2015 and by 50% by 2020, and to the transformation of at least 20% by 2015, and at least 25% by 2020 of these residential-type institutions into the general education institutions”.<sup>69</sup>

Currently, the provision of services for ‘at-risk’ children is dictated by Law 140 on the Special Protection of Children at Risk and Separated from their Parents, which was adopted in 2013 and came into force in January 2014. Law 140 emphasises the importance of coordination of services at the primary prevention stage. Guidelines for identification, monitoring and referral are set out in government Decree 270, on the Inter-Sectorial Cooperation Mechanism for the Identification, Evaluation, Referral, Assistance and Monitoring of Child Victims and Potential Child Victims of Child Abuse, Neglect, Exploitation and Trafficking. As explained by a representative of the Ministry of Labour, Social Protection and Family, the Guidelines “establish very detailed inter-sectorial cooperation between social assistants, law enforcement, teachers, and health workers – there are separate chapters with tasks for each sector”.<sup>70</sup> Rather than focussing on monitoring and institutionalising children with behavioural problems, the new approach prioritises the provision of social support: “the first services provided under the plan are counselling, assistance and financial support”.<sup>71</sup> As aptly summarised by the Director of the Section for Social Services at the Ministry of Labour, Social Protection and Family, “Nowadays children should be put on a [police monitoring] list... the child that has behaviour issues should be considered to be a child with psychological, social or educational issues. The local public authorities should focus on developing services that work for those categories of children”.<sup>72</sup>

<sup>67</sup> Anderson, Kirsten (2012) *Reform of the Juvenile Justice System in Moldova, Project Final Evaluation*, Coram Children’s Legal Centre and UNICEF.

<sup>68</sup> Anderson, Kirsten (2012) *Reform of the Juvenile Justice System in Moldova, Project Final Evaluation*, Coram Children’s Legal Centre and UNICEF.

<sup>69</sup> Strategy for developing of education for the period 2014-2020 “Education-2020”, approved by the GD 944 from 14.11.2014.

<sup>70</sup> Individual Interview, Social Protection Officer, Ministry of Labour, Social Protection and Family, Chisinau, 8 December 2014.

<sup>71</sup> Individual Interview, Social Protection Officer, Ministry of Labour, Social Protection and Family, Chisinau, 8 December 2014.

<sup>72</sup> Individual Interview, Head of Section for Child Protection and Family Services, Ministry of Labour, Social Protection and Family, Chisinau, 21 May 2015.

The availability of community-based services for children at risk is improving in some parts of the country, but remains quite limited in others: community based services are largely confined to NGO funded projects, and are limited to ‘pilot regions’, but have not been developed across the country. It would appear from the research, however, that there are insufficient services to meet need at the present time, especially in relation to reintegration of deinstitutionalised children. As representatives of the Ministry of Interior observed: “*We have deinstitutionalisation, but no other services... We need specialists; we need centres that have well trained staff. We have not developed services. NGOs offer a few services, but very few. We need to do this as state agents*”.<sup>73</sup>

In sum, when assessing existing primary prevention services in Moldova, and particularly their limits, it is important to understand that they are a work in progress. Developments in law and policy have changed the focus of prevention to emphasise the provision of social services, and taking a multidisciplinary approach to assessing causes of offending. The following section will review how this new approach is working in practice: the function of the newly established multi-disciplinary teams, and the services delivered by its various members, including options in alternative care, and the function of the newly established Psycho-pedagogical Assistance Service. It also reviews additional services provided by civil society, non-governmental and religious organisations which were identified in the study.

## 3.2. MULTI-AGENCY RESPONSE TEAMS

***What are the preventative measures you use with children at risk of offending?***  
*We have Law 140 – it establishes multi-disciplinary teams.<sup>74</sup>*

The majority of respondents identified the multi-disciplinary teams, introduced by Law 140, as the primary prevention service used for children at-risk of offending / exhibiting anti-social behaviour. As put by the Head of the Section for Child Protection and Family Services at the Ministry of Labour, Social Protection and Family in Chisinau, “*Children who may become in conflict with the law, they are categorised as ‘at risk’ under the law – they are from vulnerable families and the law requires cooperation between relevant bodies to deal with cases*”.<sup>75</sup> According to respondents, and as set out in Law 140, teams include representatives from all relevant authorities: the police, social assistance, education and health.

The teams had been established in all the districts participating in this study, although they are reportedly not yet functioning in other parts of the country.<sup>76</sup> Representatives from the various authorities meet regularly and on an on-going basis to discuss cases, share information and coordinate activities. In Balti and Chisinau, social assistants explained that separate meetings are held in each of the five municipal sectors.<sup>77</sup> In addition to meeting regularly, members of multidisciplinary teams reported that they convene together with children and families to evaluate each individual case that is brought to their attention and devise a plan for addressing it.<sup>78</sup>

<sup>73</sup>

<sup>74</sup> Focus group discussion (4), Head of ‘Unit of Child’, Specialist from Safety of Children Unit, Deputy of Criminal Prosecution, Specialist from Department on Internal Relations, Ministry of Interior, Chisinau, 8 December 2014.

<sup>75</sup> Individual Interview, Head of Section for Child Protection and Family Services, Ministry of Labour, Social Protection and Family, Chisinau, 21 May 2015.

<sup>76</sup> Anecdotal evidence provided by UNICEF.

<sup>77</sup> Individual interview, social assistant responsible for children with offending behaviour, Botanica sector, Chisinau, 24 February 2015.

<sup>78</sup> Focus group discussion (2), social assistants, District Municipal Government Building, Balti, 3 March 2015; Focus group discussion (3), community social assistants from 3 localities, Social Assistance Department, Child and Family Protection Department, Ungheni, 3 March 2015.

Finally, respondents reported that relevant agencies submit mandatory written reports to the Territorial Social Assistance Service on a regular basis so that it is aware of children who are at-risk. This referral mechanism is critical to ensuring that appropriate primary prevention services can be delivered, and that child protection concerns are flagged. Indeed, when asked how the Law on Special Protection of Children at Risk applies to children with deviant behaviour, social assistants in Balti replied: “*the Department of Education, Youth and Sports, health services, schools and the police all report to the social assistants twice a year with details of children at risk, including those left without parental care (they reported 650 cases of children left without a parent last year!)*”.<sup>79</sup>

Practitioners interviewed for the research tended to recognise the value of collaboration between agencies; many described the collaborative model as an improvement when compared to previous working methods. As put by an official from a municipal sector in Balti, “*currently the system is more efficient, as there are more services involved*”.<sup>80</sup> In several instances, however, practitioners noted a lack of cooperation by their partner agencies, particularly a failure to take proper action or fulfil their statutory responsibilities. In particular, social assistants expressed frustration that the burden of the multi-disciplinary teams’ work tends to fall on their shoulders: “*there is a tendency to put everything on social assistance, but social assistants have very general expertise and they deal with a lot of cases and responsibilities, so they are overloaded...*”<sup>81</sup> Some stakeholders raised concerns that partners in police fail to refer relevant cases to the multi-disciplinary team.<sup>82</sup> According to others, “[doctors] usually don’t have the time/willingness to come – some areas are good, some are not so good – they do not see the importance of their role”.<sup>83</sup>

Another issue is the lack of clarity as to who holds responsibility for each particular case. Several practitioners expressed the view that there is a need for one agency to take full responsibility for a case to ensure that all necessary assessments are undertaken and services provided. Interestingly, according to a high level representative of the Ministry of Labour, Social Protection and Family “*a specific specialist will be designated as the case handler, based on each individual case*”<sup>84</sup>, however this does not appear to be occurring in practice.

Effective coordination between partners was a further challenge raised by several social assistants.<sup>85</sup> Social assistants described difficulties with information sharing and the exchange of case data. An improved system of case management that allows for digital data sharing between departments could potentially improve scheduling, coordination and data sharing, while adhering to robust data protection mechanisms. The Ministry of Labour, Social Protection and Family reported that such a system is being developed: “*the World Bank is supporting the development of an IT system – it is currently being tested*”.<sup>86</sup>

<sup>79</sup> Focus group discussion (2), social assistants, District Municipal Government Building, Balti, 3 March 2015.

<sup>80</sup> Individual interview, district police officer (II), Police Inspectorate, Balti, 10 March 2015.

<sup>81</sup> Individual interview, director, Partnership for Every Child, Chisinau, 22 May 2015.

<sup>82</sup> Focus group discussion (2), social assistants, District Municipal Government Building, Balti, 3 March 2015.

<sup>83</sup> Individual interview, director, Partnership for Every Child, Chisinau, 22 May 2015.

<sup>84</sup> Individual interview, Head of Section for Child Protection and Family Services, Ministry of Labour, Social Protection and Family, Chisinau, 21 May 2015.

<sup>85</sup> Focus group discussion (2), social assistants, District Municipal Government Building, Balti, 3 March 2015.

<sup>86</sup> Individual interview, Social Protection Officer, Ministry of Labour, Social Protection and Family, Chisinau, 8 December 2014.

### **Identification and referral**

Respondents reported that cases are identified and referred to agencies in the multi-disciplinary team by members of the community, social assistants, teachers, and police, yet as previously mentioned, some actors (teachers and social assistants) reportedly tend to be more proactive in referring a case than others (police and doctors). Under Government Decision 270, the Ministry of Labour, Social Protection and Family has developed a unified referral form to be completed by the first professional who comes into contact with a case of a child ‘at-risk’ and submitted to relevant agencies, including the Social Assistance Service, within 24 hours.<sup>87</sup> While this mechanism is relatively new, several respondents reported they have already begun to use it. For instance, a group of teachers in a municipal sector in Chisinau explained: “we have a template, which we must fill in and send to institutions when there is a case of deviant behaviour”<sup>88</sup>, and police representatives told researchers: “all referrals are to be made within 24 hours. We notify the social assistant, the school and if needed the family doctor”.<sup>89</sup>

It is problematic that in many cases, children who are ‘at risk’ of offending are not seen as child protection cases, even where the underlying cause appears to be neglect or lack of parental supervision and care. Further, there appears to be little opportunity for parents to seek help and support when they are having difficulty managing their child’s behaviour. Data demonstrates that cases involving behaviour problems are often not referred to the multi-disciplinary team until a victim or community member submits a complaint regarding the child’s behaviour.<sup>90</sup>

Partnership for Every Child reported having delivered training to all relevant actors at the central level on the new protocol for cooperation in the multidisciplinary teams, as well as providing more in depth training at the district level.<sup>91</sup> This training, which is ongoing, had been delivered in 11 districts at the time of the research. Terre des Hommes also reported being “one of four organisations [providing technical assistance] to the inter-sectorial mechanism on identification and referral”.<sup>92</sup> Yet despite training, and reported improvements in referrals since the establishment of the multi-disciplinary teams, identification and referral of ‘at-risk’ children remains limited; perhaps due to the fact that knowledge from the training has yet to spread throughout departments, or the historical tendency not to consider a child with offending behaviour as a child in need. As explained by one stakeholder, the main barrier to identification is “the attitude of local professionals”.<sup>93</sup> She went on to explain, “it is also due to stereotypes, and a high degree of acceptance of violence against children. And the size of the community – people are not willing to refer cases because of personal links and the consequences they may face after a referral”.<sup>94</sup>

### **Interventions by the multidisciplinary team**

Where cases are identified and assessed by a multidisciplinary team, and a response is coordinated effectively, respondents explained that the impact of the team’s intervention may be hampered by the lack of primary prevention services to draw upon when addressing a child’s case. The services and activities available to address offending appear to be extremely limited, and, where they do exist, ad-hoc. The availability of services is, perhaps, best summed up by a practitioner from Ialoveni:

<sup>87</sup> Information from UNICEF.

<sup>88</sup> Focus group discussion (3), teachers and psychologist, secondary school, Chisinau, 27 February, 2015.

<sup>89</sup> Individual interview, district police officer (II), Police Inspectorate, Balti, 10 March 2015.

<sup>90</sup> Focus group discussion (3), teachers and psychologist, secondary school, Chisinau, 27 February, 2015.

<sup>91</sup> Individual interview, director, Partnership for Every Child, Chisinau, 22 May 2015.

<sup>92</sup> Focus group discussion, Justice for Children Programme Coordinator, Child Protection Prevention Programme Coordination, Child Protection System Programme Coordinator, Terre des Hommes, Chisinau, 21 May 2015.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

*"There is a multidisciplinary team at the district level comprised of police, prosecutor's services, medical service, etc. But it is hard to find a solution. We can exclude the parents of their rights, but what do we do next...?"<sup>95</sup>*

According to a member of the Commission of Protection of Child in Difficulty at the Chisinau Child Protection Department,<sup>96</sup> the interventions applied by the multi-disciplinary teams may include the following options. However, this broad range of interventions does not appear to be consistently applied by the multidisciplinary teams in practice:

1. "The team work with the child's parents: they have discussions about how to address the case, including the provision of psychological counselling and (where necessary) have discussions with law enforcement";
2. "If necessary they will find the child a place in a kindergarten or a school";
3. "If there is a need for psychological or medical treatment, by supporting the child to access this treatment (for instance there may be a psychologist in some of the placement centres)";
4. "At all times, the team will require the parent to give written consent, obliging themselves to comply with their intervention plan";
5. "They may identify financial aid for the family";
6. "Additionally, NGOs help with in kind contributions";
7. "They may contact employment agencies – to help secure stable income";
8. Finally, if the case cannot be resolved by the multidisciplinary team, or it is determined that it is complex, serious, or may require a child protection intervention, the case will be referred to the guardianship authority for further assessment.<sup>97</sup>

**As set out by Law 140, at local level, the local public authority (mayor) holds the responsibility of guardianship authority. In Chisinau municipality, a Child Protection Department is in place, which serves as the guardianship authority.**

The following case of an 11-year-old boy with 'anti-social' behaviour in Balti provides a useful overview of the working methods of multidisciplinary response team in practice. It is also a comprehensive example of the preventative services and other measures that are taken at the primary prevention stage.

<sup>95</sup> Focus group discussions, official representatives, Department of Education, Ialoveni, 20 March 2015.

<sup>96</sup> Individual interview, Secretary of the Commission of Protection of Child in Difficulty, Child Protection Department, Chisinau, 20 May, 2015.

<sup>97</sup> Ibid.

## **Case study 1: BALTI, MULTIDISCIPLINARY TEAM ADDRESSES CASE OF A CHILD WITH ‘ANTI-SOCIAL BEHAVIOUR’<sup>98</sup>**

*What happens at the meetings? What are the potential outcomes? Can you give us an example of a specific case?*

Yes, there was a case. We were first notified in 2012. The child was born in 2004. He started stealing from 2012, from his fellow pupils. In 2013 there was another incident where he stole a bike. In 2014 he exhibited violent behaviour – he reported coming to school with a knife.

*Who informed you about the case?*

We received reports from all over the place. After the first incident the child was redirected to social services. Social services provided the family with some financial assistance, the child participated in activities at a children’s centre. After we received the information we contacted the police and informed them that we took action by visiting the family and referring the child to a psychologist from a family crisis centre called ‘Solis’ (he could not meet with the school psychologist because his school did not have a psychologist). The police informed the prosecutor that his parents were not complying with their parental duties, and they were fined.

Before the law on multidisciplinary teams [Law 140, Government Decision 270] the police and prosecutor were working separately. We had contact with relevant services, but not law enforcement. The new multi-disciplinary teams allow us to inform law enforcement teams so we get action much faster. We made the conclusion during the meetings that there was a problem in the family.

*Can you tell me a bit about the boy’s family?*

The parents say he is the only unstable child in the family – all of the other children are okay. The parents are not married, but they are sharing a house. They have four children, and are pregnant with the 5<sup>th</sup>. They have sufficient living space. The father is employed, so they have an income source. The thing that is dangerous is that the mother is not very organised. After the initial services were offered to the child, the social assistant visited the family repeatedly to check on the situation. The social assistant reports that the house is a mess. The mother signed a paper acknowledging her obligation to improve the conditions.

Another issue was that parents at the school had asked for him to be expelled. He told the social assistants that he wanted to stay in school. The multi-disciplinary team offered him a timeframe to improve his behaviour. The school and the psychologist discussed with the boy, and he is meeting with the school psychologist.

*Has anyone done any work with the mother or father in this case?*

Not really - only the meetings and the house visits. There was a third incident where the child was found in a district 30 km away last summer – he was found by the police spending time with a different child, and was sent back to Balti. He was placed in a temporary care centre for 30 days while we identified the parents – then they insisted that he continue to be placed there. The placement centre was highly specialised – the child can meet with social services or with a psychologist.

We were surprised to hear in December that he had committed violent acts after so much work. We considered ordering a psychological assessment. We await the conclusion of the psychologist from the Psycho-pedagogical Assistance Service. This takes time and also we need the approval of the parent.

<sup>98</sup> Focus group discussion (2), social assistants, District Municipal Government Building, Balti, 3 March 2015.

Unlike many of the cases included in the study, this child and his family did receive primary preventative services:

- Social assistants conducted an assessment of the boy's situation; they referred him to a psychological counsellor, and placed him in a care centre when his parents could not be identified.
- Police issued a fine for the administrative offence of neglect. They also took the boy off the streets and notified social assistants when he ran away from home.
- A multidisciplinary team (including the social assistant) convened with the family repeatedly to discuss the case and develop a plan improving the boy's behaviour and improving his mother's parenting (organisational skills).
- The Psycho-pedagogical Assistance Service was asked to conduct a psychological assessment of the boy.

The services provided in this case are representative of the primary prevention services found to be currently in place in Moldova. In this case, the services proved to have limited impact. The next section explores the availability of these and other services provided by the agencies included in the multidisciplinary teams, as well as analysis of the extent to which they meet the needs set out in the introduction to this section.

### 3.3. PRIMARY PREVENTION BY POLICE

The police are a particularly relevant authority in the provision of primary prevention services, even in light of the recent shift away from monitoring and institutionalisation of at-risk children. Given their broad responsibilities for detecting crime and maintaining law and order, police are likely to be the first point of contact when children engage in anti-social or offending behaviour in the community. They are also likely to be the first to be informed of incidents of violence or extreme cases of neglect. Indeed, police interviewed for the study reported that they frequently receiving reports from members of the community: “*We do get notifications from the public that there are children sleeping in doorways...We get involved to clarify their status*”.<sup>99</sup>

While police have an essential role to play in identifying cases of ‘at-risk’ children, and referring them to appropriate services, their role in the provision of preventative services is much smaller. At present, in Moldova, preventative services provided by police include: monitoring cases of children with offending behaviour; conducting education campaigns in schools<sup>100</sup>; issuing fines for the administrative offence of neglect;<sup>101</sup> and making referrals to relevant services, including the multidisciplinary team.

#### **Monitoring and ‘the list’**

While representatives of police offices in several districts explained that they are no longer required to maintain the ‘list’ of children at-risk of offending, which used to be an official responsibility of juvenile inspectors, officers in all five research sites reported that a list is still kept. Police reported that the list is kept to facilitate their regular monitoring of specific cases, as well as their referrals to the multidisciplinary teams: “*We check on the minors on record at least once a month ... Currently there are 75 children that are checked by the police*”.<sup>102</sup>

<sup>99</sup> Individual interview, senior officer, Inspectorate Office for Children’s Affairs, Central District, Chisinau, 27 February 2015.

<sup>100</sup> This does not strictly fall within the definition of ‘primary prevention’ involved in this study, as it is not targeted towards at-risk children, but is applied to all children in the population.

<sup>101</sup> Article 63 of the Misdemeanor Code.

<sup>102</sup> Individual interview, policeman (II), Police Inspectorate, Ialoveni, 12 March 2015.

Police also described engaging in general monitoring of public spaces where children congregate as a preventative measure: “*We organise raids in the places where minors usually gather, we verify whether spirits are sold to minors or not, we check bars, casinos, internet cafes*”.<sup>103</sup> General monitoring allows police to identify cases that require intervention, and make a referral to social services. When asked to describe primary prevention activities conducted by the police, a social assistant in Chisinau explained, “*The police organise common checks in the city for children; cooperate when it comes to contacting parents (though police may also impose a fine on them for not taking care of the child). These services put combined pressure on the family to improve the child's condition*”.<sup>104</sup>

### ***Education and sensitisation activities***

Finally, police reported conducting education campaigns with children in school. When asked about their activities for preventing offending, police representatives in all five districts reported conducting regular school visits to sensitise students about the law, consequences of offending, and positive behaviour: “...we visit each school at least once a month”.<sup>105</sup> Probation officers also reported delivering education activities in schools.

Education campaigns are not targeted at ‘at-risk’ children, and thus do not meet the definition of ‘primary prevention’ used in this study. Whilst informing children about the law and consequences of committing an offence is important, these measures are unlikely to be effective in preventing ‘at-risk’ children from developing patterns of offending behaviour, particularly when underlying causes of offending are not addressed. Furthermore, as a police officer from Ialoveni observed, “*We have public lessons with children, but the ones who should receive the lessons are absent*”.<sup>106</sup>

It is worth noting that social assistants also described using education as a primary preventative measure: “*Regarding children who are at the edge of offending, I try to present examples of what happens to those who offend. We even have visits to minor penitentiary – at first they do not consider this to be true, like a scary story. Then they realise the truth. Obviously they do not want to end up in prison. They all lie to themselves that until the age of 16 I'll do whatever I want, but when they reach that age it is too late*”.<sup>107</sup> Indeed, the approach of teaching children about the potential negative consequences of offending, was identified by practitioners from all departments as a valuable preventative measure, despite the fact that research and evaluations of such programmes indicate that they have very little deterrent effect.<sup>108</sup> Many practitioners explained that it is important that children understand that patterns of offending behaviour are difficult to break, because children know that they cannot be prosecuted under the age of criminal responsibility, and offend with impunity.

Additionally, several police representatives described targeting education services to ‘at-risk’ children and families: “*Recently we have begun to organise meetings with parents, to discuss which actions need to be taken to avoid school absence, street begging, housing, abandonment*”.<sup>109</sup> These measures may have effective preventative value, particularly if they are delivered together with service to address causes of offending.

<sup>103</sup> Individual interview, policeman (III), Police Inspectorate, Ialoveni, 12 March 2015.

<sup>104</sup> Individual interview, social assistant responsible for children with offending behaviour, Botanica district, Chisinau, 24 February 2015.

<sup>105</sup> Individual interview, policeman (II), Police Inspectorate, Ialoveni, 12 March 2015.

<sup>106</sup> Individual interview, chief of post, Police Inspectorate, Ialoveni, 12 March 2015.

<sup>107</sup> Individual interview, social assistant responsible for children with offending behaviour, Botanica district, Chisinau, 24 February 2015.

<sup>108</sup> ‘Scared Straight’ and other juvenile awareness programs for preventing juvenile delinquency (Review) Petrosino A, Turpin-Petrosino C, Hollis-Peel ME, Lavenberg JG, Cochrane Library 2013, vol. 4.

<sup>109</sup> Individual interview, police officer (III), Police Inspectorate, Balti, 10 March 2015.

### **Addressing neglect**

When asked about their response when children exhibited anti-social or offending behaviour, many police representatives described issuing parents with fines for the administrative offence of neglect.<sup>110</sup> The purpose of the fine is to pressure parents to improve their parenting and increase their discipline and control of the child in order to put a stop to offending behaviour. Indeed, parents interviewed for the study often reported paying fines when their children committed minor offences.<sup>111</sup> Data from the study suggests that fines may be used in particular in cases where children are under the age of criminal responsibility, due to the fact that legal action cannot be taken against the child himself or herself. It is problematic that several respondents seemed to understand the fine as a response to the child's behaviour rather than a particular act or omission on the part of parents.

While it is important to take measures to address parental neglect, which, as the previous section demonstrates, is one of the primary causal factors of offending, in the majority of cases issuing a fine is highly unlikely to improve parenting or prevent offending, particularly when it is not accompanied by other services. Indeed across the research sites, fines were not reported to have a significant impact: as a representative of the Inspectorate Office for Children's Affairs in a municipal sector in Chisinau observed; "*There was one case of a child under the age of 14 who was committing theft repeatedly. The parents were charged with an administrative offence and meetings were held with the police, social worker, psychologist, and a representative of the school. But the offending continued...*".<sup>112</sup> This is because, as explained in *Guidance for Legislative Reform on Juvenile Justice*, 'fines have limited re-integrative purpose or effect'.<sup>113</sup>

In some cases, fines may even exacerbate root causes of offending behaviour: fines may place additional strain on the relationship between parents and children; they can serve to stigmatise the child's behaviour and the family's circumstances, which in turn makes these problems more difficult to address; and they can worsen a family's already precarious financial situation. While according to respondents, the fines issues in Moldova are not large enough to place a significant financial burden on families, they still may have counter-productive effects. The issue is aptly summarised in the following exchange between two representatives of the Ministry of Interior when discussing how to address the issue of absent parents:

*Let's increase the fines for failing to comply with parental duties!*

*Increasing punishment and fines does not solve the problem. We also need to raise the accountability of local services.*<sup>114</sup>

Support services which could accompany administrative fines, and alternative options such as conditional sentencing that directly address the causes of neglect, will be explored in the recommendations chapter of this report.

<sup>110</sup> Focus group discussion (3), police inspectors responsible for three different villages, the Police, Ungheni, 5 March 2015; Individual interview, senior officer, Inspectorate Office for Children's Affairs, Central District, Chisinau, 27 February 2015.

<sup>111</sup> Individual interview, parent of child on probation, Botanica District Probation Office, 25 February 2015.

<sup>112</sup> Individual interview, senior officer, Inspectorate Office for Children's Affairs, Central District, Chisinau, 27 February 2015.

<sup>113</sup> Hamilton, Carolyn, 'Guidance for Legislative Reform on Juvenile Justice' UNICEF and CORAM CLC, May 2011.

<sup>114</sup> Focus group discussion (4), Head of 'Unit of Child', Specialist from Safety of Children Unit, Deputy of Criminal Prosecution, Specialist from Department on Internal Relations, Ministry of the Interior, Chisinau, 8 December 2014.

## **Human resources**

Reforms to the structure of the police inspectorate have established specialised services, including a service for addressing cases involving children; the ‘Child Safety Service.’ The service is responsible for monitoring juvenile offending, planning prevention activities and working to address children’s delinquent behaviour. The Service is also responsible for building the capacity of the police unit to work on children’s cases in a child rights friendly way. According to respondents, however, the establishment of the specialised service has been accompanied by a reduction in the number of police officers responsible for children at the local level; representatives of the police interviewed for the study in all five research sites reported that the centralisation of officers responsible for issues involving children had significantly reduced their capacity to address children’s offending behaviour, and, in particular, to cope with their case load, at least in the short term. An officer in Ungheni described his perspective on the change: “*At the District level, before the Police reform took place it was a special unit called the Bureau on minors in which there were 5 or 6 police inspectors for minors. Their responsibilities were strictly on children’s issues, therefore they could spend more time and have more efficient work with children. Since the reform, there is only one policeman at the district level in charge of children in conflict with the law or children’s delinquent behaviour and the main responsibilities of this person involve paper work, compiling data and submitting reports to the Ministry of Interior*”.<sup>115</sup> Indeed, whilst the strongest criticisms came from police officers working in rural districts (such as Soroca and Ungheni), even in Chisinau, where resources tend to be greater than in more rural parts of the country, police representatives reported that human resources are a challenge.

In addition, respondents reported that since the removal of specialised officers at the local level, generalist officers lack the knowledge or skills to address children’s cases: “*Now the district police officers are asked to be responsible not only for adults but also for minors... The district officers are afraid with children, because they do not know how to deal with them. They call me because they do not know what to tell them*”.<sup>116</sup> At present, training of local (or municipal) level officers in addressing cases involving child offending appears to be conducted by the designated ‘officer in charge of child safety’.<sup>117</sup> Adequate training does not appear to have been delivered, and given the increased work load faced by designated ‘child safety officers’, they are unlikely to have the capacity to train local police officers sufficiently.

## **Attitudes towards ‘at-risk children’**

When asked about needs for additional services, many police participating in the research described a need for a more punitive system and the development of institutions in which to place children with offending behaviour. For instance, several police explained that because the minimum age of criminal responsibility (MACR) is so high, children learn there are no consequences to their behaviour and continue to reoffend: in the words of one police officer, “*Boys of 16/17 are particularly violent because they think from the past that they won’t get into trouble, that they won’t get prosecuted – they didn’t learn their lesson*”.<sup>118</sup>

It is not surprising that some police seem to demonstrate a punitive perspective on addressing offending, given that this approach is characteristic of the department’s approach to addressing offending in the past. It is clear, however, that these attitudes are impacting on the solutions police feel will be effective for children who are ‘at-risk’ or exhibit deviant behaviour. Indeed, when asked what additional preventative services are needed for children at-risk of offending, several police respondents voiced a need for additional institutions where children could be placed:

<sup>115</sup> Focus group discussion (3), police inspectors responsible for three different villages, the Police, Ungheni, 5 March 2015.

<sup>116</sup> Individual interview, senior officer, Inspectorate Office for Children’s Affairs, Central District, Chisinau, 27 February 2015.

<sup>117</sup> Ibid.

<sup>118</sup> Focus group discussion (3), police from district and village level, Soroca, 26 February 2015.

*"There should be a specialised institution with ownership of the children... centres who would offer the appropriate assistance and deliver high-value work".<sup>119</sup>*

### **Referrals**

As the first point of contact, perhaps the most critical role of the police in the implementation of primary prevention services is making referrals to appropriate services, including the multidisciplinary team: *"Once we identify the child we notify the social assistants, the teacher and discuss. Maybe the child has nothing to eat, and we involve the mayor too from the village. We notify all the four actors from the child protection commission. If the child is over 14, then we deliver the file to the prosecution office".<sup>120</sup>* As previously discussed, it is crucial that referrals happen efficiently and effectively; early identification and referral is essential to the effectiveness of primary prevention services. Police tended to report that referral networks had improved since the establishment of the multidisciplinary teams.<sup>121</sup>

Police referrals are also critical in ensuring that children without adequate care (including children who are at extreme risk of violence or abuse, children without adult care or supervision, children living on the street, etc.) are placed in emergency care. Particularly in the municipal districts, several respondents described working with a network of both government and non-governmental services in order to place children in emergency care.<sup>122</sup> However, a greater number of police explained that finding emergency care solutions for children is a challenge, because of the lack of options for alternative care and the fact that social assistants and other relevant actors are not staffed outside of working hours and are thus unavailable to help resolve a case. Unsurprisingly, data consistently demonstrates that particularly in more rural parts of the country adequate alternative care options are not available. As put by a representative of the Ialoveni inspectorate: *"We do not have placement centres, unlike in Europe".<sup>123</sup>*

Police also emphasised that preventative services to which 'at-risk' children could be referred are insufficient or non-existent. As put by one respondent: *"Besides discussions within the specialised committees in the local council...there are no other activities".<sup>124</sup>*

## **3.4. PRIMARY PREVENTION BY SOCIAL ASSISTANTS**

Social assistants play a critical role in providing preventative services: their work relates most directly to the underlying causes of offending and risk factors which lead children to engage in offending behaviour. Primary prevention services provided by social assistants might include: providing basic social work with the family to determine how offending behaviour can be addressed, instruction on managing children's behaviour, counselling or psychological support to children and families (both group and individual); provision of activities which promote socialisation, positive development and self-esteem, and strengthen community ties; support in accessing educational and professional opportunities and monitoring progress; mentoring and support in meeting basic needs. In extreme cases, a social assistant may refer a case to the guardianship authority, and assist with a child's removal from the family and placement into appropriate alternative care.

<sup>119</sup> Focus group discussion (3), police inspectors responsible for three different villages, the Police, Ungheni, 5 March 2015.

<sup>120</sup> Focus group discussion, officer responsible for child safety at district level (F) (part of Bureau for Child Safety), 2 village level police officers (M), Soroca, 26 February 2015.

<sup>121</sup> Ibid.

<sup>122</sup> Individual interview, district police officer (II), Police Inspectorate, Balti, 10 March 2015; Individual interview, senior officer, Inspectorate Office for Children's Affairs, Central District, Chisinau, 27 February 2015.

<sup>123</sup> Focus group discussion (3), policeman, Ialoveni police inspectorate, Ialoveni, 12 March 2015.

<sup>124</sup> Individual interview, chief of post, Police Inspectorate, Ialoveni, 12 March 2015.

## **Staffing and resources**

Data collected across all five research sites suggests that social assistants are over-worked and under-resourced in Moldova, though, as with other departments, the social services department in Chisinau appears to have more capacity and stronger human resources than departments in other districts. Respondents reported that social assistants are responsible for covering a large population and are forced to be generalists: they must deal with diverse cases, including persons with disabilities and elderly persons, as well as children. As a social assistant at the village level in Ungheni explained, “*The community social assistants have so many responsibilities on their shoulders. The community social assistant needs to work with both adults and children. It would be very good if there was a specialist working with the children in each mayor’s office*”.<sup>125</sup>

The lack of staff has limited the extent to which social assistants are able to involve themselves in individual cases. Many social assistants, particularly working in more remote areas, reported having little time to do anything beyond conducting assessments and allocating financial assistance.<sup>126</sup> Particularly in Ungheni, Ialoveni and Soroca, social assistants described that they often don’t have the capacity to follow up on an individual case.

### **“How often do you go and visit a child once a situation has come to your attention?**

*In this case, for example, once we placed him in October we haven’t visited him, just phoned the school and centre to check he’s there”.*<sup>127</sup>

Without regular follow up and engagement, a social assistant cannot support a family or ensure that a child is making positive progress, anticipate additional necessary interventions, or help develop a relationship of mutual trust and respect with the child. Furthermore, where human resources are limited, social assistants are likely to prioritise severe cases. This may have a serious impact on outcomes. When cases come to the attention of authorities at a later stage, causes of deviant or offending behaviour become more difficult to address. The chief of social assistants in Soroca accurately summarised the challenge: “*We are just a few people dealing with a wide range of issues. Social assistants have too much workload... we need some specialised input in order to speak to families and children. Another issue is that the cases, when they come to us, are at a later stage when the offence has already been committed or the parents have not been looking after the child for a long time*”.<sup>128</sup>

It is worth noting that, by contrast, in Chisinau and Balti municipalities, social services departments include members of staff specifically appointed to manage children who are at risk of offending. In Chisinau, there is a specialist in each municipal sector. One social assistant responsible for children with offending behaviour explained his role:

*“I communicate with children who have not offended but are at risk. I also liaise with NGOs and smooth the process of children who are in trial. Finally, I check on the streets for minors who have no resilience (begging children) – and take them off of the street”.*<sup>129</sup>

Along with being overworked, social assistants are also reportedly under qualified to conduct their work effectively: particularly outside of Chisinau, respondents reported that they were not qualified as social workers, and had rarely received proper training or capacity building once on the job. According to social assistants interviewed for the study, the training they have received tends to

<sup>125</sup> Focus group discussion (3), community social assistants, Child and Family Protection Direction, Ungheni, 5 March 2015.

<sup>126</sup> Individual interview, Social assistant, District level, Social Assistants Centre, Soroca, 24 February 2015.

<sup>127</sup> Ibid.

<sup>128</sup> Individual interview, Chief of social assistants, Social Assistants Centre, Soroca, 24 February 2015.

<sup>129</sup> Individual interview, social assistant responsible for children with offending behaviour, Botanica district, Chisinau, 24 February 2015.

focus on fulfilling procedural requirements, rather than achieving positive outcomes for children: “*We were trained on how to fill out paperwork for cases, but not on how to get good results for the child themselves – just how to fill out paper*”.<sup>130</sup> This lack of effective training is exacerbated by the fact that recruiting qualified social assistants and keeping them in the job is a challenge: “*The local level social assistants are not very educated. There is a problem of a huge turnover*”.<sup>131</sup> As a village level social assistant in Ungheni rightly explained: “*Not many people will stay in a job with so many responsibilities and a very low wage*”.<sup>132</sup>

### **Provision of services**

The research demonstrates that, in many cases the engagement of children ‘at-risk of offending’ and their families with social services is limited. Of the families with ‘at-risk’ children included in the study who had received support from social services, the majority described receiving small amounts of financial assistance but no other form of support, including in cases which required a much more extensive intervention, and even a referral to the guardianship authority.

#### **Case study 2:**

There are four people living in our household: an 11-year-old child, his father, myself (his aunt) and my husband (his uncle). The father (my brother) is disabled – he has no legs. The mother left them to go abroad, where she might have a new family. Myself and my partner take care of both the child and his father. The father receives a state indemnity for being disabled (300 lei), and I receive financial support from the state (300 lei). The child abandons school either because he looks after his father or because he does not want to go to school. The Baptist church helps us a lot. The priest brings us food and clothes. I go to work on a daily basis helping people from the village who pay me or provide me with food. Sometimes the priest brings us food or talks to the child and advises him to behave well. The child is not involved in any extracurricular activities. We do not know whether there are any activities at school, nor do we know whether there is a psychologist or an education support staff at school. When the child grows up he wants to go to Moscow to his cousin.

#### **Case study 3:**

I am a single mother with two children (13 and 16 years) living in a rented flat. The first child I had when I was 14 myself. At the moment both children have started not to listen to me. I have asked for help at school, but nobody could give me any advice. The school informed me that the children, namely the younger one, have abandoned lots of classes. The younger child might come to one class in the morning and then he disappears.

I have also informed the police, but even the police said that they could not do anything for the child. Everyone finds me guilty for not looking after the children, but I cannot cope with them. I do not know what to do. The social assistant helped me getting a financial support from the state, since I had no place of my own, no job, but I have two children to feed. I do not know whether there is a psychologist or education support staff at school.

If there were any parenting classes I would have definitely attended them.

<sup>130</sup> Individual interview, social assistant, District level, Social Assistants Centre, Soroca, 24 February 2015.

<sup>131</sup> Individual Interview, Social Protection Officer, Ministry of Labour, Social Protection and Family, Chisinau, 8 December 2014.

<sup>132</sup> Focus group discussion (3), community social assistants from three villages, Social Assistance, Child and Family Protection Direction, Ungheni, 3 March 2015.

Social assistance was involved in both cases, and arranged for the families to receive financial assistance. Yet, despite the fact that both families expressed a need for other forms of support, such as psychological assistance for the child, extracurricular activities, or parenting advice, none has been provided. While the provision of financial assistance is critical, particularly for families where one or both care-takers are absent, disabled, or otherwise unable to provide for their child, it is rarely a solution to resolving the underlying causes of anti-social or offending behaviour.

The limited nature of service provided by social assistants is not surprising. It was explained that there are human and financial resource issues, which hinder the development and delivery of preventive services. The need for additional specialised training in working with children who are at risk, and working with parents and caretakers to improve parenting skills, was raised by social assistants across research sites. Village level social assistants in **Ungheni's** comprehensive summary of their training needs, demonstrates the importance of providing additional capacity building:

*"We need training in how to work with children in conflict with the law or with delinquent behaviour, including those with special educational needs; how to work with parents and make them responsible for their own children; how we can train the foster carers to look after such children; what is the behaviour of such children in the family and in the community; how can we deal with children who try to commit suicide, who are violent or live in the streets; how can we better plan our activities and also the need for more budgeting skills; how can we achieve better collaboration between authorities at the local level and explain everybody's role in particular and how we can help each other".<sup>133</sup>*

As the passages quoted above suggest, the study found that social assistance departments in Moldova are often staffed by persons who lack social work skills. Social assistants' capacity to intervene tends to be limited to the allocation of financial assistance. Psychologists and persons with psychological or pedagogical training are reportedly located within schools or within the newly established Psycho-pedagogical Assistance Service, but are lacking within social services or child protection departments. Such services appear to be needed within social assistance departments; many of the social assistants who participated in the study explained that their lack of psychological expertise is an impediment to their work. A social assistant in Ungheni told researchers: "*In order to facilitate our work at the local level, we need a psychologist, a specialist on child protection*".<sup>134</sup> Similarly, when asked what kind of skills or services would improve their ability to help children at risk of offending, social assistants in Soroca replied: "*Perhaps psychologist training, or maybe a centre, a proper centre where these children could go and see the psychologist often*".<sup>135</sup>

The Secretary of the Commission for Protection of Child in Difficulty at the Child Protection Directorate in Chisinau explained to researchers that the lack of psychological and social work services are partially explained by historical legacy: "there was no psychology in Soviet times – it is a new field here, and the population's perception is influenced by the past, [so they are resistant to it]".<sup>136</sup> She explained, "we envisage in 2015 to amend the budget and include more psychologists in our services. The service would be used for a child with anti-social or offending behaviour. The key issue is the approval of the parents, the child's legal representatives. We can only provide counselling

<sup>133</sup> Focus group discussion (3), head of the Community social assistance section, two other specialists, Social Assistance, Child and family Protection Department, Ungheni, 2 March 2015.

<sup>134</sup> Focus group discussion (3), village level social assistants, Child and Family Protection Department, Ungheni, 3 March 2015.

<sup>135</sup> Individual interview, Social assistant, District level, Social Assistants Centre, Soroca, 24 February 2015.

<sup>136</sup> Individual interview, Secretary of the Commission for Protection of Child in Difficulty, Child Protection Directorate, Chisinau, 20 May, 2015.

services if the parents agree. It is much easier if the child is an orphan...”.<sup>137</sup> While the situation appears to have improved in Chisinau: “*all of the placement centres have psychologists now, but two years ago there were no psychologists in the districts and I was coping with the entire workload*”<sup>138</sup>; psychological or counselling services are reportedly rarely available outside of the city, and in cases where a child needs such a service he or she will be sent to the city to access it: “*the girl was referred to a psychologist in Chisinau. The local social assistant brought her there to provide her with psychological treatment*”.<sup>139</sup>

Social assistants also consistently emphasised the need for programmes designed to improve parenting skills: “*I consider that we should develop programmes to support young families. It is necessary that they receive additional support, including the training of parents*”.<sup>140</sup> When asked, what could be done at an early stage to prevent a child from offending, a group of social assistants in Ungheni explained: “*There is also a need for more information at the local level, accessible information (movies, stories) for children and their families, more work with families, in particular young families, parenting lessons, more good practices and exchange programmes*”.<sup>141</sup>

It is particularly important to address this need, given that ‘poor parenting’ and ‘lack of appropriate care’ were found to be such important risk factors for children developing anti-social or offending behaviour. The need for services to help caretakers develop parenting skills was also emphasised by parents themselves; none of the parents interviewed reported having accessed such services, and several expressed the desire to do so: “if there were any parenting classes I would definitely have attended them”.<sup>142</sup>

While parenting classes and support programmes do not appear to be widely available in Moldova, the study identified a number of parenting classes and support programmes provided by NGOs. Programme staff at the Institute for Penal Reform (IPR), who are implementing a UNICEF funded pilot programme designed to address offending and anti-social behaviour in children in 5 districts (Balti, Leova, Causeni, Orhei and Ungheni), reported that the programme includes group work with parents, whereby parents with children participating in the IPR pilot project attended a monthly session on parenting, as well as a monthly group psycho-social counselling session together with their children.<sup>143</sup> When researchers met with implementing partners these programmes were found to be implemented rather inconsistently, and were not necessarily focussed on the target group (families of children at-risk of offending), however they do appear to have useful preventative value. For instance, the services provided by Orhideea, a service based in Leova, appear to be particularly promising: “*We provide training to parents that relates to teenagers through informative seminars in schools. We discuss how they should react if there is a behavioural problem, and what to expect if there is a shift in their behaviour. The trainings are popular – the parents are interested. We also meet in kindergartens and speak to parents there*”.<sup>144</sup>

Terre des Hommes is also implementing programmes designed to improve parenting in Soroca, Ungheni and Floresti. These programmes, which remain narrow in scope, but provide an example of good practice, are described in detail in the box below.<sup>145</sup>

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Individual interview, centre psychologist, Orhideea, Leova, 20 May 2015.

<sup>140</sup> Individual interview, Specialist for family issues and children that are at risk, Social Assistance Office, Ialoveni, 13 March 2015.

<sup>141</sup> Focus group discussion (3), head of the Community social assistance section, two other specialists, Social Assistance, Child and family Protection Direction, Ungheni, 2 March 2015.

<sup>142</sup> Individual interview, mother of child with offending behavior, Ungheni, 4 March 2015.

<sup>143</sup> Focus group discussion, Institute for Penal Reform, Chisinau, 12 December, 2014.

<sup>144</sup> Individual interview, centre psychologist, Orhideea, Leova, 20 May 2015.

<sup>145</sup> Individual interview, centre psychologist, Orhideea, Leova, 20 May 2015.

## NGO Service Illustration: Training (of trainers) in parenting techniques

"We started working with parents from 2008. Initially we started working with parents whose children were exposed to risk – this was a very specific group of parents (15 per community). The activities were specific and were targeted to that group and their needs. We had weekly activities with parents and monthly activities with parents and children. The aim of the training was to enhance the capacity of parents to educate children in a non-violent manner and respond to their needs. They placed emphasis on the informal nature of relations between members of the group so that they can have as much contact as possible and continue to learn from each other. We had one year of meetings and received very positive feedback from parents and children.

In order to ensure sustainability, we changed the format of programmes. [This was partially possible] because class masters (or principals) have an obligation to conduct meetings with parents to improve parental skills. We identified deputy principals of schools responsible for education and conducted a training of trainers so that these trainers could transfer the knowledge they had gained. Once the deputy principals had these skills, the target group increased to the whole class and the frequency of the trainings decreased. Based on their internal regulations, the class masters must conduct one meeting with parents every 6 months – we have convinced them to do this once a month.

The subject matter of the trainings is general: how to act with your child, how to communicate. As a sustainable result, we have integrated the curricula into the general curricula of schools provided by the educational department

Parents acknowledge that they needed the support, but since the activities were targeted to vulnerable families they did not want to access them due to stigma. [Those who attended] said that the meetings were helpful, and explained that 'physical violence used to be part of our culture and education strategy'. [We also encourage participation and cooperative learning from participants] – with time we looked into the best practice that emerged from the group and the facilitators would place emphasis on good practice.

100 – 200 parents participated in our programmes. We noticed a drop in participation during the agricultural work season around the time of the harvest. Participation increased in the spring. Again, initially there was a reluctance from parents to attend the meetings at all – after rumours spread about the content they became less reluctant and started visiting. Gradually they became more active. When they realised no one was judging they got interested. It took a long time to reach that result.

The more active the class master, the greater the participation by parents. At the beginning the class masters asked – 'why are we not paid extra to deliver these programmes'? After the training many said they had changed inside. They expressed sorrow that they had not been trained at an earlier stage. Others were quite reluctant and would only comply when there was a formal requirement and the results were not as good"<sup>146</sup>

<sup>146</sup> Focus group discussion, Justice for Children Programme Coordinator, Child Protection Prevention Programme Coordination, Child Protection System Programme Coordinator, Terre des Hommes, Chisinau, 21 May 2015.

Terre des Hommes approach of training up staff within schools to deliver parental training programmes is a good practice example of how parenting classes and support groups could be implemented in a sustainable way. It demonstrates that while such programmes may face resistance initially, in time they may be valued by participants and implementing partners, as well as having positive outcomes. An evaluation of the Terre des Hommes training demonstrated that parenting skills improved in the communities where the programme was implemented.<sup>147</sup> Finally, while schools are a useful environment for implementing such programmes, it is important to ensure that programmes reach parents in a range of environments, and at different stages of a child's life. Parenting courses need to be broadly accessible, but it may be necessary to ensure that parents with the greatest need have priority access to such services. Examples of alternatives to this approach will be addressed in the recommendations chapter of the report.

While the Terre des Hommes pilot has been a well thought out primary service it has not been extended nationally; it appears that primary services targeted at parents, particularly those designed directly to improve parenting skills and improve parents' ability to address causes of their children's behaviour problems, are generally lacking in Moldova. When asked about the existence of such services, respondents consistently reported that they were not aware of any (with the exception, of course, of NGOs who were responsible for implementing these services themselves). Recommendations relating to services that engage parents, improve parenting skills, and develop positive family dynamics are explored in the recommendations chapter of this report.

It needs to be recognised that engaging parents may be a challenge; practitioners from a range of services explained that one of the challenges they face when working with parents is persuading them to cooperate or attend programmes or services on offer. As is demonstrated by the case study above, however, a successful programme is likely to attract participants over time. Furthermore, the fact that many of the parents and caretakers included in the study specifically requested such services suggests that this may be a misperception on the part of service providers. There will inevitably be some uncooperative parents, however, and the recommendations will also explore policy options for requiring parents to attend such programmes.

### **Alternative Care**

The previous section of this report identified child protection concerns as a critical risk factor for children developing 'anti-social' or offending behaviour. Unfortunately, children exhibiting these behaviour characteristics often lack parental care or adequate parental care and are amongst the most difficult to place in alternative care. Alternative placements are few and, as a practitioner in Ialoveni explained, "*social services lack the competence to take the child and place it into a different family*".<sup>148</sup>

Social assistants interviewed for the study emphasised the limitations of the care and protection system in Moldova, particularly as it relates to alternative care. While several placement centres exist in the municipalities, these appear to be run largely by NGOs:

- In **Chisinau**, social assistants stated that they often refer children to NGO placement centres, and that foster care options are limited: "*There are 5 governmental centres and 10 non-governmental centres – we all cooperate to find a temporary placement*".<sup>149</sup>

<sup>147</sup> Ibid.

<sup>148</sup> Focus group discussion (3), policeman, Ialoveni police inspectorate, Ialoveni, 12 March 2015.

<sup>149</sup> Individual interview, social assistant responsible for children with offending behaviour, Botanica district, Chisinau, 24 February 2015.

- In **Balti**, police officers told researchers, “*If there are serious concerns the minors are placed at centres: Evrikia and Drumul Spre Casa. These are two centres with whom we cooperate*”.<sup>150</sup>

Placement is an even greater challenge outside of Chisinau where temporary placement centres aren't available. As an official from Ialoveni explained, “*We have a problem with children that we cannot place in an urgent placement centre. There is one in Chisinau, but the children are then transferred back to Ialoveni and we do not have temporary placement centre for them*”.<sup>151</sup> Respondents in Ialoveni reported that a community house that holds ten children was built by an NGO (Lumos), but “*we need at least another 10 houses*”.<sup>152</sup>

An additional problem is that, where placement centres do exist, they primarily hold younger children and are not suited to the needs of older children, and especially street children, who require a very specific, intensive environment to support them to reintegrate into the community.<sup>153</sup> Even where there are spaces available in care centres, children often prefer to stay on the street: “*The problem is that the placement centres are only good for younger children... [older children] are reluctant to stay there. They feel the street does not impose restrictions. They receive the false impression that they are free to do whatever they want*”.<sup>154</sup> This is particularly important for prevention, because these are the groups of children at greatest risk of offending.

Placing children with anti-social or offending behaviour in foster care has, not unexpectedly, had only limited success. According to a representative of the Ministry of Labour, Social Protection and Family, “*The law permits this type of placement but there has not been a positive trend in the acceptance of children by families*”.<sup>155</sup> As another central level official pointed out, “*Foster families do not want to take these children. It is much more difficult to work with such a child – we need special services. The child migrates from one family to another*”.<sup>156</sup> It needs to be recognised that foster carers need to be well trained and supported to assist such children if the placement is to be successful, and at present the level of required training and support is not available.

### ***Extracurricular activities and day centres***

Social assistants saw the development and strengthening of extra-curricular activities, such as youth clubs, mentoring programmes, sports programmes etc., as necessary to provide children at risk of offending with the social, psychological and educational skills necessary for their development. As the introductory chapter of this report emphasised, such activities are crucial to primary prevention, particularly for children from ‘high-risk’ backgrounds with little support or engagement at home. Even in Chisinau, social assistants noted the lack of facilities for children during the holidays or after school. As the Chief Social Assistant in Soroca explained “*...I would like to see some activities that would appeal to these children, that would break the cycle of bad behaviour, and get them occupied. We don't have anything like that here*”.<sup>157</sup> Similarly, a social assistant from Ungheni summarised the needs in this area: “*As preventative services we need the following: day care centres with different activities for a range of children; ...sports halls, computer halls and vocational activities to motivate children; career advice services*”.<sup>158</sup>

<sup>150</sup> Individual interview, police officer (I), Police Inspectorate, Balti, 10 March 2015.

<sup>151</sup> Focus group discussions, official representatives, Department of Education, Ialoveni, 20 March 2015.

<sup>152</sup> Individual interview, Specialist for family issues and children that are at risk, Social Assistance Office, Ialoveni, 13 March 2014.

<sup>153</sup> For instance, a 16 year old boy ‘at-risk’ of offending who was put in a temporary placement centre after living on the streets for a period of time told researchers that he felt out of place at the centre. Individual interview, boy at-risk of offending, care centre, Chisinau, 12 December 2014.

<sup>154</sup> Individual interview, social assistant responsible for children with offending behaviour, Botanica district, Chisinau, 24 February 2015.

<sup>155</sup> Individual Interview, Social Protection Officer, Ministry of Labour, Social Protection and Family, Chisinau, 8 December 2014.

<sup>156</sup> Focus group discussion (4), Head of ‘Unit of Child’, Specialist from Safety of Children Unit, Deputy of Criminal Prosecution, Specialist from Department on Internal Relations, Ministry of Interior, Chisinau, 8 December 2014.

<sup>157</sup> Individual interview, Chief of social assistants, Social Assistants Centre, Soroca, 24 February 2015.

<sup>158</sup> Focus group discussion (3), head of the Community social assistance section, two other specialists, Child and family Protection Direction, Ungheni, 2 March 2015.

While several children interviewed for the study described participating in extra-curricular activities, many noted the lack of available activities. Furthermore, many stated that where they do exist, the cost was often out of their reach or that too often these activities were geared towards younger children. While the Ministry of Education's Framework Plan for primary, secondary and pre-university education, does require the integration of extra-curricular activities into the existing education system, the implementation of these activities appears to be inconsistent. One respondent explained to researchers that the provision of extracurricular activities in schools is discretionary: "*schools budget for extra-curricular activities themselves; they receive a sum of money based on their enrolment. The bigger the school, the larger the opportunity to fund programmes. It is up to the school to decide how to spend the money, so many schools lack programmes*".<sup>159</sup>

Two NGO services assessed as part of the study appear to be particularly good practice examples of extra-curricular activities, which may have a positive impact on the prevention of offending.

***The following service was provided by Terre des Hommes within several schools in 3 districts and in the Transnistrian region:***

"We started providing psycho-social group activities in 2008. These included sports, drama and community building activities. We tried to set up a combined group in every school where we worked – teachers in the school were trained to conduct activities with each group twice a week. The activities were consistent; they worked with the same group for one year. We focussed on creating a space in the school, which is for children from that school. The centre includes games – the goal is to develop child resources and age specific activities, such as games that require cooperation, and teach the child to compete with him or herself, not others.

The biggest result occurred when the teachers who we train to run the programmes ("animators") become a trustworthy adult in the lives of some of these children, who didn't have someone to talk to or trust. The groups who benefitted the most were children living in extremely poor families. The games in the centre are their only games! Children from the Transnistrian region who had not been attending school would come to school to see the service. And schools where we have worked continue to fund these "spaces" with materials".<sup>160</sup>

***The following service is provided by Orhideea Centre in Leova:***

"We provide HIV and other SRH testing, sexual health counselling, contraceptives... We have a separate entrance for privacy purposes and we are open from 3 – 7 pm, after study hours. We cover confidentiality – if there is an issue that a parent should be aware we ask the child's permission to inform the parents. Children are quite open with us – maybe not at first, but after they come and see that we give them what they need, there is no stigma or shame.

We also work with children that come from the boarding schools – we organise outings to extract them from an unfavourable environment. We have a training room, a computer room where children can come and play with computers. We provide all sorts of activities to distract from the existing environment. We have a TV and a DVD player. We go on camping trips and take the children to the theatre in Chisinau... When we meet children we create groups of volunteers who are contact points and they proactively attract other children. A class may come to the centre".<sup>161</sup>

<sup>159</sup> Focus group discussion, Justice for Children Programme Coordinator, Child Protection Prevention Programme Coordination, Child Protection System Programme Coordinator, Terre des Hommes, Chisinau, 21 May 2015.

<sup>160</sup> Ibid.

<sup>161</sup> Individual interview, centre psychologist, Orhideea, Leova, 20 May 2015.

Services like those summarised above are not widely available in Moldova; they provide good practice examples, which would be beneficial if made available to a wider group of children. The services are particularly promising because they appear to address the specific needs identified in this study. These include:

- The provision of sexual and reproductive health services, and other services that are relevant to meeting the needs of older children;
- Providing children with mentors / supportive adults that they can trust and look up to;
- Ensuring that all services are designed in a way to be compatible with children's lives: through placing services within schools so that children attending the schools who are not receiving support and care at home can easily and comfortably access the service (see the Terre des Hommes example described above); and through ensuring that services are available at times that are convenient for children and that children can access them in a private way (see the Orhideea example described above).

The fact that the Terre des Hommes service is more intensive – it is established to work continuously with a particular group of children and is based within schools - is good practice because it is likely to increase their engagement and thus ensure that the service impacts positively on those children's lives. Yet it also potentially limits the reach of the service; the service is not widely accessible, and does not engage groups of children who are not in school.

### 3.5. PRIMARY PREVENTION IN SCHOOLS

#### *In house psychologists*

At the time of the research, several schools were reported to have an in-house psychologist who provides support to children with psychological, learning or behavioural difficulties. For instance, respondents in Chisinau reported that, 48 of the 148 schools in Chisinau have adjusted their infrastructure to respond to the needs of children who are 'at-risk of offending' – "*these schools have a special room where children can go to rest, and a specialist with a psychology background who can address issues. Eventually, all schools in the city will be adjusted to have these facilities*".<sup>162</sup> In Ungheni, there are reportedly psychologists in 20 out of 49 schools; however, according to respondents, only three of the 20 are based in rural schools.<sup>163</sup> Indeed, according to several respondents, the lack of psychologists in rural schools has seriously hampered the impact of preventative services; interventions by psychologists in rural contexts are comparatively rare and are often confined to one off visits, which fail to have much impact on behaviour.<sup>164</sup>

While school psychologists do not work exclusively with children with behavioural difficulties, they can provide an important preventative service, through addressing individual risk factors for developing behaviour problems, such as lack of engagement, learning difficulties (which may or may not be symptoms of a learning disability), low intelligence, low empathy, impulsivity and hyperactivity. They may also play a critical role in identifying cases that require more extensive intervention to address problems within the home/family and referring them to the appropriate service; according to respondents in some cases school psychologists provide counselling services to parents, however if the child's problems at school are too complex for the school psychologist to address, she will refer the case to a specialist outside of the school (such as the SAP service or social services).<sup>165</sup>

<sup>162</sup> Focus group discussion (3), psycho pedagogical assistants, Municipal level SAP, Chisinau, 27 February 2015.

<sup>163</sup> Focus group discussion (3), head of the Community social assistance section, two other specialists, Social Assistance, Child and family Protection Department, Ungheni, 2 March 2015.

<sup>164</sup> Ibid.

<sup>165</sup> Focus group discussion (4), school psychologist and three teachers, high school, central municipal district, Chisinau, 27 February 2015.

## **The Psycho-pedagogical Assistance Service**

These ‘in-house’ school psychologists have been complemented by the recently established Psycho-pedagogical Assistance Service (‘SAP’), created under Government Regulation No 732. The purpose of the new service, which falls under the Republican Centre for Psycho-pedagogical Assistance (CRAP) (subordinated to the Ministry of Education) at the national level, and within the Department of Education at the district level - is to promote children’s educational inclusion by assessing the needs of children with learning difficulties and providing them with psycho-pedagogical assistance, to ensure that all children access a quality education. Furthermore, as described by representatives of the SAP service in Chisinau municipality, the service may facilitate the integration of children who are transitioning from a residential institution to a school; “*the service helps to ensure equal opportunities for all children, including those coming from residential institutions*”.<sup>166</sup> SAP services are staffed by psychologists and ‘psycho-pedagogues’, along with specialists including speech therapists, pedagogues and physiotherapists. Staff from the SAP conduct regular visits to schools, and respond to referrals in specific cases.

### **Nature of services**

The study also aimed to explore the nature of SAP services, the beneficiaries to whom they are targeted, and in particular to clarify if and how the services provided by SAP are relevant to primary prevention of juvenile offending. Respondents reported that the primary beneficiaries of the SAP service include children with disabilities, children with poor school performance due to non-attendance, and children with behavioural problems.<sup>167</sup> When asked about working methods, a psycho-pedagogue from the service explained that the child is assessed by a group of specialists, and meetings are held with teachers, parents and any practitioners who have worked with the child. The SAP specialist(s) will then develop a treatment plan which reportedly includes recommendations for teachers and school psychologists on working with the child: “*We identify their needs, involve the school, and monitor their progress after matriculation. We often recommend a specific curriculum for them. We draft a special learning programme for them and place them in classes of the same age*”.<sup>168</sup> Children and (in some cases parents) may be referred to a rehabilitation/psychology course which is available free of charge (“*individual classes are most common - rarely we will hold a group class*”<sup>169</sup>). In a severe case, the SAP service may recommend that the child only attends school part time, and works at home with mandatory supervision from a personal assistant.

It is clear that SAP specialists consider children with anti-social behaviour to fall within their remit. Their services, which promote academic inclusion, are certainly relevant to preventing offending, since engagement and success in an educational environment can help children to avoid developing offending behaviour. As SAP specialists from the Balti SAP service explained, “*If children do not abandon school, the chances of children committing offences are going to be much smaller*”. Indeed, several representatives of SAP services interviewed for the research identified children with behavioural difficulties as amongst their beneficiaries. While the SAP service is an important one and is relevant to prevention, however, it is not itself a prevention service; it is not intended to address issues within the family leading to anti-social and offending behaviour. Indeed psycho-pedagogues interviewed for the study described having particular difficulties working with this group of children: “*Sometime we cannot even find a solution*”.<sup>170</sup>

<sup>166</sup> Focus group discussion (3), psycho pedagogical assistants, Municipal level SAP, Chisinau, 27 February 2015.

<sup>167</sup> Ibid.

<sup>168</sup> Focus group discussion, 4 psycho-pedagogical assistants, Psycho-pedagogical Assistance Service, Balti, 19 March 2015.

<sup>169</sup> Focus group discussion (3), psycho pedagogical assistants, Municipal level SAP, Chisinau, 27 February 2015.

<sup>170</sup> Ibid.

It is problematic that, in practice, it appears that some children who require psychological support in relation to issues that originate in the home are being referred to the SAP service. For instance, the Balti SAP service reported receiving case referrals from the multidisciplinary teams, and a psychologist based within an NGO run service for vulnerable children told researchers, “*The SAP service frequently deals with juvenile delinquency more often than we do...*”<sup>171</sup> This is likely due to the fact that there is a gap in the counselling and psychological services available from social workers/social assistants. Yet these services need to be strengthened, rather than displaced onto the SAP service.

### **Challenges**

This is particularly important given that respondents from several SAP services explained that they are dealing with an overwhelming caseload. For instance according to respondents from Balti municipality, “*We have received 1,346 requests for help for children from schools with special educational needs... out of these 450 children have been covered*”<sup>172</sup>. As a result they explained that they conduct visits at schools within Balti municipality, but struggle to visit schools in rural areas.<sup>173</sup> Similarly, social assistants in Ungheni reported that SAP services are not effectively reaching beneficiaries in a timely manner if at all.<sup>174</sup> Another challenge faced by the SAP service is obtaining timely referrals from schools themselves. SAP specialists in Soroca told researchers that referrals often come to them at such a late stage that it is difficult for their interventions to have much impact: “*most of the time the school acts quite late. Ideally they should act promptly... but the teachers do not have the skills the psychologists do, and this is why things are left too late*”<sup>175</sup>.

In sum, the SAP service is in place and functioning in all research sites, and can play an important role in promoting school inclusion and thus preventing offending. However the service currently appears to be overstretched, partially due to the fact that it has been expanded to fill gaps in other primary prevention services. It is important that SAP services are not seen by practitioners as an intervention for children with offending behaviour. It is clear that the scope of the Psycho-pedagogical Assistance Service is not intended to constitute an effective holistic primary prevention service; its methods are designed to address the needs of children with learning disabilities and not children from dysfunctional families or families with difficulty managing their children. Furthermore, the service is also not designed to provide support to children not attending school.

## **3.6. GAPS IN PRIMARY PREVENTION**

At present, there are significant gaps in the available primary prevention services in Moldova. The chief social assistant in Soroca accurately described the issue: “*Firstly, we don't have services for anything. We see children who abandon school, run away from home, commit some crimes, - and I want to stress there are no services for these children. Before 2008 we had a school for children with bad behaviour ... I can't say the school was helpful, but at least the school stopped them from reoffending. Now they stay in the community and can reoffend again*”<sup>176</sup>.

As described above, some of the gaps in services are currently being addressed through the implementation of recently established policies and programmes, such as efforts to strengthen the foster care system or the establishment of the SAP service. However, at present, primary prevention services are limited, and consist mainly of financial support to deprived families, and limited provision

<sup>171</sup> Individual interview, centre psychologist, Orhideea, Leova, 19 May 2015.

<sup>172</sup> Individual interview, police inspector of child safety office (I), Police Inspectorate, Balti, 10 March 2015.

<sup>173</sup> Ibid.

<sup>174</sup> Focus group discussion (3), head of the Community social assistance section, two other specialists, Social Assistance, Child and family Protection Department, Ungheni, 2 March 2015.

<sup>175</sup> Focus group discussion (3), head of Soroca SAP and 2 psychologists, (Psycho-pedagogical Assistance Service), Soroca, 23 February 2015.

<sup>176</sup> Individual interview, Chief of social assistants, Social Assistance Department, Soroca, 24 February 2015.

of educational support in schools. When existing services are considered in light of the needs set out at the beginning of this section, it is clear that significant gaps remain.

The study demonstrates the need for earlier, targeted interventions that identify children at-risk and address both risk factors, and their underlying causes. These interventions are also called for by international standards; the Riyadh Guidelines recommend that in order to address juvenile offending, “*Community-based services and programmes should be developed for the prevention of juvenile delinquency, particularly where no agencies have yet been established. Formal agencies of social control should only be utilised as a means of last resort*”.<sup>177</sup>

There is a particular need in Moldova for services designed to target problems at home. As one practitioner told researchers, “*The bad behaviour of children in the majority of cases appears to be because they see the same behaviour at home. Therefore, one of the key issues is how we work with the families in the community...*”.<sup>178</sup> The study also demonstrates the need for a more extensive range of primary prevention services to address risk-factors, particularly in the following areas:

- The provision of social work, counselling and psychological services (both in and outside of school environments);
- Parenting programmes to provide support to carers/improve parenting skills;
- Increased support and guidance (through mentoring and other support programmes for employment and career planning (for both ‘at-risk’ children and care providers);
- The establishment of community based services and activities that can help children cope with negative family dynamics and improve family functioning;
- More (and more effective) alternative care options, including both emergency temporary placement centres and long term care options, particularly for those without adequate parental care.

Finally, the study demonstrates that measures need to be taken to strengthen services in rural parts of the country.

Recommendations for the development of services to fill these gaps are detailed in the final chapter of this report. The proceeding chapters will assess existing secondary and tertiary prevention services in Moldova, and identify gaps where services are failing to address the needs of children and their families.

<sup>177</sup> Riyadh Guidelines, Art. 6.

<sup>178</sup> Interview with psychologist from ‘Puskin’ Lyceum in Ungheni, 2 March 2015.

# SECONDARY PREVENTION

This study takes the term ‘secondary prevention’ to refer to: *measures for children who have admitted or who have been convicted of an offence, but who have either been diverted or given a non-custodial sentence. These can take a wide range of different forms, including mediation, family focussed programmes, counselling, reparation, restorative justice, behaviour contracts, remedial education etc.* Diversion will be defined as any measure which removes the child from the criminal justice system, however non-custodial sentences and rehabilitative responses that address root causes of offending will also be considered to fall within the definition of secondary prevention.

The importance of diversionary measures for children is established by the Convention on the Rights of the Child (CRC), and is based on an understanding that being exposed to the criminal justice system is likely to have negative consequences for children. The CRC also emphasises that a child should only be detained, either pre-trial or post-conviction as a matter of last resort and for the shortest appropriate period of time.<sup>179</sup> The importance of non-custodial sentences is set-out in Article 40(4) of the CRC, which requires that States should have “*a variety of dispositions, such as care, guidance and supervision orders; counselling, probation; foster care; educational and vocational training programmes and other alternatives to institutional care ... to ensure that children are dealt with in a manner appropriate to their well-being, and proportionate both to their circumstances and the offence*”<sup>180</sup>. The aim of both diversion and of non-custodial sentences should be to reintegrate the child and enable the child to play a constructive role in society.

### 4.1. PRE-TRIAL DIVERSION

Much work has been done in Moldova to establish the importance of diverting children out of the criminal justice system. The Head of the Department for Minor’s Issues and Human Rights in the General Prosecutor’s Office, expressed the view that “*criminal processes do not improve children’s behaviour but will only worsen the behaviour of the child,*”<sup>181</sup> a perspective that seems to have been widely accepted and adopted by professionals, at least amongst those interviewed for this study.

In Moldova, Articles 54 and 104 of the Criminal Code provide for a number of pre-trial diversion measures.

<sup>179</sup> Article 37(b) UN Convention on the Rights of the Child.

<sup>180</sup> Article 40(4) UN Convention on the Rights of the Child.

<sup>181</sup> Head of Department for Minors Issues and Human Rights, General Prosecutor’s Office, Chisinau, 8 December 2014.

Article 54(1) of the Criminal Code provides that “a person under the age of 18 who commits for the first time a minor or a less serious crime may be exempted from criminal liability according to the provisions of criminal procedure law provided ... the juvenile’s rehabilitation is possible without assigning criminal liability”. Under Article 54(2), any of the measures contained in Article 104 may be imposed when a child is exempted from criminal liability. These include:

- warnings;
- placing juveniles under the strict supervision of parents or persons replacing parents or specialized state bodies;
- requiring juveniles to repair the damage caused taking into consideration their financial conditions;
- requiring juveniles to follow a course of psychological rehabilitation treatments;
- placing juveniles in a special education/re-education institution or a medical re-education institution.

The police have very limited discretion to take measures that amount to pre-trial diversion, and refer nearly all cases of alleged criminal offending by children to the Prosecutor’s Office in accordance with Article 270 of the Criminal Procedure Code. The research found a small number of instances where the police reported giving warnings to young people; for traffic offences (committed by persons between 16-18 years old), some cases of verbal disputes and for minor, and first time contraventions committed “*without intention*”.<sup>182</sup> It is noteworthy that, according to police in Soroca, children under the minimum age of criminal responsibility (MACR) were referred to the prosecutor in several instances, despite the fact that this is not a lawful practice:

***“Is there a difference in what you do for children under the minimum age of criminal responsibility?***

*Our action will be the same, it depends on the seriousness of the crime, whether a theft for instance is below 500 mdl or over 500 mdl. If it’s the former then it’s a contravention, if over then the crime goes to prosecution and then court (regardless of age of child)”.*

As will be explored further in the following section, the referral of cases of children under the MACR to the prosecutor may relate to a lack of appropriate diversion options for addressing offending.

The Criminal Procedure Code and Article 54 of the Criminal Code both allow the prosecutor to exercise discretion and not to prosecute a first time juvenile offender for a minor or less serious offence where it appears that “*correction may be achieved without holding him or her criminally liable*”.<sup>183</sup> According to the law, the prosecutor’s decision to exercise this discretion must, however, be confirmed by an investigating judge, who has the power to impose a measure such as supervision or attendance at a programme, though not necessarily a diversion programme. Under Article 54 of the Criminal Code, the prosecutor has the power to terminate a case if it is a first offence for a child and it is a minor or less serious offence.

Respondents reported that this provision was applied “*by the prosecutor at the pre-trial stage, when the attorney requests it*”.<sup>184</sup> However, across the research sites it did not seem to be very widely used. While all prosecutors interviewed for the research were knowledgeable about the existence of pre-trial diversion measures, few were utilising the full spectrum of options available to them.

<sup>182</sup> Focus group discussion (3), police from district and village level, Soroca, 26 February 2015.

<sup>183</sup> Criminal Procedure Code, Article 483(1), referring to Article 54 Criminal Code. This applies specifically to ‘minor’ and ‘less serious’ offences punishable, if the offender is an adult, by sentences of 5 years or less. See also Criminal Code Article 16.

<sup>184</sup> Individual interview, prosecutor, Central Municipal District Prosecutor’s Office, Chisinau, 27 February 2015.

According to respondents, this was largely because:

- a) They did not think they would work, having experienced children re-offending after applying a diversion measure;
- b) Fear of being thought corrupt if they didn't take a case to trial;
- c) Diversion measures were not available to them, e.g. residential placement or psychological treatment; or
- d) No suitable supervision options were available.

As one prosecutor from Balti explained, “*We could terminate the case under Article 54, or under Article 104 diversion – we could give them a warning, place them under supervision, place them in residential care. However, I have never done these in practice. One reason is that these options are unavailable (e.g. we can't find someone to provide supervision for the child) and the other is that they would fall under suspicion if we used them. People see the court differently to us – they see it as more authoritative*”.<sup>185</sup> Another prosecutor explained that their office rarely applied pre-trial diversion measures due to fear of being thought corrupt. Indeed, prosecutors in one municipal sector reported that out of the 42 cases dropped by the prosecution in 2013, all of them were dropped either because an agreement was reached between parties, the child was found to be below the minimum age of criminal responsibility or because there was insufficient evidence to charge the child; there were no cases where termination was applied pre-trial by the prosecutor on the basis of it being a first time, less serious offence.

When asked specifically about their use of the ‘warning’ diversion options, prosecutor participants were knowledgeable about the option, but didn’t report finding it to be useful. One prosecutor explained that:

“*We haven't applied the warning at all – maybe it's our fault, but maybe it's because they are already on the list so we already know they have a history of bad behaviour*”.<sup>186</sup>

In general, prosecutors appear to regard the provision as an ineffective measure to prevent offending and consequentially avoid using it. One respondent went so far as to say, “*With regard to the other provisions of the article (article 104 Penal Code), such as the warning or the child's obligation to repair the damages, it does not make sense to me*”.<sup>187</sup> If other options were available to apply in conjunction with a warning, such as (mandatory) services to address children’s unmet needs and behavioural problems, prosecutors reported that they would be more likely to use this option.

Other prosecutors interviewed for the research described provisions for diversion and/or non-custodial sentencing in similarly negative terms, saying that measures for children’s diversion were often either unavailable or being applied inappropriately. Indeed, while “*prosecutors are focussed on excluding children from the criminal justice system*”,<sup>188</sup> they do not appear to do so through diversion: one prosecutor described the key piece of legislation regarding diversion – Article 104 of the Criminal Code – in the following manner: “*If we were to refer to the diversion measures for children, and namely to the provisions of the Article 104 of the Criminal Code, then I would say that this article was inactive or dead*”.

<sup>185</sup> Individual interview, prosecutor, Balti Prosecutor’s Office, Balti, 10 March 2015.

<sup>186</sup> Individual interview, prosecutor not specialising in children’s cases, Soroca Prosecutor’s Office, 27 February 2015.

<sup>187</sup> Individual interview, prosecutor responsible for cases with children in conflict with the law, Prosecution Office, Ungheni, 6 March 2015.

<sup>188</sup> Head of Department for Minors Issues and Human Rights, General Prosecutor’s Office, Chisinau, 8 December 2014.

### **Payment of Damages**

Under Article 104 of the Moldovan Criminal Code, as part of the ‘application of coercive educational matters’, prosecutors (and courts) can require *‘juveniles to repair the damage caused taking into consideration their financial conditions’*.<sup>189</sup> In this situation, children and their families are required to pay a financial sum, determined through discussion between the victim, prosecutor and accused, taking into account the monetary value of the damage caused and an assessment of how much the child is able to pay back.

The General Prosecutor’s 2012 evaluation of diversion mechanisms found that, similar to some other diversion measures, “*payment of damages was not being applied*”.<sup>190</sup> This was reinforced in Ungheni by one prosecutor who described the measure as not being useful: “*the child’s obligation to repair the damages - it does not make sense to me*”.<sup>191</sup> One police officer in Soroca, for example, felt that the amounts were too small to cover the actual cost to the victim of the damages caused and they were too small to effect changes to children’s behaviour, as he thought parents were able to pay the fines too easily: “*The sanctions should be increased as sometimes they are not serious enough. For example, some children completely destroyed someone’s gate and although the case reached the prosecution and they were sanctioned, they were only asked to repay 400 mdl, which is nowhere near what it costs to get that gate fixed. I think the sanctions in cases like this should be increased*”.<sup>192</sup> Where damages were found to be paid, this was reportedly not occurring through the application of article 104, but through informal settlement between parties (see the analysis of reconciliation activities addressed below).

### **Supervision**

Article 104 of the Criminal Code allows for ‘placing juveniles under the strict supervision of parents or persons replacing parents or specialized state bodies’ by way of diversionary measure. This provision can be applied by the prosecutor pre-trial and as an alternative to custodial sentencing. Similar to warnings, many of the prosecutors were knowledgeable about this option but said they were unlikely to apply it in practice. One prosecutor explained that because the majority of children in conflict with the law also came from vulnerable, often neglectful familial backgrounds, there was rarely anyone suitable to exercise supervision over the child: “*One reason is that these options are unavailable (e.g. we can’t find someone to provide supervision for the child)*”. Or, as put by another respondent, “*the majority of children don’t have parents, so we can’t apply supervision*”.<sup>193</sup>

In addition, some professionals commented that they (or colleagues) had tried to use supervision in the past but had had a negative experience of a child quickly re-offending, making them reluctant to try it again. One prosecutor from Ungheni explained: “*For instance, in 2013 the Prosecution Office in Ungheni had only two cases when the provisions of this article were applied to the child. In both cases children were placed under the supervision of their parents/carers. In one of those cases, in less than a month the child committed a more serious offence. After that incident, nobody from the prosecutor has ever applied Article 104 Criminal Code again*”.

<sup>189</sup> Article 104, Criminal Code of Moldova.

<sup>190</sup> Head of Department for Minors Issues and Human Rights, General Prosecutor’s Office, Chisinau, 8 December 2014.

<sup>191</sup> Individual interview, head of probation office, the Probation Office, Ungheni, 4 March 2015.

<sup>192</sup> Focus group discussion (3), police from district and village level, Soroca, 26 February 2015.

<sup>193</sup> Individual interview, prosecutor not specialising in children’s cases, Soroca Prosecutor’s Office, 27 February 2015.

## 4.2. OTHER MEASURES

According to Article 104 of the Criminal Code, prosecutors (and courts) can apply ‘coercive educational measures’ for juveniles exempt from criminal liability, which include: ‘requiring juveniles to follow a course of psychological rehabilitation treatments; placing juveniles in a special education/re-education institution or a medical re-education’.<sup>194</sup> There are few psychological rehabilitation treatments or medical programmes in Moldova, and the residential special education institutions have been closed as part of recent reforms. Most professionals interviewed therefore found these options to be redundant:

*“The child’s obligation to follow a medical treatment of psychological rehabilitation; and/or the enrolment of the child in a specialised education and re-education institution or in a curative and re-education institution, they do not exist in Moldova, hence how can we apply them? There are no institutions of that kind in the whole country. We used to have one in the past, in Solonet, but even that was closed”.*<sup>195</sup>

While the closure of correctional schools is to be welcomed as meeting UN juvenile justice standards and norms, it is unfortunate that there has been little development of alternative community based services to meet the needs of this group of children. For those children who cannot remain with the family, the problems are even greater, as care facilities do not currently have the capacity to cope with the children in conflict with the law in need of care and there are few foster parents willing or able to take such children. It is even more difficult to find services for children with alcohol or drug addiction or mental health needs. The lack of such facilities often means that children are left in the community without assistance until they commit a further offence, and eventually receive a custodial sentence. Many of the children, parents and professionals we spoke to, described the need for psychological services to assist children to address their offending behaviour but even at crisis point, such services were unavailable.

### ***Reconciliation***

Article 109 of the Criminal Code provides for reconciliation; an act which can exclude liability for a minor or less serious crime, and for juveniles for a serious crime also. Reconciliation is described as a ‘personal act’ and may take place at any time from the start of an investigation up until the judge’s withdrawal for deliberations.<sup>196</sup>

Reconciliation is reported to be the measure used most frequently in the districts in this study. This is consistent with official data, which demonstrates that the majority of criminal cases initiated against children have been terminated based on Article 109. These processes are less formal than mediation under the Law on Mediation and involve an agreement between the child (and family) and the victim, sometimes with the assistance of the prosecutor, police and other individuals. Generally the result is an agreement between the parties where children apologise and the child’s family agree to pay a certain amount in damages to the victim. The success of this process is dependent upon the wishes of the victim and on whether or not the child and their family are able to afford to pay the agreed compensation if that option is made available. In practice this means that not all children get the same access to this diversion measure – some may be excluded from reconciliation processes due to the financial vulnerability of their family, a lack of family or the resistance of the victim.

<sup>194</sup> Article 104, Criminal Code of Moldova.

<sup>195</sup> Individual interview, prosecutor responsible for cases with children in conflict with the law, Prosecution Office, Ungheni, 5 March 2015.

<sup>196</sup> Article 109, Criminal Code of Moldova.

Whilst these processes were seen by many as a positive outcome for children when applied for the first time, there is currently no limit on the number of times reconciliation can be applied. As a result, the research revealed a number of cases where children repeatedly offended (often numerous times, especially in relation to theft) and each time reached a reconciliation, paying compensation with no further action being taken.

The payment of damages to the victim was seen by some as functioning to punish parents more than children. The practice, though regarded as an acceptable means to resolve offending by children can increase the vulnerability of the family who may need to borrow the money, thus placing them in debt. This may not only fail to have a positive effect on a child's behaviour, but can cause even greater problems in the relationship between the child and the family, and may serve to aggravate some of the causal factors which lay behind the original offence. Further, there were a number of reports that children were stealing in order to afford the repayments agreed during their previous mediation processes:

*"Around 60% of the minors steal because they have nothing to eat. Later on, they start working in groups. Around 20% commit crimes because they like it. Most of them steal to cover the expenses of the reconciliation for the previous offence".<sup>197</sup>*

Prosecutors felt that children were not being adequately punished and were not learning from the repeated application of reconciliation, yet it continues to be widely used:

*"It isn't good to have unlimited agreement possibility. I had one case with a child who had committed 18 offences. It isn't right – if I am caught than I use the agreement. If not, I continue. On the other hand there are children that have committed one wrong and should not be sent to court".<sup>198</sup>*

Reconciliation seemed to have its benefits in a system where so few other diversion options are available to children, especially when less serious crimes had been committed. However, without the availability of additional services to address children's unmet needs, some of the interviewees felt that it was failing to prevent recidivism, and in a few cases was seen to be driving it. The Head of Department for Minors Issues and Human Rights from the General Prosecutor's Office commented that, "*the prosecutors in the field want to revise this provision so that the parties cannot make up if it is a 're-offence'. We need to re-think this mechanism, and add measures to address offending*".<sup>199</sup>

### ***Mediation***

The Law on Mediation 2007, which came into force in 2009, provides that in criminal matters, mediation may be requested by the victim, the accused, the prosecutor or by the court, at any stage of the proceedings.<sup>200</sup> The law also stipulates that in cases involving juveniles where mediation is applied, an educator or a psychologist should assist.<sup>201</sup> Entering into mediation does not take the place of criminal proceedings. It does not suspend the criminal process, and participation in mediation is not to be regarded as an admission of guilt.<sup>202</sup> However, where agreement is reached between parties, although there is nothing in the Law to that effect, it is presumed that criminal liability will be dropped as it is with reconciliation under Article 109 of the Criminal Code – thus mediation may serve as a diversion measure.

<sup>197</sup> Individual interview, prosecutor responsible for cases with children in conflict with the law, The Prosecution Office, Ungheni, 5 March 2015.

<sup>198</sup> Individual interview, prosecutor (II), Balti Prosecutor's Office, Balti, 10 March 2015.

<sup>199</sup> Head of Department for Minors Issues and Human Rights, General Prosecutor's Office, Chisinau, 8 December 2014.

<sup>200</sup> Law on mediation, no. 134 from 14.06.2007.

<sup>201</sup> Ibid.

<sup>202</sup> Article 32, Law on Mediation 2007.

The more formal mediation process necessitates the involvement of “*a professional licensed by the Ministry of Justice to mediate cases of offences being committed by or including minors*”.<sup>203</sup> Prosecutors in the study noted that they had very limited access to licensed professionals and it was for this reason, one prosecutor explained, that “*this system is not extensively used*”.<sup>204</sup> Often the phrases reconciliation and mediation were used interchangeably, but in general it was found that people were mostly referring to the use of reconciliation, the process of which “*is not formalised in legislation and is managed by the attorney and the prosecutor – it can happen at any stage*”.<sup>205</sup> As part of a UNICEF funded project intended to promote diversion, however, the Institute for Penal Reform has trained a number of NGO and government practitioners as mediators, supporting them to be formally licensed.<sup>206</sup> Again, mediation, which only involves the payment of money as compensation for damage done, and nothing more, is unlikely to address the child’s offending behavior.

## 4.3. ALTERNATIVE (NON-CUSTODIAL) SENTENCING

Under the Criminal Code, courts are permitted to apply community service, conditional sentencing or probation as alternatives to custodial sentences.

### ***Conditional Sentencing***

Under the suspension of punishment through probation, Article 90 of the Criminal Code allows for conditions to be applied to a probation sentence. These include requiring the convicted child:

- a) not to change his/her domicile without the consent of a competent body;
- b) not to attend certain places;
- c) to undergo certain treatment for addiction to alcohol, drugs, toxic substances, or for a venereal disease;
- d) to provide financial support to the victim’s family; and/or;
- e) to compensate for the damage caused within the term set by the court.

The research found that conditional sentencing was being applied regularly in all research sites. In some cases, the use of conditional sentencing was further hampered by the lack of treatment programmes available across Moldova.

### ***Community Service***

Under Article 67 of the Criminal Code, community service is a sentencing option that can be applied to those aged over 16. According to respondents, however, the option of probation was rarely used in practice. This may be due in part to the fact that children tend to be reluctant to agree to this option; as one probation officer from Ialoveni explained, when asked why community service sentences weren’t used in practice; “*The judge must ask the convicted [child] if he/she agrees with community work*”.<sup>207</sup> While some respondents viewed the community service option as a positive option in theory, it appears that they are also reluctant to agree to this measure because it requires supervision and the arrangement of community service activities; such programmes do not appear to be in place.

<sup>203</sup> Individual interview, prosecutor, Central Municipal District Prosecutor’s Office, Chisinau, 27 February 2015.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Individual interview, centre psychologist, Orhideea, Leova, 20 May 2015.

<sup>207</sup> Focus group discussion, 2 probation officers, Ialoveni Probation Office, Ialoveni, 11 March 2015.

## **Several prosecutors attributed challenges in determining an appropriate response to a child's offending on the lack of pre-sentence reports:**

The Law on Probation, which came into force in 2008, places a duty on probation officers to prepare pre-sentence reports. In order to determine whether a child should be exempted from criminal liability or which, if any, of the coercive measures should be applied under Article 104, the Prosecutor's Office and the Court requires a pre-sentence report containing details of the child's background and circumstances and that of his or her family. Pre-sentence reports are compiled by the probation service and consist of information obtained from all the different services/agencies that a child may have been in contact with and/or has been assessed by, and the results of meetings with the child and the family. The pre-sentence report should then be delivered within 14 days of the request from the court or the prosecutor. As explained by a probation officer in Ungheni:

*"In accordance with the Criminal Code and Criminal Procedure Code, in all cases where children have committed a crime the investigation bodies, i.e. the Prosecution Office, should require from the Probation office a pre-sentence report on the child, which is a psycho-social assessment of the child. The probation officer has 14 days to do such a report".<sup>208</sup>*

Several prosecutors interviewed reported experiencing difficulties in obtaining pre-sentence reports from probation officers within the required timescale. When reports were not submitted in time, prosecutors reported having to obtain the necessary information directly from other agencies. In one district, the probation office had asked agencies in contact with the child to send their information directly to the prosecutor for the prosecutor's office to collate and interpret rather than preparing a pre-sentence report. The prosecutors also expressed dissatisfaction with the quality of pre-sentence reports produced:

*"We ask for information from all agencies for cases – the probation is the least responsive. It's very hard - I can't close the case without their pre-sentence report. We are forced to rely on the social assistants; we need all the reports before closing the case".<sup>209</sup>*

The failure of probation to provide good quality pre-sentence reports prevents prosecutors from obtaining an accurate and detailed picture of the child and the circumstances of their offending. This has implications for how prosecutors and courts subsequently determine diversion or criminal justice outcomes for a child. Failure to submit timely, accurate pre-sentence reports could be reducing a child's chances of diversion or the decision to give a non-custodial sentence, and is also likely to delay the closure of proceedings. One prosecutor from Ungheni gave an example of one child whose pre-sentence report (he felt) was to blame for a child's inappropriate sentence and subsequent re-offending:

*"I did have a case in the past when the probation officer made a pre-sentence report stating that the very positive characteristics of the child and recommended that the child was able to be re-educated in the community. Based on that report the child was left in the community, but soon after that he committed a very serious crime".<sup>210</sup>*

<sup>208</sup> Individual interview, head of probation office, the Probation office, Ungheni, 4 March 2015.

<sup>209</sup> Individual interview, probation officer, Probation Service, Soroca, 25 February 2015.

<sup>210</sup> Individual interview, head of probation office, the Probation office, Ungheni, 4 March 2015.

Some felt that the probation office is not the most suitable agency to be undertaking the report at all: “*With regards to the pre-sentence report, I do not agree that this should be done by the Probation Office. They are not the most appropriate to undertake this task. The probation officer cannot physically go and visit the family 3 or 4 times - as may be necessary to have a full picture of the child and family circumstances. Moreover, they have not got the experience and the training for this. The majority of the probation officers have a law degree. Instead I see it as a role for the social assistance - the community social assistants are based locally and they might have known the family already, if it was a family at risk. The social assistants with the help from school, GP, the police, etc. they can put together a better and a more realistic pre-sentence report*”.

For diversion to be truly effective, children should have access to appropriate services to assist their reintegration and address their offending behaviour. Comprehensive, accurate and timely pre-sentence reports are essential in achieving this aim, and in developing services to meet the needs of children.

## Summary of Findings

The CRC ‘requires States to develop procedures that allow children to be dealt with without resorting to judicial proceedings or a trial (“diversion”), wherever appropriate and desirable’<sup>211</sup>, and ideally States, “should consider introducing a system of “stepped” responses for children who commit criminal offences, which include taking no further action, giving warning to children, pre-trial diversion and, as a last resort, trial”.<sup>212</sup>

- The legal framework for diversion and community based sentencing is contained within the Criminal Code. Article 104 of Moldova’s Criminal Code provides for a range of diversion options, including: warnings, supervision, reparation of damages, requirements to complete psychological rehabilitation treatments and the placement of children in special education/re-education institutions or medical re-education institutions. Similarly, Article 90 provides for non-custodial sentences, including probation.
- At the present time, there are few diversion (and non-custodial sentencing options which address offending behaviour) available for use by justice professionals. None of the prosecutors interviewed for the study reported being aware of any psychological or other rehabilitative treatments/courses to which they could divert children, nor were they aware of any active formal diversion programmes available either pre-trial or post conviction. The diversion measures used by the prosecutors interviewed were typically limited to warnings, reconciliation, payment of damages and in rare instances, formal mediation and supervision.
- The preparation of pre-sentence reports to determine whether and which diversion measures should be applied are not being completed within the specified time frame, causing decisions about children’s offending to be delayed. Further many of the pre-sentence reports contain insufficient information about the child’s background, family circumstances and offending behaviour, which restricts the judge in making decisions in the best interests of the child.
- Measures of reconciliation or the payment of damages may be driving children to further offending and families into debt.

<sup>211</sup> UNICEF (2011), *Guidance Paper: Guidance for Legislative Reform on Juvenile Justice*, Coram Children’s Legal Centre and UNICEF, Available at: [http://www.unicef.org/policyanalysis/files/Juvenile\\_justice\\_16052011\\_final.pdf](http://www.unicef.org/policyanalysis/files/Juvenile_justice_16052011_final.pdf) (Accessed on 22nd April 2015).

<sup>212</sup> Ibid.

- Prosecutors and judges are restricted in ordering supervision as a measure by the lack of supervisors.
- Formal mediation is being hindered by the requirement for licensed mediators.
- Community service programmes are largely unavailable and are seen as unattractive by children as an option.

While a strong legal framework is in place for responding to juvenile offending in Moldova, the measures necessary for its implementation have still to be developed. Practitioners demonstrated low understanding or appreciation for how offending behaviour and its causes can be addressed. There also appears to be a lack of understanding that for many children in the juvenile justice system, child protection issues are a matter of concern. There does not appear to be effective integration of the child protection services necessary to address this in the criminal process.

Moldova would benefit from the establishment of formal **diversion projects/ programmes**, which were notable by their absence during the research. We would recommend that diversion programmes could follow a family/welfare focussed and activity-based model. The research established that 'at risk' children often suffer from a lack of appropriate care in the family environment, poor parenting, exclusion and isolation in school and in the community and have feelings of low self-worth. Family focussed models which use, '*intensive social work, family group conferencing and individual work with children to re-integrate the child within his or her family, school and community and build up the child's self-esteem*'<sup>213</sup> could be particularly effective in the Moldovan context.

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<sup>213</sup> UNICEF (2011), *Guidance Paper: Guidance for Legislative Reform on Juvenile Justice*, Coram Children's Legal Centre and UNICEF, Available at: [http://www.unicef.org/policyanalysis/files/Juvenile\\_justice\\_16052011\\_final.pdf](http://www.unicef.org/policyanalysis/files/Juvenile_justice_16052011_final.pdf) (Accessed on 22nd April 2015).

# TERTIARY PREVENTION SERVICES

Article 40(1) of the CRC requires states to take into account the desirability of promoting the child's reintegration and the child assuming a constructive role in society. Referred to as tertiary prevention services, these are services designed to facilitate the reintegration and rehabilitation of children who have been convicted of an offence and served a custodial sentence. They may also be relevant for children who have been convicted and served a non-custodial sentence. Tertiary services are critical to preventing recidivism and breaking cycles of offending.

Rule 79 of the Havana Rules defines the tertiary services that should as a minimum be provided: '*competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure to the extent possible, that the juvenile is provided with suitable residence, employment, clothing and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration*'. Furthermore, arrangements for tertiary services should be made before the child completes his or her sentence: '*The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them to return to the community*'.

## 5.1. THE LAW ON TERTIARY PREVENTION

Tertiary services in Moldova are mainly contained in the Law on Probation of 2008. Article 13 of the Law, emphasises that the aim of the service is successful re-integration of the child into both the family and the community. According to Article 23, probation services are responsible for providing tertiary preventative services to *all* children who have come into conflict with the law. It states that, it is the specific duty of the probation officer to '*organise the implementation of educative and preventive programs with minors in conflict with law and those released from prison*'.

The Law provides that probation with children should focus on ensuring the process of psycho-pedagogical rehabilitation of the child, monitoring the situation of pre and post-integration with the family, and developing the capacity of the family and community to provide assistance for children and to prevent the child being placed at further risk. In addition to carrying out probation activities, the probation officers are under a duty to develop and promote viable models of community services for children and families.<sup>214</sup> These services would be classified as primary prevention services within the framework used in this study, however findings suggest that they are not in place.

<sup>214</sup> Article 23, the Law on Probation.

The Law on Probation came into force in September of 2008.<sup>215</sup> The Central Probation Office, which falls under the Ministry of Justice, was established in 2007 in order to implement the law. Staff in 42 administrative sub-divisions are responsible for the delivery of probation services throughout the country, including the delivery of services to children. As well as taking measures to promote the rehabilitation and reintegration of children, probation officers are responsible for ‘the enforcement of several community sanctions, like supervision of persons conditionally released from prison and suspended sentence, community work and postponement of the execution of punishments regarding pregnant women who have children under the age of 8 years. With regard to persons staying in penitentiary institutions, probation officers (upon request of the Social-Educational and Probation Service within the institution) provide persons assistance for release from prison’.<sup>216</sup>

## 5.2. TERTIARY SERVICE FOR CHILDREN IN NON-CUSTODIAL SENTENCES

Tertiary prevention services are particularly important in Moldova due to the high level of stigma experienced by children who are convicted of an offence, or otherwise associated with offending. This stigma is even more pronounced for those who have served a custodial sentence. Stigma can compound the challenge of reintegration and impacts on the willingness of service providers to work with the child. As representatives of the Department for Penitentiary Institutions explained, “*There is a big problem of children coming back to the penitentiary – there is a reluctance to work with people in detention. It starts with the neighbour and ends with the social worker. There is a fear of interacting with these young people, so they repeat their crime and end up back in detention*”.<sup>217</sup>

Furthermore, rehabilitation and reintegration of children is often a greater challenge than the reintegration of adults because of their relative dependency, a challenge that is even more pronounced for children who lack appropriate parental care. “*Generally speaking there is the problem of them having an occupation and host after they serve their sentence – it is not like adults, the main problem is they have no place to go after they are released from the penitentiary. There was even a case of a person over 18 years who met all criteria for early release but was not released because they had no place to go*”.<sup>218</sup> A probation officer specialising in children in Balti municipality explained: “[*Rehabilitating the child, and reintegrating him or her into society] is a very complex task. Most of this group comes from problematic families – deprived families, or children without families or caretakers*”.<sup>219</sup>

Tertiary services can be crucial in determining future outcomes for a child. This is illustrated by the following two case studies, one from a boy receiving probation services in Botanica sector of Chisinau, and a second from the mother of a boy receiving probation services in Ialoveni.

<sup>215</sup> “Summary Information on probation in Moldova”, The European Organisation for Probation, [http://www.cep-probation.org/uploaded\\_files/Summary%20information%20on%20Moldova.pdf](http://www.cep-probation.org/uploaded_files/Summary%20information%20on%20Moldova.pdf).

<sup>216</sup> “Summary Information on probation in Moldova”, The European Organisation for Probation, [http://www.cep-probation.org/uploaded\\_files/Summary%20information%20on%20Moldova.pdf](http://www.cep-probation.org/uploaded_files/Summary%20information%20on%20Moldova.pdf).

<sup>217</sup> Focus group discussion (4), Chief of Department of Penitentiary Institutions and colleagues, Department of Penitentiary Institutions, Chisinau, 23 February 2015.

<sup>218</sup> Ibid.

<sup>219</sup> Individual interview, probation officer for cases involving children, District Probation Office, Balti, 2 March 2015.

## **Case study 4: BOY ON PROBATION IN CHISINAU**

*The child, who is 17 years old, was convicted of theft, and is serving a conditional sentence of 2.5 years.*

*How do you feel about how everything is going now?*

I definitely feel that my condition has improved. I have meetings with the psychologist from the probation office between once a week and once a month. I am happy they have helped me to find a profession. I am also doing welding. I am attending a craft school in the city as a welder and I also have a stipend from the state. I still study. When I communicated with the probation office, they asked if I would like to work or study and they arranged a place in a craft school to complete a six-month course. I have two months to go. At the end of spring we will be done with trainings. I will have been on probation for 2.5 years starting last summer.

*How do you feel the probation improved your condition?*

I feel I was redirected in the right direction – I am busy doing something. At the beginning I was afraid I would not get along with them, but now I feel confident that they help me – I feel they are doing everything they can to avoid me being in prison. I feel there is effort against me being in prison – this is contrary to how I feel in other places.<sup>220</sup>

## **Case study 5: MOTHER OF BOY ON PROBATION IN IALOVENI**

*The child, who is 17 years old, was convicted of theft, and is serving a conditional sentence of 2 years.*

My son stole some metal with some other boys. He was given one year of condition sentencing – it will end at the end of this year. We are not getting along well. We may have ten days of good behaviour, and then on the 11<sup>th</sup> he starts misbehaving. Even now, I told him to be here, and he calls me and tells me that he is in Leova and has no money to come to the meeting. We had an incident with him while he was on probation – he was stabbed in the leg at a disco.

*Is your son attending school?*

No, he did not graduate 9 classes and it's bad because we were thinking of sending him to a crafts school.

*What about employment?*

He has no job and there is trouble employing him as he has no legal documents.

*What about his current behaviour?*

He continues to steal money from me and from his grandmother.<sup>221</sup>

There is a clear difference in outcomes between the two case studies. In the first case study, the child's behaviour improved; he is pursuing educational and professional opportunities, and demonstrated confidence and hope for the future. In the second case study the child continued to exhibit offending behaviour and is not engaged in education or employment. While of course these differences in outcomes may be partly due to external factors, they also appear to relate to the quality of probation services that were offered to the two children.

<sup>220</sup> Individual interview, child on probation (M), Botanica Municipal sector, Probation Office, Chisinau, 25 February 2015.

<sup>221</sup> Individual interview, parent 1, Ialoveni Probation Office, Ialoveni, 11 March 2015.

## Good practice from the probation intervention in the first case study:

- The child reported meeting more frequently with a probation officer than many of the other children on probation who were included in the study;
- The child reported receiving psychological support;
- The probation officer supported the child to access educational and professional opportunities, after having consulted the child about his preferences, desires and goals;
- The child felt that the probation officer had his best interests at heart and did not feel any stigma or judgement.<sup>222</sup>

By contrast in the second case study the probation officer's services were much more limited. The probation officer did not assist the child to enrol in school nor to gain employment or professional training. The probation officer also failed to support the child in obtaining an ID document, which creates a barrier to accessing employment opportunities. Meetings with the probation officer do not seem to have had an impact on the attitudes or outlook of the child or his mother.

The following section explores in greater detail the nature of probation services delivered in Moldova.

### **Nature of intervention**

The study assessed the function of probation services in practice through interviews with probation officers in all five research sites, as well as children receiving probation services and their caretakers. The number of cases of children on probation was reported to be relatively low across research sites: In Ialoveni, 3 children were receiving probation services at the time that the study was conducted; in Soroca, there were 6 children. Rates were slightly higher in urban environments: in Balti municipality, the probation office reported to be currently providing probation services to 13-14 children; and in Botanica district (one of five municipal districts in Chisinau) 3 children are currently receiving probation services.

According to representatives of the Central Probation Office, the working methods applied by probation officers include the following:

1. *We start with the evaluation of the child's individual needs;*
2. *We have our first initial meeting with a child or beneficiary;*
3. *This is well organised by the probation counsellor: it is done in the presence of a parent or guardian;*
4. *After this there is an assessment and initial report – according to this individual care plan the child will participate in different activities. The implementation of the action plan involves key actors from civil society according to the child's needs. For instance, in some cases there may be a psychological intervention, or a medical intervention;*
5. *If the child is not attending school we will try to integrate the child into school. The probation officer will get involved in finding the child a job, or arranging further education for the child;*
6. *There are cases where the probation may intervene between the child and the parents – in a case where the child is not being cared for appropriately we involve the social assistance (the probation officer is not a universal solution);*

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<sup>222</sup> Individual interview, child on probation (M), Botanica Municipal sector Probation Office, Chisinau, 25 February 2015.

7. *We may try to get social assistance or material support for the child – according to the needs of the child we involve NGOs and government;*
8. *There isn't a case where everything is ideal, so the probation officer always tries to include bodies to contribute to the welfare of the child. If there is a family issue we cannot solve with probation psychologist we'll find the resources somewhere else.*

The nature and scope of services provided by probation officers in the research sites appear to vary significantly. At a minimum, respondents reported that children on probation (most of whom were serving a conditional sentence) are required to report to the probation office monthly: "There is no minimum requirement in law about the number of visits, but usually we meet with the child at least once a month".<sup>223</sup> Some probation officers also described conducting home visits:

***What activities do you have with children on probation?***

*"Meetings take place at the office once a month. The visits to the child's home take place at least once every three months. The probation officer asks the child to come to the office once a month to report what he/she has done for the past month. At the same time, the probation officer goes and sees the child and the parents at home, sometimes alone, but sometimes, depending on the case, together with other specialists, such as the psychologist or the police. Usually, we make referrals to the psychologist from the "Impuls" Centre, which is a NGO's project within the Town Health Centre. The services within this Centre are free of charge".<sup>224</sup>*

As mentioned in the interview excerpt above, probation officers collaborate with other agencies in the delivery of tertiary services (the extent and nature of this cooperation will be explored in greater depth below). Furthermore, probation officers play a key role in referring children to additional and relevant services, such as psychological support.

The case studies analysed above demonstrate that minimalistic interventions by a probation officer, which simply involve 'checking in' to ensure that the child is complying with the terms of a conditional sentence, are unlikely to have much impact on the child's rehabilitation and reintegration. As one child on probation explained, "*I come once a month to meet the probation officer. The probation officer asks if things are okay, if I behave, if I still live at home. The meetings take about ten minutes. In my case it is always the same person... I don't really find it to be a lot of use. They repeat the same things my parents are saying – that if I behave well I won't get into trouble. I don't really feel helped".<sup>225</sup>*

By contrast, several probation officers described providing more extensive services, and playing a much larger role in a child's life. These services included engaging with the child on his or her plans for the future, supporting the child to pursue educational and (pre)professional opportunities, and linking the child with various relevant support services:

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<sup>223</sup> Individual interview, head of the officer and officer who works with children, Probation Office, Ungheni, 18 May 2015.

<sup>224</sup> Individual interview, head of probation office, the Probation Office, Ungheni, 4 March 2015.

<sup>225</sup> Individual interview, child on probation, District Probation Office, Balti, 2 March 2015.

### ***When you are involved in a case of a child on conditional sentencing, what is your role?***

**Balti:** “Assisting the child, counselling the child, reintegration... so that the child does not end up on probation again. For example, we try to ensure that the child is enrolled in school and if the child is not attending we try to convince them to use their free time better. We contact other institutions and notify them on the status of the child and learn about options and actions. We meet on a regular basis including with the parents to discuss activities, and current conditions. We recommend a centre the child can visit (the centres will have a psychologist or SA professional). I also go to homes and visit the families. We do monthly home visits during the sentence serving stage”.

**Soroca:** “My job description is mostly about prevention services, legal counselling, psychological counselling, work with families and children and also work with other authorities from the state because we cannot solve issues alone. Our main job at the moment is how to find jobs for these children; we have a job centre but only for adults and they don't want to get involved with children. We apply to the child protection commission and they help find a placement for children if they need it. We help them to get ID cards... ID cards are requested if you are trying to go somewhere or get a job. We try to find place of work for these children because children are allowed to work 4 hours. For adults with a criminal record it's hard to get a job; it's even harder for children. They have a college in Soroca and we try to get them a placement there as it will be free for children without parental care”.<sup>226</sup>

The services mentioned above, which are largely consistent with the services described by probation representatives at central level, include: providing counselling; working with the child's parents and family; supporting the child to access other services; supporting the child to develop life skills, a 'life-plan' and future goals; organising extracurricular activities for the child; and working with the child's parents and family. It is also good practice that in several cases, probation officers reported conducting follow up visits to ensure that a child's schooling and care arrangements are working out: “I go to the temporary placement centre or school to see how he is doing twice a month, and visit him so that he feels he has people looking over him. If there are absences then I might go to school to discuss with the class master. At the same time, it's like a prevention activity so now he's aware that someone from school is looking out for him, someone at the TPC and someone here. I have convinced him to go to another school with additional classes so that he can get better results in his final exam. So I told him if he works hard there are opportunities for him”.<sup>227</sup> Finally, this quote illustrates how important it is for a child to feel that there is someone invested in his or her wellbeing.

### ***Pilot Programme***

Whilst several of the probation services assessed for the study appeared to be limited in both scope and impact, particularly in more remote parts of the country - “in the rural/remote areas we do not have specific specialised services”<sup>228</sup> - the service is in the process of being both strengthened and expanded. As representatives of the Central Probation Office told researchers, “We are developing our work regarding the interaction between the officer and the child, and skills working with beneficiary”.<sup>229</sup> For instance, according to the Central Probation Office, the probation service will be implementing new services focussed on reducing violence, and providing children with life-skills, as part of their interventions for children on probation: “This is a programme that is individually tailored to the child's needs. We teach them communication skills, not to be aggressive, stress anger management, how to write a CV, how to interact with authorities”.<sup>230</sup>

<sup>226</sup> Individual interview, probation officer, Probation Service, Soroca, 25 February 2015.

<sup>227</sup> Individual interview, probation officer, Probation Service, Soroca, 25 February 2015.

<sup>228</sup> Focus group discussion, Director and members of staff, Central Level Probation Office, Chisinau, 18 May 2015.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

A version of the service has been piloted in 15 districts, and services will be implemented throughout the country in September 2015.

Researchers spoke to probation officers implementing the pilot programme in Floresti and Ungheni:

In Floresti, the programme reportedly took place over a period of 10 months, and involved monthly group work sessions with a psychologist, culminating in an exam: “*At the session, they get on the same level as the kids and work on the reasons the kids had for offending... The psychologist works more with children about their feelings – they ask, when you committed that offence, what did you feel? They try to give examples of alternatives...how to release anger, etc.*”.<sup>231</sup>

A probation officer who observed the programme, and worked with child participants, reported that the programme had positive results, and children enjoyed participating: “*When I would say to the children ‘the class is on this date’ they were all enthusiastic and keen to take part. They are happy to work together. Also, there is a psychologist there. I observed that after they have attended the course, the children are more and more focussed and interested in the subject. They would be quiet at first, but then they would get more and more involved during that session*”.<sup>232</sup>

In Ungheni, the programme was also implemented over 10 sessions. According to the probation officer involved in its implementation, “*the positive aspects of the programme were that the children felt their views were being listened to, that they were ‘heard’, that they could express themselves – they felt important. During the training we were on the same level – we all described what we would do in certain situations*”.<sup>233</sup>

Yet she explained that the programme was poorly financed: “*there was a lack of financial means – I had to pay for the children’s transport and provide them with food from my own pockets. I wouldn’t like to do it again because it was too much pressure on me*”.<sup>234</sup> The programme also appears to be inappropriately staffed: “*I am a lawyer and I would prefer to have a psychologist in the programme as they could do this better*”.<sup>235</sup>

Despite these limitations, which should be addressed when the programme is replicated, the programme appears to have had an impact on participants: “*We did an appraisal and assessment - they [were asked to] identify positive and negative characteristics in themselves. At the beginning they just say positive thing; that they are clever and they are the best and at the end they are more willing to talk about their bad characteristics and to work towards improving their way of being*”.<sup>236</sup>

### **Training and expertise**

Probation officers interviewed for the study reported receiving training from the Central Probation Office in collaboration with partners including the National Institute of Justice and NORLAM. In Ungheni, Soroca and Balti officers also reported having received training in 2014 from the Institute for Penal Reform. This training was a UNICEF funded pilot – the curriculum from the pilot was approved by the Central Probation Office, and will now be applied nationally.<sup>237</sup> Training was reportedly intensive in 2008 when the service was first coming into force, but has continued to be offered by the Central

<sup>231</sup> Individual interview, probation officer, Probation Service, Soroca, 25 February 2015.

<sup>232</sup> Ibid.

<sup>233</sup> Individual interview, head of the officer and officer who works with minors, Probation Office, Ungheni, 18 May 2015.

<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid.

<sup>237</sup> Information from UNICEF.

Probation Office on a regular basis: “The probation office offered trainings from 2008 – 2013, most of them occurred before 2010”.<sup>238</sup>

Based on interviews with probation officers, it appears that the content of training has focussed on probation officers’ procedural responsibilities: “*we had training on different topics, such as: the role and responsibilities of probation officers at work and how to do the pre-sentence report*”,<sup>239</sup> “*The training focussed on developing the pre-sentence reports (what to include, how to complete them, etc)… We were taught how to draft the report, which institutions to work with, how to cooperate with other institutions and how to get involved in a case in order to resolve the child’s situation*”.<sup>240</sup> There appears to be a need for more specific training on working with children, and particularly providing psychological guidance and support to a child. Indeed, the lack of training in this area may explain probation officers’ reluctance or inability to engage more substantively with children on probation. Several probation officers told researchers that it would be helpful to appoint a child specialist with expertise on working with children. Others emphasised that they “*would like to have more training on the child’s psychology, and how I should correctly question this child*”.<sup>241</sup>

The need for additional training and expertise in working with children and providing psychological/counselling services is unsurprising given that the probation service is reportedly largely staffed by lawyers. “*We mainly started staffing lawyers, because historically our activity was concerned with jurisprudence so the tendency was to hire lawyers. Now we are trying to employ people with backgrounds in social assistance / psychology*”.<sup>242</sup> Indeed, the Central Probation Office reported plans to staff their own psychological service: “*This is why the increase in psychologists is a priority. We have allocated funds for 42 in-house psychologists in every district*”.<sup>243</sup>

### **Collaboration with other services**

Collaborative working methods are critical to the effective provision of tertiary services by the probation office; in order for tertiary prevention services to be effective they must be holistic, particularly where there are underlying causal factors for a child’s offending behaviour. Collaboration with social assistants is particularly important. As a probation officer in Chisinau explained: “*The probation office itself does not have much action to take but can provide information on the needs of current beneficiaries (children on probation). Forms of support available to these children include: meeting with the psychologist, various forms of aid (clothing, access to centres, food); we connect the person to the employment office (through child protection if we are talking about children), so they can matriculate at a craft school or organise an internship*”.<sup>244</sup>

Multi-agency collaboration appears to be functioning effectively in most of the research sites. Where respondents described collaboration with social assistants to be ineffective, they attributed this to the limited nature of services provided by social assistants generally, rather than a problem with collaboration itself. For instance, when asked about, a probation officer in Chisinau explained that “*I don’t have any problems with communication at the municipal level. The child protection service is constantly in contact with us. What I find to be an issue is the amount of aid offered by the social assistance and the availability of resources generally*”.<sup>245</sup> His comments demonstrate the fact that in order for tertiary prevention services to be effective, strong primary prevention services must be in place. Indeed, in Ungheni the lack of effective social services has led to a complete breakdown in cooperation between the probation office and social assistants: respondents reported that

<sup>238</sup> Individual interview, probation officer, Probation Service, Soroca, 25 February 2015.

<sup>239</sup> Individual interview, head of probation office, the Probation Office, Ungheni, 4 March 2015.

<sup>240</sup> Individual interview, probation officer for cases involving children, District Probation Office, Balti, 2 March 2015.

<sup>241</sup> Individual interview, head of probation office, the Probation Office, Ungheni, 4 March 2015

<sup>242</sup> Focus group discussion, Director and members of staff, Central Probation Office, Chisinau, 18 May 2015.

<sup>243</sup> Ibid.

<sup>244</sup> Individual interview, Chief Probation Officer, Botanica Municipal sector Probation Office, Chisinau, 25 February 2015.

<sup>245</sup> Individual interview, Chief Probation Officer, Botanica Municipal sector Probation Office, Chisinau, 25 February 2015.

*"The Probation Office does not really work very closely with the Social Assistance Department since they have not got the services in place for the child's needs and they mainly focus on financial support for the family only. They might talk a lot saying that they have developed a lot of services, but we all know that when it comes to results, they are very poor.<sup>246</sup>*

## **5.3. TERTIARY SERVICES FOR CHILDREN IN CUSTODIAL SENTENCES**

Tertiary prevention services are particularly crucial for children who have served a custodial sentence. Children who have served a custodial sentence have been separated from family and community and are likely to face greater levels of stigma and isolation on release than children given a non-custodial sentence. Staff in Goian have also noted that "*children are placed in penitentiaries when there is a high risk of recidivism*"<sup>247</sup>, which makes tertiary services more critical in these cases. Thus it is essential that tertiary services both support a child through the process of reintegration, and provide them with the skills and capacity necessary to facilitate their re-entry into society.

According to the Department of Penitentiary Institutions, there are currently 33 children serving custodial sentences in Moldova: 32 are held at Goian penitentiary for boys (recently opened on 7<sup>th</sup> May, 2013) and 1 (a girl) is held in Rusca Women's penitentiary, No. 7.<sup>248</sup> A juvenile penitentiary for girls has not been created in Moldova because the number of girls serving a custodial sentence is consistently low, and to place them in a separate institution from women would be necessarily isolating. This number does not include children held on pre-trial detention who will not go on to receive a custodial sentence due to acquittal at trial or because the sentence has already been served as a result of the time spent in pre-trial detention.

Tertiary services are well developed at Goian. The institution takes an approach of re-education through pro-active methods, which are participatory and focussed on life skills development. Tertiary services provided within the institution appear to be a success; recidivism rates amongst children released from Goian are reported to be significantly lower than for children held in other penitentiary institutions.<sup>249</sup> According to staff at Goian, tertiary services are tailored to the individual needs of each child, and focus on addressing underlying conditions that led to offending behaviour.<sup>250</sup>

### ***Services that support reintegration***

*"They get support to develop self-esteem and vocational training. We want them to have as many skills as possible when they get out. They all take part in the "preparation for freeing programme" which comes 6 months before the end of the sentence. The "preparation for freeing programme" includes informative meetings organised by Goian employees and probation officers from the district. They come two times a week and do informative seminars".<sup>251</sup>*

Tertiary services in Goian include services designed to prepare children for their re-entry into society. According to NORLAM's annual report, 'A release-coordinator post, within the probation service, but based at the prison was established in May 2013 to prepare children for release and in particular, to create a positive network for the child on release'.<sup>252</sup> When asked about arrangements for his departure, one child in Goian told researchers; "*There is a lady here who is able to assist me. She is*

<sup>246</sup> Individual interview, head of probation office, the Probation Office, Ungheni, 4 March 2015.

<sup>247</sup> Focus group discussion (4), Chief of Department of Penitentiary Institutions and colleagues, Department of Penitentiary Institutions, Chisinau, 23 February 2015.

<sup>248</sup> Focus group discussion, Central Probation Office, Chisinau, 18 May 2015.

<sup>249</sup> "Creating a Model Prison for Juveniles According to European Standards," Presentation, Norwegian Rule of Law Advisors to Moldova.

<sup>250</sup> Individual interview, young man convicted of an offence, Goian, Juvenile Penitentiary, Chisinau, 23 February 2015.

<sup>251</sup> Focus group discussion ( 6), Goian penitentiary for boys, Chisinau, 18 May 2015.

<sup>252</sup> The Norwegian Mission of Rule of Law Advisers to Moldova (2013) "Annual Report." p. 7.

*a psychologist – a psycho-pedagogical assistant. I think I learned a lot from this person while being here, even things I might not have learned outside... I was taught how to behave when I get outside, especially with people who will stigmatise me as a former criminal; to avoid confrontation, not to overreact. We were trained in various elements – how to speak properly and use the appropriate vocabulary".*<sup>253</sup>

Children in Goian are given significant psychological support, which may help to prepare them to enter the outside world. As one prisoner explained, "*I had a fear of being lost when I go outside, but the psychologist explained to me that all these thoughts are only in my head – I should drop my fears and move forward*".<sup>254</sup> According to staff members at Goian, psychological services include group courses on behaviour redirection or establishing trust in authorities – "*we explain a guardian is not a bad guy with a stick, but a friend and mentor who can engage them!*" - as well as individual psychological counselling, particularly for children who require special attention.<sup>255</sup> Psychological services appear to be more limited in Rusca: when asked if there was anyone at the penitentiary who she could speak to about her situation, difficulties she faced growing up, her concerns for the future, etc, a girl in custody at Rusca responded that she had not had the opportunity, and that she would be uncomfortable doing so.<sup>256</sup>

### **Services focussed on education and skills**

It is also critical that children serving custodial sentences are able to access services designed to equip them with the skills to successfully reenter a community, and, in particular, to enable them to succeed within that community / assume a constructive role in society. In Goian extensive services relating to education, life skills and vocational training are offered. These include basic literacy and numeracy; education up to the 9<sup>th</sup> grade; and professional courses such as manual work, sewing, wood-working and other crafts: "*We are training them for a good profession such as to be a cook, a hair stylist – there is a high demand for these professions and they are not badly paid!*".<sup>257</sup> These services ensure that children leaving Goian are prepared to re-enter their community. For instance one boy, who was going to leave the institution in three days' time told researchers he felt well qualified after his time in the institution. "*I finished my school here. A teacher came to the penitentiary to teach 8<sup>th</sup> and 9<sup>th</sup>, so I have a certificate and three professions; I can be a cook, a hairstyle and a shoe maker*".<sup>258</sup>

While these services appear to be more limited in Rusca, a child interviewed at the institution reported that she does attend school: "*I have classes from 8:30 – 11:30; the teachers come from a nearby school. I'm interested in what I am learning, and the teacher treats me well*".<sup>259</sup>

Educational and personal development activities are important in that they place young people in a more secure and advantaged position when they re-enter society. These activities can also help children to learn how to develop and pursue goals, to establish a sense of purpose, and to construct an identity that does not relate to offending behaviour. This is illustrated by the following case study:

<sup>253</sup> Individual interview, young man convicted of an offence, Goian penitentiary for boys, Chisinau, 23 February 2015.

<sup>254</sup> Ibid.

<sup>255</sup> Focus group discussion (3), Chief of department for 'second phase', social assistant, lawyer, Goian penitentiary for boys, Chisinau, 23 February 2015.

<sup>256</sup> Individual interview, child in detention (F, 16), Rusca Women's Penitentiary (No. 7), 27 February 2015.

<sup>257</sup> Focus group discussion (4), Chief of Department of Penitentiary Institutions and colleagues, Department of Penitentiary Institutions, Chisinau, 23 February 2015.

<sup>258</sup> Focus group discussion (3), Chief of department for 'second phase', social assistant, lawyer, Goian penitentiary for boys, Chisinau, 23 February 2015.

<sup>259</sup> Individual interview, child in detention (F, 16), Rusca Women's Penitentiary (No. 7), 27 February 2015.

## Case study 6

I start with locksmith classes. Also, I work as an assistant cook in the penitentiary. The afternoon is free – I take time for physical activities, I go to the gym, or to the library where I have access to books... I feel I get a lot more use out of work, classes, the gym and library. I enjoy the kitchen a lot – I'm thinking of becoming a professional cook. I like cooking meat but there is not a lot of meat here. When we had courses I enjoyed that. My mother advises me – she insists on my education, so I took that advice. She said – take as much as you can from this institution. I also quit smoking and came back to the gym. I feel things are getting better. I graduated 9 classes and they have promised to provide me with high school studies. It is still pending. I will do my best to graduate.<sup>260</sup>

### *What could be done to prevent you from reoffending?*

I need to focus on what I feel I need to do after I leave. My goal is to have a family and have a job; to earn money, not to steal and to avoid illegal activity. I am confident – I know I will not come back here.<sup>261</sup> I feel this penitentiary changed me radically – this facility developed my sense of desire to obtain more. Slowly I am earning one thing after another.<sup>262</sup>

## 5.4. POLICY AND REINTEGRATION

In addition to providing tertiary services, Goian has also adopted several commendable policies that help to facilitate reintegration and ultimately prevent recidivism. For instance the director of the Goian institution explained that whenever possible, staff at Goian encourage the court not to move a prisoner to an adult penitentiary, even after he turns 18. According to staff this is a problem at present, given that the decision to transfer the detainee is made at the discretion of the court. While members of staff may make a recommendation to the court, they explained that the court will often dismiss the recommendation and order the transfer to an adult institution, “*which can lead to a loss of all the effects done here*”.<sup>263</sup> This reportedly happens in 60% of cases. Staff at Goian are currently advocating for increased power in decision-making on the issue. According to the lawyer at the institution, staff members have submitted a request to the Supreme Court of Justice, demanding greater input.<sup>264</sup>

Goian also takes measures to prevent a child from experiencing stigma after he leaves the institution, such as ensuring that the child’s time in penitentiary is not recorded on official documents. “*We make sure that children have a certification of secondary studies form a school nearby – it is not written that they finalised their studies in a penitentiary. We make sure all of their documents are recognised so that there is no evidence they were in the penitentiary and they are not stigmatised*”.<sup>265</sup>

Goian does not provide any official follow up with children who have been released from the institution.<sup>266</sup> Staff emphasised the importance of informing children about the range of services that are available in their communities in order to prevent future offending, and the damage that could be done when a child returned to a damaging home environment: “*Our functions are confined to handing over the child to the environment where he came from – a lot of children benefit for the first time from a TV, a library, and seeing the alphabet (especially those that come from Roma communities)*”.

<sup>260</sup> Focus group discussion (3), Chief of department for ‘second phase’, social assistant, lawyer, Goian penitentiary for boys, Chisinau, 23 February 2015.

<sup>261</sup> Individual interview, young man convicted of an offence, Goian penitentiary for boys, Chisinau, 23 February 2015.

<sup>262</sup> Individual interview, young man convicted of an offence, Goian penitentiary for boys, Chisinau, 23 February 2015.

<sup>263</sup> Focus group discussion (3), Chief of department for ‘second phase’, social assistant, lawyer, Goian penitentiary for boys, Chisinau, 23 February 2015.

<sup>264</sup> Ibid.

<sup>265</sup> Ibid.

<sup>266</sup> Focus group discussion (6), Goian penitentiary for boys, Chisinau, 18 May 2015.

*When they return to their own families there might be a difference – in one case a mother was drunk when we handed over a child and did not remember his name. The child was given an allowance (there is a one time allowance in law when the child is released – 2,800 MDL). The child used this money to prepare documents and leave the country to work with father abroad. It was not a good case or a happy ending for Goian".<sup>267</sup>*

## 5.5. GAPS IN TERTIARY PREVENTION

In conclusion, the main gaps in tertiary prevention services include a lack of engagement by probation officers, or specialised services to which they can refer children who are on probation. Probation services appear to lack the tools and support to carry out more substantive engagement with children on probation. This may require additional training; particularly as probation officers included in the study reported the training they've received on actual engagement with children to be rather minimal. Given this, the government's plans to staff each probation service with a psychologist is a promising development. Finally, probation officers should be able to provide or refer children to: individual and family based therapy or counselling services; courses focussed on life skills, social skills, anger management and behavioural change (such as those delivered in Goian, or the pilot project); and vocational training programmes. The expansion of the life-skills and behaviour management services that have been piloted in several districts, if delivered effectively, is likely to fill this gap.

Another critical gap in tertiary services relates to services for children who have served custodial sentences. It is essential that a practitioner, such as a social worker or probation officer, take responsibility for follow up with children (and young adults who served sentences as children) when they are released from custody. This follow up should include ensuring that children are enrolled in a post-release programme and that appropriate arrangements have been made for their housing, education, employment, etc. The referral process currently taking place between Goian and local services appears to be insufficient. Without such services, the positive rehabilitative work that has occurred in Goian may be undone:

*"We are aware of one case of recidivism since 2013. It is due to a lack of income source after they get out - they have no source of survival. Only one that they know is to start stealing. It happens with children that do not have a place to go".<sup>268</sup>*

Finally, there is a need to ensure that children who have served both custodial and non-custodial sentences receive the support necessary to ensure that their basic needs are met and that they have appropriate parental care. A failure to meet basic needs can entirely undermine the effectiveness of efforts to reintegrate and rehabilitate a child, and lead them to re-offend. As put by a probation officer in Soroca when asked about the likelihood of a child reoffending:

*"They need help with a place to live after they turn 18 and with work – if they do not have any other income sources he is likely to re-offend... the main challenge for all children on probation are financial issues and lack of parental care".<sup>269</sup>*

<sup>267</sup> Ibid.

<sup>268</sup> Focus group discussion (3), Chief of Department for 'second phase', social assistant, lawyer, Goian penitentiary for boys, Chisinau, 23 February 2015.

<sup>269</sup> Individual interview, probation officer, Probation office Soroca, 25 February 2015.

# CONCLUSIONS

This report presents research and analysis from a study designed to assess needs of primary, secondary and tertiary prevention services for children in conflict with the law in Moldova. The study began by establishing the greatest risk factors for children coming in conflict with the law, and the underlying causes of juvenile offending in Moldova. It then set out the results of an assessment of existing services for primary, secondary and tertiary prevention in Moldova. Through analysis of existing services (and what they can and cannot achieve) in light of the needs of 'at-risk' children, the study has identified a number of gaps in prevention services in Moldova. Developing services to fill these gaps will be critical for the Moldovan government's efforts to prevent juvenile offending. Recommendations for specific measures the government can take to improve services and fill gaps are set out in the proceeding section.

The study found that at the community level, there are a number of risk factors that contribute to juvenile offending, which include: lack of accessible, age appropriate and engaging activities; lack of resources within schools; lack of family support from child protection services, poverty and discrimination against particular groups of children (Roma, adopted, children with special educational needs). Causal risk factors for juvenile offending including those associated with the family environment were found to include: lack of appropriate care or neglect; parental alcohol misuse; violence and abuse; poverty; disabilities or health problems; poor parenting skills; unemployment; and movement. At the individual level, children at-risk of offending had often experienced abuse and/or neglect, health problems, disability, mental health problems, loss and abandonment. They were also found to be more likely to be absent from school, abuse alcohol or drugs, or engage with persons who are a negative influence.

In order to address these risk factors, and thus effectively prevent offending, the study identified the current preventive services available in Moldova and assessed their ability to ameliorate the risk factors currently suffered by children at-risk of offending (and their families). Whilst some of the risk factors are being addressed by existing services, the majority are not being adequately addressed. The most important needs identified by the study in the categories of primary prevention services, secondary prevention services and tertiary prevention services and a preliminary approach to addressing them are set out below.

## **6.1. PRIMARY PREVENTION**

The study identified the need for earlier identification of, and stronger services to respond to, child protection concerns, particularly in cases where children are experiencing child protection risks at home. These should include: services to promote the recovery of the child, such as counselling or other forms of therapy; improved assessment and monitoring by social assistants; support services for parents, including services designed to promote positive parenting skills and alternative care options (including temporary placement centres). The study also found that children may often require services to ensure that their basic needs, such as food, clothing and shelter, are met. Families need support to access the financial allowances to which they are entitled, and to access forms of material support. There also needs to be an increase in alternative care arrangements for children at risk of offending who cannot be cared for at home or who are without parental care.

- The recently established multidisciplinary teams are likely to improve processes of identification and referral, and have reportedly done so in some cases. Findings indicate that early intervention is needed and that child protection services need to be more pro-active rather than waiting for a crisis before taking action. Human and professional capacity needs to be enhanced if this primary prevention service is to be effective. *Consideration needs to be given to developing specialist, inter-disciplinary, early intervention services for children exhibiting anti-social and offending behaviour. Services should be developed to provide children at-risk with access to extra-curricular activities (cultural, arts, sports), vocational training, mentorship programmes, behavioural therapy, and life skills training to build their self-esteem and resilience.*
- The research found that poor school performance, disengagement from school and school absenteeism are important risk factors for developing offending behaviour. The establishment of the SAP service has created a mechanism for providing educational support to children with learning difficulties and also facilitating the return to school for children transferring from residential institutions or those who have not been regularly attending. The SAP service is still limited in scope, and needs to be made more accessible, particularly to children in rural areas.
- Finally, given that discrimination towards children from particular backgrounds (Roma children, vulnerable children, children from residential schools, children with special educational needs, etc.) was found to be a risk factor contributing to offending behaviour, it may be useful for the government to consider anti-discrimination measures, including sensitisation and awareness-raising.

## **6.2. SECONDARY PREVENTION**

Respondents described a shift in approach to juvenile justice, which acknowledges that children accused of offending should be diverted from the criminal justice system where possible, and, in particular, that judges should avoid handing down custodial sentences to children. While this emerging norm is successfully reducing the number of cases of juveniles in detention and may also relate to reductions in juvenile offending, alternative approaches to address offending are limited. When cases are diverted from the criminal justice system this is frequently because an (informal) agreement is reached with the victim and a financial compensation paid, or the case is terminated under Article 109 of the Criminal Code. There are few diversion programmes which address offending and, as a result, recidivism remains a significant issue.

## **6.3. TERTIARY PREVENTION**

The establishment of probation services is a welcome development that promises to strengthen non-custodial sentencing options and the reintegration and rehabilitation of children who have come into contact with the justice system. Furthermore, services provided as part of custodial sentences at Goian penitentiary for boys appear to prepare children extremely well for reintegrating into society. The findings indicate, however, that, in some cases, tertiary services have not been coordinated effectively with services provided by other actors to ensure a child is able to access services that address the causes of offending (i.e. ensure the child is in appropriate care, is enrolled in appropriate professional and educational opportunities, has access to counselling and psychological support, etc.). Without such services, children are likely to reoffend.

- It is necessary to strengthen cooperation between probation officers and other services, in particular, social assistants and psycho-pedagogical assistants;
- Probation officers would benefit from training on how to develop a rehabilitation and reintegration plan together with the child (and family where necessary), which sets out both a programme for meetings with probation officers and access to / engagement with other services;
- Support programmes need to be developed and be made available when a child is released from a custodial setting or reaches the age of 18 in the community where he/she is cared for by child protection services.

Finally, particularly given the multidisciplinary nature of prevention, there is a need for improved coordination between various implementing partners and clarity on who is the responsible authority at each particular stage. These goals may be achieved through the development of a national juvenile delinquency prevention strategy or action plan.

## **RECOMMENDATIONS**

The main gaps in prevention services identified in the research can be summarised as follows:

- Early identification of at-risk children;
- General prevention services to build resilience and address underlying risk factors for at risk children and families need to be developed / expanded and strengthened;
- Targeted prevention services for children below the minimum age of criminal responsibility (MACR) who are exhibiting anti-social behaviour and children who are above the MACR but have been diverted from the criminal justice system.

### **I. GENERAL SERVICES**

*The recommendations for the development, expansion and improvement of general services are set out below:*

#### **1. Continue efforts to strengthen the child protection system**

A strong and effective child protection system is perhaps the most important preventative service: the on-going efforts to develop and strengthen the child protection system in Moldova should be prioritised as part of any initiatives to establish preventative services.

- (Continue to) provide practitioners with capacity building in identification and referral of children at-risk of abuse and neglect;
- (Continue to) develop the capacity of relevant personnel to deliver counselling and psychological support to children and families;
- (Continue to) strengthen and develop alternative care options, including both emergency temporary placement centres and (in particular) long term care options, such as fostering and adoption.

#### **2. Mentoring programmes / extracurricular activities for children**

*The research demonstrated a clear need for increased engagement and activities, as well as support and guidance for at-risk children.*

- This could be achieved through mentorship programmes, whereby non-professionals from the community (such as an older young person) spend time with an at risk young person on a regular basis to provide the child with a trusting and supportive relationship. Evidence has shown that these meetings have to be consistent and involve a significant time commitment in order to be effective, i.e. weekly meetings for a period of around 5 hours.
- Both 'at-risk' children and caretakers could benefit from access to advising and guidance on employment and career planning.
- Both schools and day centres should provide age appropriate extra-curricular activities and services (or resources about how to access them: examples of existing activity based services in Moldova which appear to be effective can be found in the Section 3.4 of the report).

### **3. Training and parenting support services for parents and caretakers**

*Research findings demonstrated a clear need for the development of parenting services including support groups and training.*

*Good practice examples:*

**Terre des Hommes Model:** Terre des Hommes is implementing training courses in schools for parents. They have developed a sustainable model, whereby deputy principals at schools are trained to deliver material and facilitate group work with parents on communicating with their children, addressing behaviour issues, etc. The model is presented in detail in the section 3.4 of the report.

**FAST (Families and schools together):** ‘FAST’ is a parenting programme available in the UK which is focussed on improving children’s engagement in schools and promoting parents’ positive involvement in a child’s education.<sup>270</sup> Parents with children in primary school are invited to attend weekly sessions where parents and children participate in structured activities. They then attend monthly meetings with graduates. The programme focuses on strengthening connections between children and parents within a community; helping parents to get involved in their children’s education; and helping children improve their skills in reading, writing and maths. Research has shown that the programme improves a child’s engagement at school and reduces conflicts within families.

**Young Mums to Be / Parents with Prospects:** Young Mums to Be and Parents with Prospects are UK based programmes that are targeted at parents with very young children – it is important to establish strong parenting skills from early on in a child’s life. ‘Parents with prospects’ is a training programme provided across the UK to support parents and children from 0-3 years old.<sup>271</sup> It includes resources and information on parenting skills and techniques, facilitates discussion and mutual learning between groups of parents, provides parents with an opportunity to ask questions and develop their confidence, and develops communication skills within the entire family. ‘Young Mums to Be’ is a similar programme developed specifically for teenage mothers who are expecting.<sup>272</sup>

*Parents may be referred to these services through schools and health services.*

### **4. Family group counselling services**

Family group counselling aims to improve a child’s home environment, through addressing sources of conflict within the family, improving relationship, support and care, and increasing the child’s self-esteem and resilience.

*Good practice examples:*

**FFT (Family functional therapy):** This intensive family therapy programme can provide support to families that are experiencing conflict or behavioural problems.<sup>273</sup> The programme takes place over 8 – 30 sessions. The first phase of sessions focuses on identifying the problem and reframing it to reduce negative perceptions and behaviours; the second phase focuses on developing conflict managements and behavioural skills; the third on learning to apply them in school, home, community and other environments.

<sup>270</sup> <http://familiesandschoolstogether.com/content/about-fast>

<sup>271</sup> <http://www.nclp.org.uk/future.asp>

<sup>272</sup> <http://www.ymtb.org/>

<sup>273</sup> Ross, A., Duckworth, K., Smith, D. J., Wyness, G. and Schoon, I., “Prevention and Reduction: A review of strategies for intervening early to prevent or reduce youth crime and anti-social behavior” *Department for Education Research Report DFE-RR111*, p.24.

The **family functional therapy programme** has been implemented in a number of countries, including Sweden.<sup>274</sup> The Swedish programme focuses on obtaining outcomes that will make a family more functional in a particular context with particular resources and value systems. It tries to strengthen protective factors and eliminate risk factors through engagement with relationships, and behaviours within a family. In an evaluation, this programme was shown to save the taxpayer \$10.67 per \$1 invested.<sup>275</sup>

## 5. Results based financial support

*Consistently, throughout the research, practitioners expressed concern that even if services were made available, children, families, and particularly parents would be resistant to accessing them. Data collected from children and families, as well as NGO programme staff who had been involved in the provision or services, suggests that there is demand for these services, and that once parents and children overcome the stigma associated with them they are likely to access them. However, in some cases where parents are particularly resistant it may be helpful to create incentives or conditionalities for behavioural change, participation in services, or other outcomes.*

Participation in services can be part of a court-issued conditional sentence for a child or adult (this may be a preferable alternative to issuing a fine for the administrative offence of neglect).

*Good practice example:*

The Troubled Families Programme is a UK government scheme designed to help troubled families “turn their lives around”.<sup>276</sup> The Programme includes regular meetings between families and a local public authority who will help them to identify goals and set realistic targets. The family is awarded financial assistance as part of the programme: a proportion of this is unconditional, and the remainder is conditional upon meeting the target goal. Families participate in the programme for 3 years, and each year the proportion of the assistance that is conditional increases. The programme is thought to be effective because it empowers its beneficiaries to take control of their lives and provides them with the structure and support to do so. It has also been shown to save the UK taxpayer money – for every dollar invested in the programme, 2.2 dollars in costs to the state (such as the burden troubled families impose upon public services) are estimated to have been saved.

When considering such a programme, it is important to ensure that financial assistance, which families already receive is not made conditional – this assistance should be made available *in addition* to existing financial assistance.

## II. TARGETED SERVICES

Particularly given that targeted programmes for children who have been convicted of an offence (tertiary prevention services) have been developed and are about to be implemented in Moldova (see section 5.2 of the report), recommendations for services that target particular groups of children will focus on two target groups: children with anti-social behaviour who are below the minimum age of criminal responsibility; and children who have committed an offence, but are legally eligible for diversion out of the criminal justice system.

<sup>274</sup> <http://www.fft-sverige.se/files/pdf/workshop-alex-1.pdf>

<sup>275</sup> <http://www.fft-sverige.se/files/pdf/workshop-alex-1.pdf>

<sup>276</sup> [www.gov.uk/government/publications/troubled-families-programme-progress-information-at-december-2014-and-families-turned-around-at-february-2015](http://www.gov.uk/government/publications/troubled-families-programme-progress-information-at-december-2014-and-families-turned-around-at-february-2015)

Practitioners participating in the research strongly emphasised the need for targeted programmes to address children with anti-social behaviour who are below the minimum age of criminal responsibility. Also, as demonstrated in the Secondary Prevention Services chapter of the report, services for children who are diverted out of the criminal justice system are extremely limited in Moldova. The general services outlined above are likely to be relevant to these groups of children. However, they are also likely to require more intensive interventions, to ensure that offending behaviour is addressed.

Although these two groups are distinct with regard to their legal status, they are likely to be exposed to similar risk factors, are often exhibiting similar behaviours, and thus have need for a similar set of services.

### ***Establishing a family-focussed diversion programme:***

*Evaluations of such programmes (most of which have been done in the US) demonstrate the importance of focussing resources in order to achieve impact. Family focussed diversion programmes can be very effective when they are properly resourced and implemented, and delivered to particularly “high risk” juveniles.<sup>277</sup> This suggests that targeted programmes with intensive services are a valuable addition to the more generalised services described above, even though many of the services that they include may replicate general services.*

#### **What does a family focussed programme look like?**

Family focussed diversion schemes are often run by community-based programmes; children remain at home or in provided accommodation (if they are without parental care), although placing a child in a residential home should be avoided if possible. An individualised rehabilitative programme will be developed for each child based on his or her particular situation and needs. This programme will involve a range of services (see below), and require regular and intensive meetings with a designated supervisor. Programmes have been shown to be more effective where a dedicated case work is present to oversee and coordinate programme activities.

#### **Who would qualify for the scheme?**

Referrals to the scheme could be made by police, prosecutors, courts and social workers/social assistants. The scheme could include children with anti-social behaviour below the MACR; children in contact with the law; and (potentially) children serving a custodial sentence.

#### **How would children become involved in the scheme?**

In order for children to become involved in the scheme, they would need to acknowledge their guilt and consent to participation. Children, parents and guardians must also agree to participate, including to a detailed plan of action, which sets out a schedule of activities and specific goals.

#### **What services would the scheme include?**

The services to be included in the plan would be based on an initial assessment of the child and family, which attempts to identify any risk factors that the child is experiencing as well as the underlying causes of offending/anti-social behaviour. Services will be selected to address these and may include a range of the following: *group (family) and one-to-one counselling; family conferences; mediation services; parenting skills training; remedial education activities; legal assistance; vocational training; arts and cultural activities; sports activities; game therapy and other forms of support.*

<sup>277</sup> Ross, A., Duckworth, K., Smith, D. J., Wyness, G. and Schoon, I., "Prevention and Reduction: A review of strategies for intervening early to prevent or reduce youth crime and anti-social behavior" Department for Education Research Report DFE-RR111, p.19.

Existing evidence suggests that programmes which employ a multi-modal design, where a broad range of interventions are applied to address all potential risk factors are the most effective.<sup>278</sup>

### **III. COORDINATION**

*Finally, the study demonstrates a need for coordination between the number of actors and agencies who are relevant to the provision of preventative services.*

- A number of government agencies play a role in addressing the risk factors associated with child offending – their roles should be coordinated more effectively;
- Much of the capacity work and service delivery relating to prevention services in Moldova is funded by international donors and implemented by national (and local) NGOs. A significant amount of funding has been invested in the system, yet improved cooperation and coordination are needed to ensure that these efforts complement each other.

To this end: the Government should explore the possibility of developing a national juvenile delinquency prevention strategy or action plan, which could set out and coordinate activities between both government and non-governmental actors.

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<sup>278</sup> Ross, A., Duckworth, K., Smith, D. J., Wyness, G. and Schoon, I., "Prevention and Reduction: A review of strategies for intervening early to prevent or reduce youth crime and anti-social behavior" *Department for Education Research Report DFE-RR111*, p.3.



