

REPORT:

# The Utility of Community-Based Services as a Response to Juvenile Delinquency in Ukraine

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## OVERVIEW

This report focuses on the adherence to International Standards by Ukraine, as it relates to justice for juveniles in conflict with the law. Hindrances to the administration of child-friendly justice include: restricted options for supporting arguments against juvenile criminal liability, a poverty of alternative legal procedures for the extrication of juveniles from the criminal justice system, and limited non-custodial options for delinquency correction. It is strongly recommended, that instead of punitive methods, a court should consider [various alternatives](#) that alleviate the risk of infringing on the liberty of children. Similar to other jurisdictions that have made more advances on the matter, Ukraine can benefit from the proven social and economic advantages of a child-appropriate approach to juvenile criminal justice. Moreover, on the grounds of morality and legality, it would evidentiare compliance with globally sanctioned objectives for the implementation of child-friendly justice.

The core of the analysis will be premised on a blend of, qualitative feedback from Ukrainian professionals, multiple genres of scientific evidence, and hopeful outcomes from community-based responses to treat with juveniles in conflict with the law in other countries. As a rights-based issue, clearly stated international human-rights obligations towards children will first be briefly reflected upon. With the goal of emphasizing the need to embrace and exemplify the underpinning principles of child-friendly justice in Ukraine, a closer look will then be taken at the utility of community-based services, in the framework of it being a non-custodial option, and also a preventative measure in response to juvenile delinquency. Final recommendations will round-out the discussion on the potentials of the integration of more community-based rehabilitative options for juvenile offenders in Ukraine.

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## LIST OF ABBREVIATIONS

<b>CLBB</b>	The Centre for Law, Brain and Behaviour
<b>CTC</b>	Communities that Care
<b>FFT</b>	Functional Family Therapy
<b>GBG</b>	Good Behaviour Game
<b>JDAI</b>	Juvenile Detention Alternatives Initiative
<b>PMG</b>	Place Made Good
<b>SIS</b>	Social Intervention Strategy
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>VIP</b>	Victim Impact Statement
<b>YIP</b>	Youth Inclusion Programmes
<b>YISP</b>	Youth Inclusion and Support Panel

## INTRODUCTION

Subsumed in the 2030 Agenda for Sustainable Development, is the goal to end all forms of violence against children; an ambitious and admirable undertaking.<sup>1</sup> Although, some may opt to temper their expectations, since in the 32 years following the adoption of the most widely ratified human rights treaty; the [United Nations Convention on the Rights of the Child \(UNCRC/CRC\)](#), successful compliance with the 54 Articles therein, remains quite varied and in some instances, underwhelming across Member States.

In 1991, Ukraine became a signatory to the Convention, and along with 195 other ratifications, an inherent pledge was made to abide by four core principles<sup>2</sup> in order to protect the human rights of children globally. These guidelines were installed to support and promote the use of sound, child-appropriate considerations when it came to decision-making on legal matters that affect children who are found to be in conflict with the law. The best interests principle (Article 3 CRC), cautions that the deprivation of liberty of children, through imprisonment by way of custodial sentences, should be ideally barred once possible and appropriate or minimized in the least. Furthermore, in the Convention, there is the enshrined assurance that States would only detain children as a measure of '*last resort*' (Article 37(b) CRC). Guidance on the administration of juvenile criminal justice practices, was further streamlined in supplemental legal instruments such as the *UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)*.<sup>3</sup> A preventative attitude, inclusion of the guidelines in national policy and law, and a focus on community-based services that directly address the needs of juveniles, are some of the features of the resolution. Then, there is the *UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)*,<sup>4</sup> that promotes: a humane, child-focused approach to juveniles in conflict with the law, the facilitation of conditions that enhance the quality of life of juveniles through the mobilization of community resources, community groups and family participation. The onus on Member States to adopt and continuously develop non-custodial responses to infractions of the law (as an alternative to imprisonment), is addressed in the *UN Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules)*.<sup>5</sup>

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<sup>1</sup> See, the 2030 [Agenda](#) for Sustainable Development

<sup>2</sup> See, the four *Core Principles of the [UNCRC](#)*

<sup>3</sup> See, the [Riyadh Guidelines](#)

<sup>4</sup> See, the [Beijing Rules](#)

<sup>5</sup> See, the [Tokyo Rules](#)

As the 37th [Member State](#) of the Council of Europe, Ukraine is again obliged to follow additional standards to improve the experience of children who interact with the criminal justice system as witnesses, victims and perpetrators.<sup>6</sup> Here, child-friendly justice is conceptualized as encompassing several crucial features, one notably being a laser focus on the needs of the child.

A more recent advancement in child-friendly justice initiatives, is the EU Strategy on the *Rights of the Child and the European Child Guarantee*. [Thematic Area 4](#), of the EU Strategy, is devoted to child-friendly justice. The five commitments include for example, improved enforcement of the 2010 Guidelines on child-friendly justice.

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<sup>6</sup> 2010 [Guidelines](#) of the Committee of Ministers of the Council of Europe on child-friendly justice

## JUVENILE JUSTICE REFORM IN UKRAINE

Through collaboration between the Ministry of Justice, [international organizations](#), and NGOs, concerted efforts have been made to reform juvenile justice in Ukraine. From a previous total of twelve, only the *Kremenchuk Juvenile Institution* is currently functional in Ukraine. [The DEJURE Foundation](#) has committed to working towards the reconstruction of a Ukrainian judiciary and legislation that prioritizes the principles of the best interest of the child. Advocacy activities produced: a [concept bill](#) on child-friendly justice, institution of an Inter-Agency Coordination Council on Juvenile Justice, an All-Ukrainian Juvenile Justice Forum, and support of Restorative Juvenile Justice diversion project that now operates in all Ukrainian regions.

The Chemonics USAID *Nove Pravosuddya Justice Sector Reform Program (New Justice Program)*, worked with the Government of Ukraine to improve the application of best-practices for juvenile justice, particularly as it relates to alignment with international human rights standards. From this, a *National Human Rights Strategy* was developed and it targeted issues such as decision-making around the sentencing of juveniles by judges.<sup>7</sup> There is also the UNICEF backed *Probation Project* which has been in operation for over one decade. It supports the development of prosocial behaviours around sobriety, anger management, good life practices, and antisocial thinking.

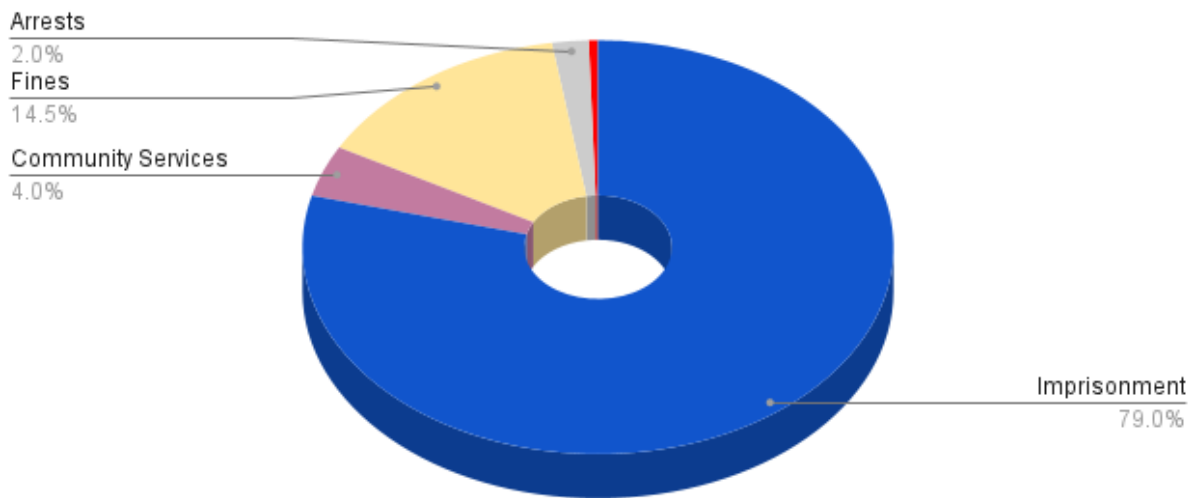
For all of the progress made, a blind-spot in the sentencing of juveniles in Ukraine is glaringly visible, as reflected in the data. Out of 1913 juvenile cases analyzed from the city of Kyiv, 1610 juveniles received a ‘punishment’ sentence. The custodial measure, imprisonment, was the most frequently applied punishment option at 79% ( $n=1274$ ). Only 4% ( $n=70$ ) of juveniles were given community-service (non-custodial) as a form of punishment.<sup>8</sup>

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<sup>7</sup> See, *Strengthening [Children’s Rights](#) Guarantees in Ukraine*

<sup>8</sup> *Other distributions included: Fines-14.5% ( $n=235$ ), Arrests-2% ( $n=30$ ) and Untranslatable-0.5%*

### Distribution of the Types of Punishments



In addition to a detention rate that appears to diverge with the principle of '*last resort*', there is a dearth of community-based services alternatives<sup>9</sup> - as a 'compulsory correctional measure' - in [Article 105 of the Criminal Code of Ukraine](#). The significance of these limitations in particular, will be elaborated shortly.

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<sup>9</sup> *Compulsory Education Measures (CEM)*, may also be imposed at the discretion of judges; a privilege that may account for the underutilization of the measure in juvenile cases that meet grounds for consideration



## THE DISADVANTAGED JUVENILE BRAIN AND ADVANCES IN JUDICIAL REFORM

As a period marked by still not fully understood [functional and structural](#) changes, biologically, the developing adolescent brain is at a distinct disadvantage. The propensity for impulsive behaviour and poor decision-making increases, due to an [underdeveloped prefrontal cortex](#) and constrained ability of the brain to [transmit inhibitory chemicals](#) (i.e., gamma aminobutyric acid). It explains why this tumultuous phase of human development can translate into problems such as, vulnerability to peer influence, risky antisocial and sexual behaviour, [substance abuse](#) and an inability to delay gratification. In parts of the United States (U.S), this information has begun to translate into real change. There, the increasingly scientifically-supported evidence on the complex relationship between the growing adolescent brain and behaviour, has energized efforts to reconsider the [sentencing of juveniles](#) in conflict with the law. This is a main focus of the [Juvenile Justice initiative](#) by *The Centre for Law, Brain and Behaviour (CLBB)*. On the strength of neuroscientific discoveries, The CLBB continues to challenge how the law responds to juvenile offenders, to the advancement of reformation in juvenile justice policy and practice.

## THE LASTING IMPACT OF NON-ADHERENCE OF THE ‘LAST RESORT’ PRINCIPLE

So, we know that until full maturation is attained at the age of 25, the adolescent brain undergoes a process of significant changes that can directly influence how they navigate the world and respond to their environment. For those juveniles who find themselves on the wrong side of the law, there is hope for the occurrence of a natural, aging-out from antisocial activity. Although promising, the variability in the relationship between age and criminal activity must be mentioned. Meaning, that the likelihood of desistance and tapering off of criminal activity involvement can vary based on factors such as age of onset<sup>10</sup> and criminal career features. Some experts promote that a better understanding of the age-crime relationship is provided by, for example, mediating factors such as: social integration, fear of sanctions, improved social bonds, and access to legitimate options.<sup>11</sup>

The possibility of short-lived criminal careers in the cases of most juvenile offenders, elucidates the issue of a failure to consider, explore and exhaust all opportunities for non-custodial sentences such as community-based services. A blanket, heavy-handed approach to juvenile criminal justice, introduces the risk for serious and irreparable harm being inflicted. Proven criminogenic effects of the imprisonment include: [stigmatization](#), difficulty with social reintegration, [reduced job prospects and low wages \(particularly for younger males\)](#), strained familial relations, and antisocial reinforcement. In [the United Nations Global Study on Children Deprived of Liberty](#), the most prevalent health issues amongst the population (e.g., via: the administration of justice, institutionalization), were divided into those related to mental health effects and environmental conditions. Elevated rates of depression, impaired cognitive development, drug use, and exposure to blood-borne viruses, were some of the compromised-wellness findings identified in the report.

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<sup>10</sup> Onset before the age of 12, increases the likelihood of continued offending into adulthood. See, the section, [Persistence, Desistance and Onset](#)

<sup>11</sup> See, *The Age Crime Relationship: Social Variation and Explanations*. Pages. [388-389](#)

## COMMUNITY-BASED SERVICES AS A PREVENTATIVE TOOL AND CORRECTIVE INTERVENTION

Obviously, a major advantage to imprisonment is the interception of any opportunity for dangerous offenders to do further harm. However, as far as exhibiting utility in the areas of deterrence and recidivism prevention, custodial sanctions do not deliver. The research consistently dispels the notion of institutionalization being an effective deterrent to juvenile delinquency, and offending as a whole. One Herculean study examined the recidivism rate in 272, 111 inmates who were released in 1994, across 15 States in America. The three year post-release recidivism analysis evinced a new offence rearrest rate of 67.5 %.<sup>12</sup> The aforementioned is just one example in an abundance of criminological research that challenges the perceived benefits of imprisonment as an effective method for deterrence. In contrast, the evidence actually supports the presence of a [criminogenic effect](#) to imprisonment.<sup>13</sup> Opinions on custodial versus noncustodial sanctions, may lean heavily in disfavour of the former, but consideration must also be given to findings that somewhat diverge from the general consensus. In a Swiss study that compared the effects of community-services and prison sentences up to 14 days, no difference was found in later employability and some quality-of-life factors of the subjects. Although, the prison sentence group had higher rates of rearrest, and were more jaded towards the criminal justice system.<sup>14</sup> A [2009 survey conducted by the Australian Institute of Criminology](#), did not find a significant difference in the likelihood to reoffend between juveniles who were given either custodial or non-custodial sentences. Despite this, concluding remarks echoed the sentiment of the ineffectiveness of custodial sanctions, since a positive impact on juveniles' behaviour was not found.

If juvenile antisociality does not respond to punitive measures in any distinctively significant way, then how can rehabilitative effects be best achieved using child-appropriate methods? Moreover, in keeping with the preventative focus of the *The Riyadh Guidelines*, what protective options exist to thwart the trajectory of children coming in contact with the law in the first place? These responses can be framed using the Public Health Model. That is, before juvenile delinquency manifests in an actively problematic manner (at-risk), and after contact with the law has occurred.<sup>15</sup>

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<sup>12</sup> See, [Recidivism of Prisoners Released in 1994](#) in the *Bureau of Justice Statistics Special Report*

<sup>13</sup> See, [Prisons do not Reduce Recidivism: The High Cost of Ignoring Science](#)

<sup>14</sup> See, [Does Community Service Rehabilitate Better than Short-term imprisonment?](#)

<sup>15</sup> See, *Children at Risk* in [Protecting Children's Rights in Criminal Justice Systems](#)

Interdisciplinary and multi-agency approaches, that focus on cooperation and providing support (e.g. [Danish SSP Model](#) - schools, social welfare, local police), are known to be successful in effecting positive changes as a treatment for juvenile delinquency. Numerous examples of promising community-based practices, that reflect the principle of multidimensionality to varying degrees, have been identified in [Europe and the U.S.](#) A doubling in the prevalence of violent behaviour in juveniles between 1983 to 2000, catalyzed a greater focus on scientifically supported primary and secondary interventions by the Dutch Government. With empirically premised barricading models such as the *Starting Together*<sup>16</sup> and *Good Behaviour Game (GBG)*<sup>17</sup> initiatives, it is no surprise that the *Netherlands Youth Institute* reported that [85% of Dutch children and youth](#) are happy and well-adjusted. The *Sure Start* programme in Scotland, Wales, Northern Ireland and UK, is another early intervention that focuses on very young children (0-4 years) living in disadvantaged areas. Major emphasis is placed on using high quality learning and play methods to develop childrens' cognitive abilities (e.g., memory, attention). The design of Interventions such as these, are guided by the knowledge that [poor academic performance and delayed cognitive abilities](#), are common risk factors for juvenile delinquency.

In England, *Youth Inclusion Programmes* (YIP: 13-16 years old) and *Youth Inclusion and Support Panels* (YISP: 8-13 years old), focus on involving at-risk children in sporting activities and 'diversionary programmes' such as peer-education, [mentoring](#), and public outreach.<sup>18</sup> Seemingly similar, YISPs are argued to be [more effective](#) due to the multi-modal approach. While YIPs lack important features of effective child-skill training interventions. At the familial level, the [Positive Parenting Programme \(Triple-P\)](#) in Australia, has yielded measurable success to the extent that it has been adopted in 26 countries. Triple-P works to improve how the immediate ecosystem functions around the child, through parenting skills training.

For more high-risk cases, such as first-time offenders, secondary preventative strategies can be employed. Originating in the U.S, the [Functional Family Therapy \(FFT\)](#), is now used in 10 countries. It is widely favoured as an approach that is included in treatment plans, due to its proven effectiveness with children who exhibit behavioural problems of varying levels of severity (i.e., mild to severe). In one study, the [FFT outperformed alternative services](#) in several areas (e.g.,

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<sup>16</sup> The [SamenStarten Project](#) focuses on healthy living and the use of screening tools to identify psychosocial problems in children 0-2 years old

<sup>17</sup> The [Good Behaviour Game](#) targets disruptive behaviour in elementary school children, through the promotion of prosocial behaviour in the classroom

<sup>18</sup> See, [Prevention and the Youth Inclusion Programme](#)

treatment duration).<sup>19</sup> Maintenance of family ties, respect, cultural sensitivity and accountability underpin this approach. Spread over an average period of three months, clinical contact for mild cases can range from 8 - 12 sessions, and up to 30 hours more severe ones.

There will always be a proportion of juvenile offenders that commits offences at a level of frequency and or severity that requires more intense interventions, namely, tertiary. Some jurisdictions still endorse and enforce punitive methods that fall into third-tiered preventative strategies (e.g., bootcamps), even though they are outperformed in terms of impact, when compared to holistic and humanistic programmes (e.g., FFT). As previously stated, barring extreme cases - especially for new juvenile offenders - diversion away from the formal judicial system, towards more constructive avenues for redress, is optimal.<sup>20</sup> The *Place Made Good (PMG)* programme in Hungary, targets young persons who were recently released from institutions and who have a high risk of offending. It encourages participants to utilize the supporting restorative justice, social and life skills services made available to them.

Some impressive results have also been achieved in parts of the U.S. Intervention work by *The Centre for Communities that Care (CTC)*, is guided by the *Social Intervention Strategy (SIS)*. SIS comprises five components<sup>21</sup> that function as a supportive framework for children through all stages of development. One [longitudinal study](#) evaluated the long-term effects of the SIS in elementary school children from high-crime communities in Seattle. Almost one decade later, the intervention was found to produce significant positive outcomes. Spanned over six sessions, the CTC *Guiding Good Choices* programme, teaches participants (i.e., parents, caregivers, adolescents) strategies that promote strong relational bonds and reduce risky behaviours in adolescents. For instance, in Session 4, adolescents are taught how they can avoid getting involved in dangerous activities, yet still maintain friendships.<sup>22</sup>

Then, there is the evidence from [The Annie E. Casey Foundation](#). In their Justice Reform Agenda, they advocate that even the most serious juvenile offenders should be afforded the opportunity to reform and actualize their fullest potentials. The results from their [Juvenile](#)

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<sup>19</sup> *Additional scientific findings about the performance of the FFT model*

<sup>20</sup> See, the [AWAY \(Alternative Ways to Address Youth\) Project](#) (2015-2017), by the International Juvenile Justice Observatory

<sup>21</sup> The 5 key CTC components are: opportunities, skills, recognition, bonding and clear standards for behaviour

<sup>22</sup> See, [Avoiding Trouble: How to Say No, Keep Your Friends, and Still Have Fun](#)

[Detention Alternatives Initiative \(JDAI\)](#), were praised in an article by [The New York Times](#). Boasting a reach of one third of the U.S youth population, the JDAI model, has been successfully implemented in over 250 counties; a significant leap from the initial five pilot sites in 1992. Participating jurisdictions in the JDAI, have reported significant gains such as reductions in daily juvenile detention populations and juvenile correctional facility commitments.<sup>23</sup> The JDAIconnect<sup>24</sup> platform and race equity advocacy, are a few ways in which participating jurisdictions are positioned for success.

In 2012, the foundation embarked on a *Deep End* pathway to juvenile justice reform that included new core concepts and considerations to guide the work of jurisdictions. One being a commitment to employ more community-based service and support options as alternatives to incarceration. A good example of this is the *Close to Home* initiative in New York. A sizable reduction in juvenile arrests and improvement in academic performance, are some of the most [notable results](#) coming out from the project. In part, its success can be attributed to: small ‘home-like’ care-placements in close proximity to childrens’ communities, the Risk-Needs-Responsivity (RNR) model and Positive Youth Development (e.g., vocational training, creative expression activities and peer-mentoring).<sup>25</sup> In sum, positive intervention, social skills development and family/community involvement, are main features of both the CTC and JDAI projects.

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<sup>23</sup> JDAI jurisdictions also [reported reductions](#) in the rate of juvenile crime and budgetary outputs for offender management. Pages 13-20

<sup>24</sup> [JDAIconnect](#) is a virtual information sharing and collaborative space for juvenile justice reformers and all other interested persons

<sup>25</sup> See, *Overarching Framework for Implementation of Close to Home*. Pages [10-11](#)

## COMMUNITY-BASED SERVICES ACROSS COUNTRIES

As a corrective intervention for juveniles, the form that community-based services take, differs by jurisdiction. Although, the main commonalities are that the services must communicate a sense of responsibility, be edifying and address a need in society. In the Netherlands, the Child Protection Board supervises the identification and assignment of community-based services for juvenile offenders. Dutch children 12 years old and under who commit minor offences, can receive counselling at a Youth Care Office. If the child exhibits behaviour that is extremely disruptive, a family supervisor would then be assigned to provide intense supervision. In other situations it is sufficed for the parent or caregiver to be spoken to by police. Where an offence is not sufficiently severe to warrant a custodial sentence, the [HALT programme](#) gives older juveniles a chance to “*right their wrongs*” by offering an apology or covering the expense for any damages caused. Damages may be compensated through unpaid community work or *work to compensate for damages* (e.g., removal of graffiti) sanctions.<sup>26</sup> Cleaning, maintenance work, gardening, kitchen duties are some of the community-based services<sup>27</sup> often used. Furthermore, these services can be carried out as individual or group projects. At one point, judges could impose community-based services as a penalty for serious offences (e.g., sexual offence), but this has since changed. New legislation disallows the imposition of community sentences for [serious violent and sexual offences](#), and offences committed against [police officers and emergency services workers](#). The penalty is also deemed to be inappropriate for repeat offenders.<sup>28</sup>

In the U.K, community-services are most often designated in cases of first-time offenders, if there is grounds to believe that the behaviour will not persist or that the action was driven by a mental health issue. This type of penalty is used as a sanction for minor offences like benefit fraud. Also referred to as [Community Payback](#), offenders may do unpaid work including decorating public buildings, clearing wasteland and graffiti removal. A [Referral Order](#) is a youth-specific type of community service. Determination of the best course of action to be taken is a collaborative effort between the juvenile, community members and youth justice officers. Courts may also employ a *Youth Rehabilitation Order*, and make decisions on the parameters of the service penalty for up to three years. Included in both forms of community sentences, there is an option to include the “*right your wrongs*” formula (as in the Netherlands). This is a very direct

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<sup>26</sup> See, Sanctions for Juvenile Offenders. Pages [8-9](#)

<sup>27</sup> See, Type of Work. Page [31](#)

<sup>28</sup> See, Only for [Minor Offences](#): Community Services in the Netherlands



method, where the juvenile offers an apology to the victim in writing or in-person. It can also involve the victim directly addressing the juvenile; similar to an Impact Statement. This is a scaled version of the Victim Impact Statement (VIP)<sup>29</sup>, that is sometimes used in juvenile cases where serious offences have been committed. It is advised that VIPs are most beneficial for juvenile offenders when they are incorporated as part of an overarching rehabilitative programme. Victims' rights advocates view the presentation of these statements as an empowering moment for victims. On the other hand, the VIP challenges the juvenile offender to face the impact on their actions directly.

As is the case in many jurisdictions that use community services as a penalty, in Denmark it can also involve unpaid activity.<sup>30</sup> For minor offences, juvenile offenders can complete this work in their leisure time in institutions such as residential schools (for juveniles 14-18 years old only), youth associations, theatres, sports clubs, churches and second-hand shops. In Korea, a thorough pre-investigation report must first be submitted to the court before a community-service sentence is imposed. The report is used to determine sentence features such as the most suitable type of service and the number of hours to be assigned to the child. The services do not provide an opportunity for any monetary benefit and the juvenile offender is expected to serve for the benefit of the community. During their community service, juveniles are supported and supervised by both a probation officer and a volunteer. Amongst other noble characteristics, volunteers are persons found to be of high moral integrity and they are appointed by the Ministry of Justice. As a non-custodial measure, the community-service is considered to be a corrective tool that repairs juveniles' self-esteem, and provides a sense of fulfillment. Juveniles can be assigned to sweep garbage waste, tend to flowers, arrange books in a library, direct traffic and assist differently-abled people. In cases of sexual violence offences or mental illness or disability, community-based service are not assigned.<sup>31</sup>

Australian juveniles 13 years or older can be given a community-service penalty once they [plead guilty or they are found guilty of an offence](#). One unique form of corrective intervention is *adventure-based learning*. [Adventure-based learning](#) is designed to develop adeptness in areas of human functioning that are related to emotional intelligence, positive behaviour and problem-

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<sup>29</sup> See, [Making an Impact on Juveniles](#): An Approach to Victim Impact Statements that Everyone Can Embrace

<sup>30</sup> See, The [Danish Prison and Probation Service](#)

<sup>31</sup> Community services are also not applied if a physical disability will affect completion of the task. See, The [Community Service Order](#) in Korea, page 218



solving. Under the supervision of two trained staff members, small groups of 6-8 juveniles participate in hiking, rock-climbing, challenging rope courses and other types of adventure-based activities.

A point to note, in the assignment of these penalties, is that it can be particularly impactful for juveniles to be given community services that are explicitly relevant to their offence. Reason being, that the effect of reeducation strategies is not limited to more widely discussed behavioural issues like substance abuse. A young man in New Zealand, gave a personal account of his experience of being penalized for illegal racing at the age of 16. In conjunction with twenty hours of community service, the then juvenile was also ordered to complete a defensive driving course. The experience helped him to view driving as a privilege to be taken seriously and abused.<sup>32</sup>

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<sup>32</sup> See, Youth Justice in New Zealand: A Restorative Justice Approach to Reduce Youth Offending. Pages [60-61](#)

## CONCLUSIONS

The effectiveness of community-based services as a management tool for juvenile offenders, is mainly framed from the perspectives of either proactivity or reactivity. Meaning, either before or after the onset of antisocial behaviour. The outlook during adolescence is more favourable, for children who begin life with exposure to more positive experiences and healthy environments. Simply put, well-adjusted children grow into well-adjusted adolescents. Investments in preventative measures, will always yield the best social and financial outcomes. Jurisdictions like the Netherlands and Great Britain, have clutched on to this concept and stand as encouraging illustrations of what is achievable when children are afforded every opportunity to thrive and have a bright future. This is especially significant, since most juvenile misbehaviour dissipates with maturity. Early-childhood interventions such as *Starting Together*, *GBG* and *Sure Start*, that foster emotional development, conflict resolution skills and adaptive interpersonal habits, relay into prosocial inclinations towards others.

Oftentimes, social inequalities, mental disorders or outright misfortune, decree that some children will inevitably become in conflict with the law. In this instance, a community-based service is conceptualized as a penalty or social service. In the case of penalties, to ensure that the human rights of such children are not infringed upon, ratifiers of the [UNCRC](#) are advised to adhere to several guidelines and rules (e.g, [Beijing Rules](#)); even when serious offences are committed by children. It advances that Member States should only apply custodial penalties (e.g., imprisonment) in acute circumstances. Moreover, the human rights aspect of the issue is further supported by science that argues against the effectiveness of custodial forms of punishment. For these reasons, the frequent application of imprisonment sentences in juvenile justice cases in Ukraine is emblematic of a disconnect between State promises and actual practice.

Once applicable, any potential towards or demonstrated antisociality in children and juveniles is most effectively rehabilitated when the family system is included. Hence, the expansive adoption of the family-focused and evidence-based Triple-P and FFT models. These family oriented interventions can be useful as part of preventative strategies, but they have also generated positive results at the secondary level with both at-risk and actively delinquent juveniles, as seen in the CTC and JDAI initiatives. In the absence of clear endangerment to or by the child, links to the family system should be maintained. Central to the acclaimed [Close to](#)

[Home](#) model, is the belief that the home-community microsystem is an essential part of childrens' sense of identity, and provides feelings of safety and sameness through familiarity.<sup>33</sup>

A snapshot of community-based services across countries, revealed similarities, as well as interesting deviations from the norm. In some jurisdictions, a juvenile offender can be ordered to make amends for their actions through direct expressions to victims or financial compensation. Victims can be given a similar opportunity to emote, and let the juvenile know how they have been affected by their transgressions. Unpaid work is a common type of community service that is used. It can involve actual institution-specific work, beautification projects, environmental maintenance or minor care-assistant roles. As illustrated in the individual New Zealand case, services can be quite individualized. In that instance, the penalty was used as a teachable moment, to modify attitudes around a specific activity in order to encourage responsible behaviour in the long-term. One programme differentiated itself by building on juveniles' natural inclination for thrills and excitement. Through recreational group activities, adventure-based learning promotes healthy interpersonal and prosocial actions that can be transferred into other areas of life. Overall, the countries examined adhered to some version of a juvenile justice model that focused on behavioural correction and mitigation of recidivism. Although there was a wide spectrum of conditions under which community-based services were (or not) applied, minor and first-time offences were consistent qualifiers.

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<sup>33</sup> See, Bronfenbrenner's [Ecological Systems Theory](#)

## RECOMMENDATIONS

Ukraine is not unique in terms of constraints that may obstruct or slow the rate at which it advances towards a justice system that fully respects, considers and responds to the needs of children in conflict with the law. Political factors, economic barriers and social norms are some of the variables that can impede the ability of a country to effectively execute the child-friendly justice model. Some or all of the aforementioned may account for weaknesses in how juvenile sentencing - and by extension, rehabilitation - is handled in Ukraine. Despite this, the country is on the right path towards achieving a retailored justice system that is suited to the needs of children. This is thanks to the combined efforts of various civic organizations, international groups and the Ministry of Justice. However, if Ukraine strives to truly better comply with international human rights standards for children, it must improve upon how penalties are imposed for juvenile offenders. A good place to begin is with the functionality and availability of community-based services. It should be stated that there are countless examples of community-based service strategies, but the efficacy of most is unsubstantiated. However, some evidenced-based models that can be explored for application in Ukraine for primary preventative purposes, are the *Starting Together*, *Sure Start*, GBG initiatives. *YIPs* are shown to be particularly effective for older at-risk children. In *Place Made Good* mode, supports the reintegration and readjustment of juveniles released from detention, and have similar potential in Ukraine. Where an opportunity for family-system integration exists, the CTC and JDAI programmes are non-punitive, scientifically supported ways of honouring the emotional needs of children, all the while strengthening their capacity in social problem-solving.

In summary, the most salient features of efficacious and child-appropriate community-based services include:

- ☰ Non-custodial methods of correction.
- ☰ A focus on primary prevention early-intervention measures at the familial and school levels.
- ☰ A focus on autonomy and accountability.
- ☰ Behavioural early-intervention measures focused on younger children.
- ☰ Highly collaborative interdisciplinary and multiagency models.

- ☰ Family participation.
- ☰ Social services to support economically disadvantaged young children.
- ☰ Targeted responses to treat with individual criminogenic needs (e.g., Risk-Needs-Responsivity Model).
- ☰ Social and vocational skills training for at-risk and actively offending juveniles.
- ☰ Maintenance of ties to families and home-communities, through considerations of proximity and the care-facility environment.

In terms of specific types of community-based services, collectively there are general best-practice guidelines that can be consulted in the selection or design of “meaningful” corrective community-services in Ukraine. For example, the damage inflicted should be acknowledged and addressed (e.g., written apology). They should also provide a tangible benefit for disadvantaged persons; the differently-abled assistance service in Korea is a good example of this. Services that provide opportunities for juveniles to mend strained community relationships and have positive peer interactions are also impactful.<sup>34</sup>

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<sup>34</sup> See [additional guidelines](#) in, Making Things Right: Meaningful Community Service for Juvenile Offenders



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