

CHAPTER 7

MEASURES FOR JUVENILE DELINQUENCY PREVENTION IN UKRAINE

Pluhatar T. A.

INTRUDUCTION

The issue of juvenile delinquency prevention has always been particularly acute as the state of crime in the future society depends on the effectiveness of such activities. Studies show that their first criminal experience recidivists and professional criminals usually get under the age of adolescence.

The significant decrease of the number of juvenile offenders in Ukraine in recent years (their part among all those who committed crimes fell from 10.6% in 2003 to 3.4% in 2018) in no way reduces the relevance and social significance of above mentioned problem, as it was mostly due to the implementation of the humanization of the criminal legal policy of the state, which main direction is a significant restriction of the application of criminal law measures against minors. As a result, the growing number of crimes committed by them remains latent. It is possible to compensate this only due to scientifically substantiated system of precautionary measures.

The issue of juvenile delinquency prevention has always been a great deal of attention in Ukrainian criminology, a significant number of monographs and papers¹ have been edited, and a number of dissertations on this topic have been defended². Instead, the precautionary measures in

¹ Yusikova N.S. Crime of minors: features, current tendencies and measures to prevent and counteract it: monograph. Dnipro, 2016. 375 p.; Korolchuk V.V. Actual problems of juvenile delinquency prevention. Scientific Herald of the National Academy of Internal Affairs. 2013. No 1. P.176-182; Korystin O.Y. Features of juvenile delinquency and the specifics of its prevention (based on the materials of the Southern region of Ukraine). Southern Ukrainian Law Journal. 2014. No 4. P. 16–19; Vodniv V.D. Crime of juveniles: causes and ways of prevention (according to the research in Kharkiv). Bulletin of the National University «Legal Academy of Ukraine named after Yaroslav the Wise». Series: Philosophy, Philosophy of Law, Political Science, Sociology. 2015. No 3. P. 155–176; Yosypiv A.O. Foreign experience in preventing crimes committed by minors of a marginal environment. Legal Journal of the National Academy of Internal Affairs. 2018. No 1. P. 381–392.

² Holodniak A.Y. Criminological features of anti-social behavior of adolescents of a marginal environment and prevention of crimes committed by them: author's abstract of thesis ... Candidate of Law: 12.00.08. Moscow, 2003. 26 p.; Dubchak L.S. Improvement of the activities of educational institutions in prevention of juvenile delinquency in Ukraine: thesis. ... Candidate of Law: 12.00.08. Kyiv, 2007. 252 p.

these studies are highlighted mostly fragmentely, referring to specific areas or spheres of mentioned activity. Our task was to formulate on the basis of the results of our own research, the studies of other authors, to generalize foreign experience and to formulate the most comprehensive, suitable for Ukraine and actual system of measures for the prevention of juvenile delinquency.

7.1. General social measures

1. Due to the restriction of social programs, almost complete absence of free out-of-school institutions of a various orientation children have got more free time they to spend outdoors, where they often see different examples of anti-social behavior, resemble it themselves, and later commit criminal offenses.

Today, the concern for children by the state is minimized. During past 30 years, virtually all previously created links of a specialized educational and preventive system have been destroyed or fundamentally rebuilt in Ukraine. Schools, other educational institutions for minors lose educational functions. Numerous youth community organizations related to leisure have stopped their activities. There are neither mentors nor civic educators for juvenile offenders.

It is expedient for the improvement of the situation:

– to foresee mandatory participation in the decision of the issue of the existence of out-of-school children's institutions of representatives of the service for children of the relevant region (city), district in the city administration, and to make necessary amendments to the Clause 7 of Art. 14 of the Law of Ukraine «On Extracurricular Education»³;

– to restore gradually the network of out-of-school institutions (sports sections, clubs of different orientations), both in the place of residence and on the territory of educational institutions. It is required that in every general educational institution it should be at least 4 free clubs for children (it is expedient to entrust them to specialized educators on the decision of the pedagogical council);

– to provide an access to cultural and recreational establishments for families with children (theaters, cinema and concert halls, summer recreation centers, sports camps, etc.), and for schoolchildren, as an

³ On Extracurricular Education: Law of Ukraine dated 22.06.2000. Bulletin of the Verkhovna Rada of Ukraine. 2000. No 46. Art. 393

encouragement for schooling achievements or flawless behavior, to receive free tickets for visiting cinema, theater, excursions, etc. It is advisable to encourage individual entrepreneurs and citizens to finance such activities;

– to increase the number of camps for children with deviant behavior, or certain changes in health camps. An example of such a camp may be the profile sporting-improving, patriotic camp «Young Athlete» (on the basis of the Dakhnivska Sich Charity Foundation, Svydivok village, Cherkasy Region), where 50 children from prospective athletes and children with deviant behavior received health-improving services and military skills);

2. In accordance with the Concept for the implementation of the state policy in the field of reforming general secondary education «New Ukrainian School» for the period up to 2029, approved by the Decree of the Cabinet of Ministers of Ukraine of December 14, 2016 No 988-r⁴ (hereinafter – the Concept), on its second stage (2019–2022) it is supposed to develop professional standards of teaching activities. The policy of standardization in the field of education began to be implemented in 1980–1990 and was implemented not only in developed countries (such as the United States, Great Britain, France, Germany, Australia, New Zealand, etc.), but also in developing countries (Pakistan, India, Philippines, etc.)⁵. It is clear that the scale, intensity, speed and standardization of the listed countries are different. In our view, when developing standards for domestic teachers it would be advisable to use foreign experience.

At the same time, in addition to the subject competence, attention should be drawn to the training of teachers in other areas, such as: psychological and pedagogical support; student safety in the educational environment, conflict resolution skills; educational communication (relations of teachers with students); relations of cooperation (professional relations, relations with parents, public, administration of educational organizations); professional improvement, qualification improvement; regulations of professional ethics, professional responsibility of the teacher, pedagogical culture, etc.

The introduction of the professional standard of a teacher of an educational institution, in our opinion, would greatly help in solving the

⁴ On approval of the Concept for the implementation of state policy in the field of reforming general secondary education «New Ukrainian School» for the period up to 2029 : CMU Decree of 14.12.16, No 988-p.

⁵ Miroshnikova O.Kh. Professional standard of the teacher: international experience and regional components. Internet-Journal «SCIENCE». 2015. Vol. 7. No 3. P. 3. URL: <http://naukovedenie.ru/PDF/53PVN315.pdf>. (Date of Application: 11.01.2017).

issue of improving the level of training of the teaching staff. In our view, transitional form to the introduction of a professional standard may be independent testing among teachers, in particular on the level of educational work skills, which will help not only to identify incompetent teachers but also to increase the respect of students and society as a whole to conscientious and professionally trained teachers.

3. Among the juvenile offenders, the largest group is made by students of secondary schools. This suggests the need to improve significantly preventive activities among minors in schools.

According to the above-mentioned Concept, an educational institution should implement a democratic culture through the development of appropriate procedures to protect the rights of the child and the formation of democratic values, in particular to protect the rights and interests of the child, to become a safe place for the child, to create an atmosphere of trust and mutual respect, where there is no violence and discrimination.

Currently, only verbal educational methods dominate at schools, but they are ineffective. A significant disadvantage in the educational work of teachers is that educational activities have been already based on the fact of committing a destructive, unlawful act. That is, educational, preventive work among students is carried out only from time to time, although it is expedient that it be conducted continuously. The main reason for this situation is that teachers usually do not have information about mood, problems, conflicts among schoolchildren.

Taking into account the above mentioned, the Ministry of Education and Science of Ukraine recommends introducing elective courses in secondary schools aimed at strengthening the psychological component in the upbringing of children and young people. That is, the need to use psychological mechanisms of personality formation, which is an essential condition for the success of the transformation of the educational requirements of society into the internal regulators of the behavior and activities of the growing personality.

In order to improve the existing and to introduce new modern forms of educational work in educational institutions, it is necessary to ensure:

– continuity of educational work, and most importantly, its timeliness, focus on prevention of negative phenomena among students, the neutralization of their causes and conditions;

- active use of psychological skills for connecting the emotional component of a child;
- development of children’s autonomy and initiative, freedom of self-government, self-education, etc. while preserving the influence of adults;
- the introduction of a system of control by the relevant education authorities and, if it is necessary, other bodies and services for children. One possible form of such monitoring may be the questioning of children and parents;
- solving of the issue of optimization of the load on the positions of a class leader and a practical psychologist.

It should be noted that for today there is no any effective mechanism for the enforcement of discipline in educational institutions. As a result, the teaching staff has no any means of influence on violators of discipline and «difficult» teens, and those, in turn, become more courageous in their actions as a result of impunity. The rules for the enforcement of discipline by students stated in the Provision on a comprehensive educational institution namely «discipline in institutions” is based on the mutual respect of all the participants in the educational process; maintenance of the rules of the internal regulations and the Statute of the educational establishment (paragraphs 75, 77)⁶ has too general, declarative nature.

To ensure an effective mechanism of discipline in schools, it should be recommended:

- to conduct in schools monitoring of the implementation of the Regulations of the internal order, the Statute of the educational institution;
- to supplement them (if it is necessary) with clauses concerning the prohibition on bringing firearms, cold weapons, alcoholic and tobacco products, drugs, pornographic production to the educational institution, etc.;
- to formulate and supplement the Statute of the educational institution a clear list of violations of discipline and the corresponding list of disciplinary penalties for their commission (for example, the cleaning of the school’s territory, school arrest, etc.), and also to foresee, in specific cases, the responsibility of parents for violating the discipline by their children;

⁶ About Approval of Statement on the Initial Mortgage: Decree CMU dated 27.08.2010. No 778. URL: <http://zakon3.rada.gov.ua/laws/show/778-2010-%D0%BF> (Date of Application: 12.02.2018)

– determination of the procedure of consideration, decision-making and organization of its implementation in case of violation by the students of the Statute of the educational institution, to put on the Board of Prevention the Rules of the internal order of a comprehensive educational institution, since one of the tasks of the Council of Prevention is the organization of a regular work to prevent negative manifestations in the student environment and improve systems of organization of preventive work at school (Clause 2 of the Approximate Provision on the Council of Prevention of the educational establishments institution, approved by the Department of Education by the Order No 173 dated 30.03.2010).

5. Although the number of working minors who have not worked and studied at the time of the crime has a tendency to decrease, but nowadays it is a rather big group of people, accounting for almost 19% of all juvenile offenders; therefore the conduction of preventive activities with them is an obligatory link in the system of preventive activities.

The main subject of general preventive activities in working with adolescents who do not work or study anywhere is a juvenile service, which can and should plead with enterprises (institutions, organizations) regarding the employment of adolescents who are not studying at all and do not work (especially those who are in difficult conditions, suffer from violence in the family, etc.).

It is suggested to supplement Clause 4.10 of the Model Regulations on the juvenile service of the regional, Kyiv and Sevastopol cities state administrations with the norm on the implementation by the structural units of the state administration, authorized units of the bodies of the National Police, measures for social protection of children, assistance to the child in solving employment-related issues, identification of the causes of child neglect and homelessness, prevention of children from committing offenses.

Police bodies, in particular juvenile delinquency units, should organize child support in solving issues related to the employment, leisure activities, establishment of socially useful contacts, choice of life goals, as well as an involvement of the child in socially useful occupations of labor, sports, creative, amateur in the framework of individual prevention nature.

It is also advisable to implement the UN recommendations regarding the adoption of a separate normative act on informal (not counting official educational establishments) and informational (not counting any

educational institutions and establishments) education. It should contain the definition of such kind of education, its purpose and tasks as well as to set target groups, and to reveal the basics of their functioning. However, it should be ensured that no regulations create too rigid or bureaucratic rules for the organization of an informal education. The priority should be to meet the educational needs of vulnerable or excluded categories of minors and young people in general.

6. Numerous scientific studies have shown that motion activity greatly contributes to the observance of a healthy lifestyle by humans, as well as in certain cases to reduce negative effects on humans of harmful habits, to increase tolerance and distract from antisocial behavior. That is, it performs a preventive function.

In accordance with the National Strategy for Motion Rehabilitation in Ukraine up to 2025, «Motion activity – a healthy lifestyle is a healthy nation», approved by the Decree of the President of Ukraine dated February 9, 2016, No 42/2016⁷, to support the health of citizens, especially children as the highest social value in the state, the following tasks need to be solved:

formation of the value attitude of youth and children to their own health, an improvement of physical development and physical training taking into account the requirements of future professional activity; increase of the number of public sports events for an active family rest in the places of mass recreation of citizens;

creation of a network of summer schools for swimming in open water; streamlining of the network of the centers of physical health of the population «Sport for Everybody» and the improvement of the regulatory framework for the activities of such centers.

In our opinion, one should draw attention to the foreign experience on this issue. For example, in the United States, about 18 million children and teenagers annually participate in the Testing and Rewarding Program initiated by the Coordinating Council for Physical Education under the President of the country. The President's Medal for a responsible attitude to their health is obtained by about 700 thousand schoolchildren who have

⁷ About the National Strategy of Health Activities in Ukraine for the period up to 2025: Decree of the President of Ukraine No 9, 2016, February No 42/2016. URL: <http://www.president.gov.ua/documents/422016-19772> (Date of Application: 12.02.2018).

met the relevant standards after lengthy physical activity⁸. This motivates minors to lead a healthy lifestyle.

In order to encourage juveniles to a healthy lifestyle, it is advisable for the active participation of media:

1) to provide children with elementary rules, forms of healthy lifestyle (elementary hygiene, health-improving gymnastics, proper nutrition) in secondary educational institutions;

2) to promote awareness of the youth about the negative effects of smoking, drinking, drug use, etc. At present, the spread of bad habits in adolescence is alarming. According to polls, 76% of adolescents have an experience in the use of low-alcohol beverages, 15% – began to use alcohol from 11 years⁹.

3) to expand the implementation of physical culture and recreation measures among minors, especially the student's youth, and to improve the organization of conducting lessons of physical education;

4) to introduce systematic sports competitions, tourist trips, excursions, etc. in secondary schools of higher education;

5) to organize work of parents' lectures on healthy lifestyle;

6) to ensure access of children to medical care with the preservation of the right to confidentiality, to organize the proper training of medical staff for work with minors on their health issues (the consequences of drinking, drug addiction, the possibility of free delivery of tests for HIV, prevention of unwanted pregnancy, etc.).

7.2. Special and criminological measures

1. The list of subjects for the prevention of offenses among children in Ukraine is defined by the Law of Ukraine «On Bodies and Services for Children and Special Institutions for Children» dated January 24, 1995¹⁰. They are currently classified as:

⁸ Yaremenko O.O., Balakirieva O.M. and others. Formation of healthy way of youth life: problems and prospects. Kyiv: Ukrainian Social Newsletter, 2000. 168 p. URL: <http://www.health.gov.ua/health.nsf> (Date of Application: 21.02.2018).

⁹ About the conceptualization of the Concept of the State Social Program «National Plan for the Implementation of the UN Convention on the Rights of Child» for the period up to 2021: Decree of the Cabinet of Ministers dated April, 5, 2017. No 230-p. URL: <https://www.kmu.gov.ua/ua/npas/249890555> (Date of Application: 20.02.2018).

¹⁰ On Bodies and Services for Children and Special Establishments for Children: Law of Ukraine dated January 24, 1995. No 20/95-VR. URL: <http://zakon3.rada.gov.ua/laws/show> (Date of Application: 12.02.2018)

the central executive body, which ensures the formation of state policy in the family and children and the corresponding structural units of all levels;

authorized subdivisions of the National Police;

child-reception centers for children of the National Police;

schools of social rehabilitation and vocational schools of social rehabilitation of educational institutions;

centers of medical and social rehabilitation of children of health care institutions;

special educational institutions of the State Criminal Execution Service of Ukraine;

shelters for children;

centers of social and psychological rehabilitation of children;

social rehabilitation centers (children's towns).

Other bodies of executive power, bodies of local self-government, enterprises, institutions and organizations, regardless the form of ownership, individual citizens (Article 1 of the above mentioned Law) participate in the implementation of social protection and prevention of offenses among children within their competence.

It should be noted that in this list there are no educational establishments other than schools and vocational schools of social rehabilitation of educational institutions.

According to Art. 3 of the above-mentioned Law, «for the prevention of offenses among children should be understood as the activities of children's bodies and services, special institutions for children, aimed at identifying and eliminating the causes and conditions conducive to the commission of children by offenses, as well as the positive impact on the behavior of certain children in the territory of Ukraine, in its separate region, in family, at enterprises, institutions or organizations, regardless the forms of ownership, at the place of residence».

Taking into account the foregoing, we believe that educational institutions of all types should be included into the list of subjects for the prevention of offenses among children, because they are:

institutions that play a priority role in the upbringing of the child (in the family) and this is the responsibility of the pedagogical staff of the educational institutions;

institutions where the child spends most of his time, therefore, the teachers have more possibilities for an identification of the causes and conditions that contribute to the child's perpetration of violence;

an institution where the socialization of the child and its formation as a person are to a large extent.

Speaking about such special establishments for children as social rehabilitation schools and vocational schools of social rehabilitation of educational institutions, it should be mentioned that in 2015–2016 juvenile children were never involved into any form of forced education, i.e. children weren't sent to the above mentioned institutions.

It should be noted that in Ukraine in 2016 there were two schools and two vocational schools of social rehabilitation, in which correspondingly there were 7 and 16 children. In 2017 there were one school and one vocational school of social rehabilitation – the Komyshevaska School in Zaporizhia Region for children aged 11–14 and the Makiyivka Vocational School of Social Rehabilitation in the Donetsk Region for children elder than 14 years. In August 2017, Okhtyraska School for Girls in Sumy Region was reorganized and joined to the State Educational Institution «Okhtyr Center for Vocational Education», which indicates the actual unclaimedness of such institutions.

In our view, this link of educational institutions requires the reformation or refusal from them with the introduction of several amendments to the Law of Ukraine «On Bodies and Services for Children and Special Institutions for Children» on their exclusion from the list of institutions that are responsible for the implementation of social protection of children and prevention among them the offenses.

We consider it to be expedient to include probation bodies into the list of subjects for the prevention of offenses among children, since «the purpose of probation is to ensure the safety of society through the correction of convicts, preventing them from committing repeated criminal offenses ...» (Article 4 of the Law of Ukraine «On Probation»¹¹). In addition, there are grounds for expanding the circle of persons for whom probation is carried out by including minors who are exempted from punishment with the use of coercive measures of an educational nature. Such a decision follows from the aforementioned Law, according to which

¹¹ On Probation: Law of Ukraine. Bulletin of Verkhovna Rada of Ukraine. 2015. No 13. Art. 93. URL: <https://xn--80aagahqwyibe8an.com/zakon-ukrajiny/stattya-sfera-diji-60006.html> (Date of Application: 21.02.2018)

the probation applies to convicted persons to perform certain types of criminal penalties, which are not related to deprivation of liberty (Article 6, Clause 2).

2. To create a comprehensive justice system capable of effectively preventing juvenile delinquency and providing rehabilitation of juvenile offenders, it is necessary to ensure the proper coordination of the work of all authorities authorized in the field of juvenile delinquency prevention and justice. In order to achieve such a result, a decision was made on the need for an evaluation of the existing system for the prevention of juvenile delinquency by analyzing existing programs and projects in the relevant field.

In accordance with sub-item 1 of Clause 3 of the Regulation on the Interdepartmental Coordination Council on Juvenile Justice (hereinafter – the Interdepartmental Coordination Council), approved by the Resolution of the Cabinet of Ministers of Ukraine dated May 24, 2017 No 357¹², this body, which included representatives of ministries, the Commissioner of the President of Ukraine on the Rights of the Child, the Commissioner of the Verkhovna Rada of Ukraine on Human Rights, the General Prosecutor's Office of Ukraine, the National Police of Ukraine, international organizations, public associations, scientists and experts, gathering information on policies, programs and projects in the field of crime prevention among minors.

According to experts' decision and the results of the information gathering, a «unified map» and a bank of policies, programs and projects in the field of prevention of juvenile delinquency, which are being implemented in Ukraine as central executive authorities, as well as local government bodies, local self-government bodies, international organizations, public associations, etc.

The Interdepartmental Coordination Council will work on the following tasks:

1) development and promotion of the draft Strategy for the prevention of juvenile delinquency, focusing on: primary prevention (general crime prevention), secondary prevention (work with children of risk), tertiary prevention (work with children being in conflict with law);

¹² About the Establishment of Interrelation Coordination for the Juvenile Law: Resolution of the Cabinet of Ministers of Russia dated 24.05.2017 No 357. URL: <http://zakon3.rada.gov.ua/laws/show/357-2017-%D0%BF> (Date of Application: 21.02.2018).

2) study of the need for the amendments to the Criminal Procedural Code of Ukraine aimed at introduction of a model of restorative justice for minors in the form of a program of juvenile reconciliation (mediation in the criminal process against minors), and, if it is necessary, drafting a relevant bill;

3) determination, taking into account the results of studying the experience of foreign countries, of the internal structure and the basic provisions of the draft law on juvenile justice;

4) development and promotion of an approval of probation programs for working with minors who are in the system of probation, as well as correctional, preventive and resocialization programs for minors who are in educational colonies and pre-trial detention centers;

5) development and promotion of the adoption of subordinate legal acts, which would determine the methods, tools for an implementation and ensure the proper functioning of the penitentiary probation system for minors;

6) development and facilitation of the introduction of an assessment system for minors, which would correlate with the assessment of risks and needs, carried out at the pre-trial stage and in the probationary period, for drawing up an effective individual work plan with a child.

The implementation of these measures will create a modern system of criminal justice for minors in the country.

3. Legal education of children began to be focused only in early 90's of the XX century, when the law subject was introduced into the school curriculum. However, it did not give a deep knowledge of law and right, given the incompetence of most teachers who taught this subject. Most convicted juveniles (as they say) did not know that their actions had a criminal nature and weren't familiar with the legal status of minors according to their age.

For today, students receive legal knowledge learning the course of school discipline «Fundamentals of Jurisprudence». This course is important for the formation of a legal culture, the belief in the necessity of lawful conduct, the inadmissibility of encroachment upon the rights of other citizens, the ability to protect their rights and universally recognized social values, while not forgetting about their own responsibilities of a person and a citizen; awareness of the inevitability of liability for the offense.

In order to form a negative attitude towards unlawful acts among children, it is suggested to conduct additional educational activities by:

1) the use of various pedagogical forms of material presentation in the educational process, in particular, the conduct of law studies in the form of business games with distribution of roles, modelling of life situations, social processes and procedures, discussions, etc.;

2) conduction of training with the participation of employees of the judiciary, prosecutor's office, police, court, etc., with the possibility of attending the courtroom, special institutions for minors;

3) demonstration of interviewing juvenile convicts; children who have used drugs, drank alcohol, etc. (videos from hospitals where the abovementioned persons and special institutions are located);

4. Lacks in family upbringing are the main source of formation of changes in the personality of the adolescent and determine criminal behavior.

The great propensity for anti-social, illegal, violent behavior is found in children who lived in families with authoritarian, immoral or antisocial education methods; families in difficult living conditions; incomplete and conflicting families; as well as those with special problems (for example, where there are family members who have previously served their sentence or are the members of religious denominations with specific rituals, which can cause harm to both the physical and mental health of the child); families with different levels of material wealth (as a rule, wealth or poverty); in families with parents abroad (as a result, children are social orphans, deprived of an attention and control), and so on. Children deprived of parental control, in most cases resort to destructive behavior, spend more time on alcohol, drugs, gaming, hooliganism, etc.

In criminological theory it is noted that the prevention of family disadvantage should be carried out in the following sequence: the identification of dysfunctional families; diagnosis of family discomfort; carrying out of preventive measures for the normalization of the microclimate in the family; the use of administrative and criminal legal measures of influence on parents who dodge or maliciously fail to perform duties for the upbringing of children.

In order to prevent neglect, homelessness of children, which in the majority of cases leads to the destructive behavior of the latter ones, as well as the involvement of minors in anti-social activities, juvenile

delinquency officers, in conjunction with the service of district police officers, the children's service and the public, must first of all identify families in a timely manner, who were in difficult living conditions, and in co-operation with other subjects for the prevention of offenses, as well as social protection agencies for children and social work to take appropriate measures to this category of families. In case of detection of signs of an offense provided for in Art. 184 KUpAP, juvenile delinquency staff shall draw up a report on the mentioned administrative offense and, along with necessary materials, shall be sent to the court. In addition, the organization of leisure and assistance in the employment of minors, as it was mentioned earlier, may contribute to solving the problem of neglect of children and, accordingly, to prevent their involvement in anti-social activities.

It should be borne in mind that there are families that are not officially classified in families that are in difficult living conditions, and that are considered to be prosperous from the outside but which have certain problems that adversely affect the children they are raised in. Due to the fact that the majority of juvenile offenders are students, the main subjects of detection of preventive activities with children and parents in such families should be a class teacher and a school policeman (if it is enshrined in this institution).

A positive step towards the prevention of domestic violence is the adoption of the Law of Ukraine «On Prevention and Combating Domestic Violence» of 07.12.2017¹³. The novel of this act is the introduction of the institution of «a patronage over children». The possibility of «placing a child in the family of a patron teacher in the event of the child's inability to live with parents, or other legal representatives in connection with the commission of domestic violence against this child or with his participation» (Article 7, Article 9 of the Law of Ukraine «On Preventing and Combating Domestic Violence»). Such an event as a special educational effect should be in the case when the child is difficult, neglected or there is a significant threat, as it is foreseen in the Criminal Code of Switzerland (Article 82). In our opinion, it would be advisable to use it and to expand the concept of patronage over a child, as it is enshrined in Clause 1, Article 252 of the Family Code of Ukraine and to consider it as a measure of an educational influence as well.

¹³ On Preventing and Combating Domestic Violence: Law of Ukraine dated 07.12.2017 No 2229-VIII. URL: <http://zakon2.rada.gov.ua/laws/show/2229-19> (Date of Application: 21.02.2018)

At the same time, an important negative factor is the risk of an influence on the victim of the offender, therefore, a mechanism is needed that would make it impossible for the victim of domestic violence to apply for closure of the case at his request.

In order to combat effectively disadvantage and domestic violence, the main causes of juvenile delinquency are:

- to increase the efficiency of activities of all subjects of the state system of social and legal protection of children in solving the problems of the prevention of homelessness and juvenile delinquency;

- taking into account the acuteness and urgency of the problem of social orphanhood among children related to the mass exoduses of parents beyond Ukraine and their long absence, to establish the registration of such children, to improve forms and methods of establishing public custody of them;

- to strengthen information and consultative work with families regarding the prevention of homelessness and neglect of minors, the involvement of minors in antisocial or criminal activity;

- to carry out checks on the organization of work on the prevention of domestic violence in educational institutions of all types;

- to expand the concept of «patronage over a child» and consider it as means of an educational influence;

- to create a mechanism that would make it impossible for the victim of domestic violence to sue for the closure of the case at his request and thus reduce the risk of exposure to the victim.

5. There are frequent, for today, cases of violence in educational institutions. Activities for the fight this phenomenon should be pursued in two directions: prevention of violence both of teachers and students.

The legal basis for the protection of children from violence by the teaching staff is the Order of the Ministry of Education and Science of Ukraine «On Taking Additional Measures to Prevent and Combat the Ill-Treatment of Children» of 25.12.2006, No 844, which stipulates that the ill-treatment of children at school by teachers, educators concerning children is, as it follows:

- humiliation, setting in a corner;

- beating;

- public undressing of a kid as a method of punishment;

- public mentioning of the disadvantages of a kid, the peculiarities of his family, family events, which the teacher found out;
- unsustainable labor;
- ignorance of the physical needs of the child (prohibition to go to the toilet);
- «favorites» and «pariahs»;
- «high» tone, screaming, unreasonable, inadequate estimation;
- strict discipline based rather on fear but not on an interest in learning; authoritarianism, requirements without explanation;
- inappropriate requirements to the appearance of the child (hairstyle, uniform) and the use of unlawful actions to improve it – self-cutting, removal of decorations, mobile phones, etc.;
- rape of minors.

There are frequent cases of degrading children's dignity by teachers. Often, confidential information about the problems of the child and his family is populated and becomes the subject of discussion in the classroom, among parents, who injure the psyche, worsens the moral condition of the child. The means of psychological pressure of separate teachers was the depreciation of educational achievements of students. Often, 11–12 scores can be obtained only by the student who has additional (paid) classes. The aforementioned, as well as professional solidarity, the false interpretation of the «protection of the honor of the uniform» form the idea of the existence of double standards in human relations.

Currently there is no proper legal regulation of cases regarding the conflict between a teacher and a student. There is a need to foresee a procedure for solving such conflicts in the Model Statute of a comprehensive educational institution, as well as disciplinary measures for teachers, pupils and their parents for failure to fulfill their duties or violations of the rights of other participants in the educational process. In particular, in Spain and the United States, such disciplinary action as school arrest is widely applied to students.

In many countries, violence among students is becoming more widespread. Instead, they do not always fall into the attention of teachers because of their high latency. There is a need to introduce an effective mechanism for reporting such facts in general education institutions. These can be tests, regular surveys, etc.

To counteract the violence among students, which takes place throughout the world, it is advisable to take advantage of the positive experience of other countries. For example, in Norway, Austria, Finland, the USA, Germany and other countries the educational-preventive program of prevention of slighting by D. Olveus is widely used. The program contains a set of information-consulting, diagnostic, organizational activities that cover all the participants in school process. Its implementation is carried out at general, group and individual levels. The program provides for the implementation of preventive measures aimed at the prevention of the spread of criminogenic phenomena and the development of typical forms of criminal activity. It was found for the pupils of 4–7 grades, and is quite effective, since during its implementation there is a decrease of the level of violence from 30% to 70%.

In French schools, in addition to mandatory official reports on various manifestations of violence, which they must pass on the authority, educational institutions serve as permanent laboratories for questioning of socio-psychological direction. They are under constant supervision of various public government and non-governmental organizations, the media.

On the basis of the above mentioned, we offer:

- to provide in the Model Statute of a comprehensive educational institution the procedure for resolving conflicts among pupils, between pupils and teachers, as well as disciplinary measures of students, their parents, teachers for failure to fulfill their duties or violation of the rights of other participants in the educational process;

- to introduce into a comprehensive educational institution a multi-level educational and preventive program for the prevention of slighting by D. Olveus;

- to provide regular monitoring of violence in schools through a regular questionnaire on socio-psychological orientation, study of the materials of «trust boxes» under the supervision of public, governmental and non-governmental organizations.

Recently, the Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Combating Bullying»¹⁴, which defined the concept of bullying and provided for an administrative liability for such actions. The

¹⁴ On Amendments to Certain Legislative Acts of Ukraine on Combating Bullying (Hunt): Law of Ukraine dated 18.12.2018 No 2657-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2657-19> (Date of Application: 04.04.2019).

regulations of the law require serious reflection and evaluation on the results of their practical application.

10. High criminogenicity of children and youth is not only a feature of our state, it is a tendency that characterizes the modern world at whole. In the United Kingdom, Canada, Lithuania, Norway, Germany, Poland, the United States and other countries, preventive programs of long-term intervention are widespread to reduce juvenile delinquency. Such programs for the correction and prevention of juvenile delinquency accumulate the activities of state bodies, non-governmental organizations, volunteer groups, teachers, parents' communities and individuals, aimed at the development of socially useful skills in adolescent age groups; elimination of the causes and conditions that determine socially inappropriate behavior of the child, and prevention of the commission of a crime at various stages of socialization of the child. Early intervention prophylaxis programs are aimed at prevention of the emergence of criminogenic phenomena in the process of forming a socially acceptable space for the development of the child. In addition, at this stage of prevention, great importance is given to the formation and teaching of children with necessary skills and assistance in solving of vital problems.

An implementation of the positive international experience in juvenile delinquency prevention is an important tool for the improvement of its effectiveness in Ukraine. We suggest joining the following programs that are successfully implemented in many countries throughout the world:

School program «Quick Course». The purpose of program measures is to prevent negative deviations in the behavior of pupils of 1–6 grades, formed at home, in school and peers. Intervention prevention focuses on the most closely related to the juvenile socialization agents (family, school, permitting sphere), which form his behavior, the attitude to social norms and the ability to adhere to them. This program has become widespread in the UK, Australia, Canada, and the United States.

A program to restrict the leisure of juveniles committing offenses or crimes. Such measures are implemented by special institutions and schools, where individuals who have committed an offense, a crime or have asocial manifestations in their behavior, spend time free from education. In addition, the educational process involves minors' parents with socially inappropriate behavior. The program is used in Ireland.

The Youth Employment Assistance Program covers young people aged 15–18 who are registered in the juvenile correction system. The main objective of the program is to provide support in education, professional skills and employment used in Ireland.

Drug-based program is based on the motivation model of decision-making skills. It was developed as a classroom program for the prevention of drug abuse by minors (elder than 14 years), pupils of correctional and alternative schools. The main objectives of the program are: to reduce or to eliminate completely the use of tobacco, alcohol, marijuana and heavy drugs; reduction or complete elimination of weapons; increasement of the demonstration of behavioral and cognitive self-control skills for students. It is widespread in Ireland.

Educational and preventive program «Training to Resist the Criminal Group – Success». It is a continuation of the program «Learning to Confront Drug Addiction – Try it» and aims at forming a sense of justice of minors, in particular, difficult children, under the guidance of teachers. Graduating students receive certificates. Students who have successfully completed the training on the above mentioned programs continue to teach others through the «peer-to-peer» method. The program is used in 50 countries throughout the world, in particular, in Canada, Germany, Cuba, Mexico, Spain, Turkey, etc.

CONCLUSIONS

Summarizing the above mentioned, it should be noted that in developed countries, programs of prevention of social degradation and crime among children and youth, which provide for a system of complex measures aimed at preventing socially unacceptable child upbringing, are being successfully implemented. Attention is drawn to: proper living conditions of the child; the regularity of the processes of education and upbringing of the child; respect for children's rights, provision of children with a sense of security, adoption and empowerment of children; active participation of children in cultural life and the creation of opportunities for proper leisure management; development of social security, assistance to children and families in difficult financial situation; security and public order. Children have wide limits of freedom, and the main condition is the inadmissibility of violation of rights and freedoms of other people.

Consequently, in development of a system of program measures for the correction and prevention of juvenile delinquency in Ukraine, foreign positive experience regarding the adaptability of various components of long-term and early intervention programs for persons of different age groups should be taken into account, as well as the possibility of their application to children. It is necessary to provide an integrated approach to coordination of the activities of social institutions (especially in the family and the sphere of education) with the support of local authorities, local self-government bodies, law enforcement and public health authorities, and the public.

SUMMARY

The article is devoted to the complex criminological study of the phenomenon of violence among secondary school pupils. Signs, types and main trends of violence among secondary schools pupils, criminological characteristics of students – participants of the violence are considered.

The issue of juvenile delinquency prevention has always been a great deal of attention in Ukrainian criminology, a significant number of monographs and papers have been edited, and a number of dissertations on this topic have been defended. Instead, the precautionary measures in these studies are highlighted mostly fragmentely, referring to specific areas or spheres of mentioned activity. Our task was to formulate on the basis of the results of our own research, the studies of other authors, to generalize foreign experience and to formulate the most comprehensive, suitable for Ukraine and actual system of measures for the prevention of juvenile delinquency.

Determinants of violent behavior in the school environment are determined. The complex of general social, specially-criminological and individual measures for the prevention of school violence is suggested. Practical suggestions and recommendations for the improvement of national legislation aimed at the ensuring of the effective protection of a child from all forms of violence in education are substantiated.

In development of a system of program measures for the correction and prevention of juvenile delinquency in Ukraine, foreign positive experience regarding the adaptability of various components of long-term and early intervention programs for persons of different age groups should be taken into account, as well as the possibility of their application to children. It is necessary to provide an integrated approach to coordination of the activities

of social institutions (especially in the family and the sphere of education) with the support of local authorities, local self-government bodies, law enforcement and public health authorities, and the public.

REFERENCES

1. About Approval of Statement on the Initial Mortgage: Decree CMU dated 27.08.2010. No 778. URL: <http://zakon3.rada.gov.ua/laws/show/778-2010-%D0%BF> (Date of Application: 12.02.2018).

2. About the conceptualization of the Concept of the State Social Program «National Plan for the Implementation of the UN Convention on the Rights of Child» for the period up to 2021: Decree of the Cabinet of Ministers dated April, 5, 2017. No 230-p. URL: <https://www.kmu.gov.ua/ua/npas/249890555> (Date of Application: 20.02.2018).

3. About the Establishment of Interrelation Coordination for the Juvenile Law: Resolution of the Cabinet of Ministers of Russia dated 24.05.2017 No 357. URL: <http://zakon3.rada.gov.ua/laws/show/357-2017-%D0%BF> (Date of Application: 21.02.2018).

4. About the National Strategy of Health Activities in Ukraine for the period up to 2025: Decree of the President of Ukraine No 9, 2016, February No 42/2016. URL: <http://www.president.gov.ua/documents/422016-19772> (Date of Application: 12.02.2018).

5. Dubchak L.S. Improvement of the activities of educational institutions in prevention of juvenile delinquency in Ukraine: thesis. ... Candidate of Law: 12.00.08. Kyiv, 2007. 252 p.

6. Holodniak A.Y. Criminological features of anti-social behavior of adolescents of a marginal environment and prevention of crimes committed by them: author's abstract of thesis ... Candidate of Law: 12.00.08. Moscow, 2003. 26 p.

7. Korolchuk V.V. Actual problems of juvenile delinquency prevention. Scientific Herald of the National Academy of Internal Affairs. 2013. No 1. P.176-182.

8. Korystin O.Y. Features of juvenile delinquency and the specifics of its prevention (based on the materials of the Southern region of Ukraine). Southern Ukrainian Law Journal. 2014. No 4. P. 16–19.

9. Miroshnikova O.Kh. Professional standard of the teacher: international experience and regional components. Internet-Journal «SCIENCE». 2015. Vol. 7. No 3. P. 3. URL: <http://naukovedenie.ru/PDF/53PVN315.pdf>. (Date of Application: 11.01.2017).

10. On Amendments to Certain Legislative Acts of Ukraine on Combating Bullying (Hunt): Law of Ukraine dated 18.12.2018 No 2657-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2657-19> (Date of Application: 04.04.2019).

11. On approval of the Concept for the implementation of state policy in the field of reforming general secondary education «New Ukrainian School» for the period up to 2029 : CMU Decree of 14.12.16, No 988-p.

12. On Bodies and Services for Children and Special Establishments for Children: Law of Ukraine dated January 24, 1995. No 20/95-VR. URL: <http://zakon3.rada.gov.ua/laws/show> (Date of Application: 12.02.2018).

13. On Extracurricular Education: Law of Ukraine dated 22.06.2000. Bulletin of the Verkhovna Rada of Ukraine. 2000. No 46. Art. 393.

14. On Preventing and Combating Domestic Violence: Law of Ukraine dated 07.12.2017 No 2229-VIII. URL: <http://zakon2.rada.gov.ua/laws/show/2229-19> (Date of Application: 21.02.2018).

15. On Probation: Law of Ukraine. Bulletin of Verkhovna Rada of Ukraine. 2015. No 13. Art. 93. URL: <https://xn--80aagahqwyibe8an.com/zakon-ukrajiny/stattya-sfera-diji-60006.html> (Date of Application: 21.02.2018).

16. Vodniv V.D. Crime of juveniles: causes and ways of prevention (according to the research in Kharkiv). Bulletin of the National University «Legal Academy of Ukraine named after Yaroslav the Wise». Series: Philosophy, Philosophy of Law, Political Science, Sociology. 2015. No 3. P. 155–176.

17. Yaremenko O.O., Balakirieva O.M. and others. Formation of healthy way of youth life: problems and prospects. Kyiv: Ukrainian Social Newsletter, 2000. 168 p. URL: <http://www.health.gov.ua/health.nsf> (Date of Application: 21.02.2018).

18. Yosypiv A.O. Foreign experience in preventing crimes committed by minors of a marginal environment. Legal Journal of the National Academy of Internal Affairs. 2018. No 1. P. 381–392.

19. Yusikova N.S. Crime of minors: features, current tendencies and measures to prevent and counteract it: monograph. Dnipro, 2016. 375 p.

Information about author:

Pluhatar T. A.

Candidate of Juridical Sciences, Senior Researcher, Academic Secretary
of the Academic Council, State Research Institute
of the Ministry of Internal Affairs of Ukraine,
4a Ye. Gutsala Lane, Kyiv, Ukraine