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THE PANEL ON JUVENILE AFFAIRS AS A SPECIAL MEASURE
FOR THE JUVENILE DELINQUENCY PREVENTION

A. IVANOVA, E. YARMOTS
Polotsk State University, Belarus

The article is devoted to the importance and the role of juvenile panels in the Republic of Belarus. The main jurisdictions of panels on juvenile affairs are illustrated here, some problematic aspects in the work of a panel are identified, and the measures to improve the work of panels on juvenile affairs in the Republic of Belarus are highlighted.

The issue of juvenile delinquency prevention has a special place in the implementation of the State policy in the field of law enforcement. The level of crime situation in the society as well as in the State, and the level of legal awareness of citizens both depend on the quality and the degree of the effectiveness of the preventive measures developed by the State.

There is a number of bodies on the legislative level that are considered as general and special measures for the prevention of crimes committed by minors in the Republic of Belarus.

The main feature to distinguish special bodies for crime prevention from general bodies for crime prevention is that the prevention of juvenile delinquency is the task and the main aim of special bodies' activities, that is, these offices are created directly for the prevention of such offenses. These bodies in the Republic of Belarus, along with Juvenile Liaison Office, include committees/panels for juvenile crimes (after will be referred as CJC). They are subjects to the Executive committees of a corresponding region, a city, or a district. The CJC affairs are regulated primarily by the Law of the Republic of Belarus "On the preventive system against the neglect and juvenile offenses", and by a number of regulatory acts: such as Law of the Republic of Belarus "On the rights of the child", the Code of the Republic of Belarus about the marriage and family, dated 09.07.1999 № 278-Z. There is also a special regulation called "On the procedure for the formation and operation of the panels that work with juveniles ". The Regulation was approved by the Resolution of the Council of Ministers of the Republic of Belarus on the 10th of December, 2003 № 1599 [1, 2, 3].

The panel on juvenile affairs is a state public collegial body that does not have permanent staff members, that is, this body is created ad hoc [4]. In regions, CJC is presided over by the Deputy Chairman of district Executive Committees (regional Executive Committees), who are responsible for public activities. The Chairman has a Deputy to organize the work of the Panel – who is the only staff member in the region. The CJC includes not only doctors and teachers, but also the heads of State bodies, institution members, and organization staff who carry out the preventive measures on neglect and juvenile delinquency, as well as representatives from public organizations. The main aim of their work is:

- 1) to protect children's rights and interests,
- 2) to prevent neglect and juvenile delinquency,
- 3) to analyze the criminal situation in families and,
- 4) to take preventive measures [5].

It should be mentioned that in the legislative language, that sets out the tasks and goals of juvenile panels, the emphasis on the real role of the latter has slightly shifted. First of all, according to the Letter of the Law, the activities of CJC are aimed at protecting rights and freedoms of juveniles if there are some violations. To fulfill the above-mentioned task, the CJC is given powers to review and close all cases of administrative offenses, committed by minors. Thus, it can be stated that CJC is considered as the alternative to the court (a court-like body) [6].

The process itself of taking preventive measures, aimed at preventing such violations and at ensuring the rights and freedoms of minors, is of secondary importance. The essence of such measures is not disclosed on the basis of legislative formulations. This may lead to negative consequences of literal interpretation of such rules. The example is that while taking preventive measures to protect the rights and freedoms of a child, this child can be removed from the family because of the CJC's decision based on the Code of the Republic of Belarus on the marriage and family. The condition to remove the child may be the following - the inappropriate performance of the parents (or the only parent) when dealing with their responsibilities of upbringing and taking care of the child; as a result of this poor-quality childcare, the child is in socially dangerous condition. It should be mentioned that

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all indicators and all criteria for recognizing and naming a condition as socially dangerous are established by the law. Among these criteria one can name a) those that actually indicate a danger to the minor, and b) those that do not pose a direct threat. For example, a lack of care due to some illness or the poverty of parents; or poor living conditions of a minor due to the financial problems of the parents (it is also referred to families with arrears in payment for housing and/or utility services); or a lack of adequate medical care for the child (it is also referred to the refusal of parents to shoot vaccinations) – all these criteria should be considered as variables because they do not always indicate the problem in a particular family nor are the results of child's poor condition. However, in most cases where these variables were considered, CJC have made decisions to remove minors from their families. Though there is no evidence so far that social education and children's detention even with good financial security can replace family values [7].

The adequate protection of the rights and legitimate interests of minors is an important part of the fight against such social phenomenon as homelessness. It is impossible not to agree that in some cases there is a causal link between homelessness and the decisions, made by CJC. Therefore, we believe that the means and the efforts of the CJC's work should be aimed at preventing and/or stopping from homelessness. The solution to this problem might involve closer cooperation of CJC members with legal representatives of minors. That may require the increase in the number of staff members who will carry out preventive activities on a permanent and professional basis. This will allow the panel members, as a public authority, to fully organize the coordination process - which is the function that is assigned to them.

From our point of view, the protection of the rights and freedoms of a minor means the secure of a minor's family. By taking such measures, CJC would fully and in a right way realize the powers given to them. The state bodies, represented in the CJC, should create special conditions that would prevent and realize the rights of minors, since the strategic direction of CJC's work is primarily to prevent, not to protect.

Thus, we believe that from a practical point of view, it is necessary to expand the role of CJC on the legislative level. The Law of the Republic of Belarus "On the preventive system from neglect and juvenile delinquency" contains only measures to provide the rights and legitimate interests of minors, but the term "provide" is more vague, it also includes methods to manage on the State level, and ways to protect rights in case of their violation.

The practical realization of the protection mechanism of CJC may be as follows. If the family has a number of conditions that interferes with proper upbringing of a child, for example, 1) financial problems; 2) some aspects of the job that legal representatives have, such as business traveling or work on shifts; 3) illness of the legal representative, etc. - in such cases a legal representative of a minor should have the right to apply to the Committee for Juveniles with the request for support of the family. Members of the Committee, in their turn, when having the application, should send appropriate orders to the relevant authorities and/or organizations to provide the family with necessary financial or social assistance. Thus, CJC will become a coordinating body not only for the prevention of a crime and/or neglect, but also for ensuring the rights and legitimate interests of minors.

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