

ANNA MARKINA

Operationalising ISRD Evidence
for Youth Justice in Estonia:
A Child-Rights Framework
for Proportionate, Least-Restrictive
Responses



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LIST OF ORIGINAL PUBLICATIONS

- Study I:** Markina, A., & Saar, J. (2009). Estonia. In J. Junger-Tas, I. H. Marshall, D. Enzmann, M. Killias, M. Steketee, & B. Gruszczyńska (Eds.), *Juvenile Delinquency in Europe and Beyond: Results of the Second International Self-Report Delinquency Study* (pp. 254–265). New York, NY: Springer. (ETIS 3.1)
- Study II:** Kask, K., Markina, A., & Podana, Z. (2013). The effect of family factors on intense alcohol use among European adolescents: A multilevel analysis. *Psychiatry Journal*, 2013, Article ID 250215. <https://doi.org/10.1155/2013/250215> (ETIS 1.1) (CC BY 3.0).
- Study III:** Markina, A., & Kask, K. (2013). The effects of family factors on alcohol consumption in three East-European countries. *Journal of Contemporary Criminal Justice*, 29(1), 53–69. <https://doi.org/10.1177/1043986212470886> (ETIS 1.1)
- Study IV:** Kask, K., & Markina, A. (2014). With whom did you drink last time? An analysis of adolescents' alcohol use. *Annual Review and Research in Biology*, 4(1), 174–187. (ETIS 1.2) OA journal.
- Study V:** Markina, A. et al. (2025). Experiences with Crime in the Online and Offline Domains. In: Haen Marshall, I., et al. Young People's Experiences with Online and Offline Crime. SpringerBriefs in Criminology. Springer, Cham. https://doi.org/10.1007/978-3-032-03095-5_3 (ETIS 3.1)
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- Study VII:** Raquel Matos, Luísa Campos, Filipe Martins, Jo Deakin, Alexandra Carneiro, Claire Fox & Anna Markina (2023) At the 'risky' end of things: labelling, self-concept and the role of supportive relationships in young lives, *Journal of Youth Studies*, 26(3), 313–330. <https://doi.org/10.1080/13676261.2023.2174007> (ETIS 1.1) CC BY 4.0
- Study VIII:** Strömpl, J., & Markina, A. (2017). Children's Rights and the Juvenile Justice System in Estonia. *Juridica International*, 25, 66–73. <https://doi.org/10.12697/JI.2017.25.07> (ETIS 1.2)
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Author's contribution

Study I: Anna Markina led the conceptualisation and research design of the Estonia chapter. She coordinated ISRD2 fieldwork and data curation for Estonia and conducted the formal statistical analyses. She wrote the original draft and prepared the tables and figures. She also handled project administration and liaison with the ISRD consortium and the volume editors.

Study II: Anna Markina contributed to conceptualisation and research design; coordinated data curation and cross-partner communication; oversaw project administration; contributed to funding acquisition; and contributed to writing through critical review and editing, approving the final manuscript.

Study III: Anna Markina led the conceptualisation and research design; coordinated data curation and collaboration with co-authors; served as project administrator; secured/assisted with funding acquisition; and drafted the original manuscript, integrating co-author feedback prior to submission.

Study IV: Anna Markina assisted with the statistical analysis; coordinated data curation and collaboration with the co-author; managed project administration for the Estonian component; and contributed to writing the Results, Discussion, and Conclusion sections. All authors read and approved the final manuscript.

Study V: Anna Markina led the conceptualisation and research design; coordinated the international ISRD consortium (country liaison, timelines, and quality control); harmonised and curated cross-national data and documentation; conducted the formal analyses; wrote the original draft and prepared tables/figures; contributed to review and editing after co-author and editor feedback; managed project administration; and contributed to funding acquisition.

Study VI: Sole-authored study. Anna Markina undertook all stages of the work, including conceptualisation and research design; data collection and curation; formal analysis; drafting the original manuscript; revising and editing; preparing tables and figures; project administration; and funding acquisition.

Study VII: Anna Markina curated and coordinated the Estonian data and related documentation; conducted formal analyses for the Estonian component; prepared the Estonian tables and figures; coordinated project tasks and liaison across sites/authors; and contributed to writing through critical review and editing of the manuscript.

Study VIII: Anna Markina conducted the legal analysis and doctrinal synthesis (CRC General Comments and domestic law) and drafted the original manuscript text; co-authors reviewed and approved the final version.

Study IX: Anna Markina drafted the section titled "Recognising the Child's Vulnerability in Criminal Law and Criminal Law Proceedings" and contributed to writing through critical review and editing of the full chapter; all authors approved the final manuscript.

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ANALYTICAL COMPENDIUM TO A CUMULATIVE DISSERTATION

1 INTRODUCTION

The International Self-Report Delinquency (ISRD) study is a longstanding cross-national project that measures juvenile offending and victimisation through confidential self-reports by young people (Junger-Tas et al. 2003; 2012). It complements official statistics. ISRD addresses known limits of police and court records, including under-reporting, variation in recording practice and legal-threshold effects, by generating population-based indicators that aim to reflect the prevalence and distribution of harm more accurately (Lynch and Addington 2006; Maguire 2012; Mosher et al. 2011; van Dijk et al. 2015). This cover chapter uses ISRD evidence for two tasks. It reports on levels, patterns and, where feasible, trends in offending, victimisation and risky behaviour. It also explains these outcomes through a pragmatic, context-focused framework centred on socialisation (family cohesion and parental monitoring), peer context, school climate and situational exposure (with whom, where and when).

The interpretive stance is pragmatic. Rather than testing a single pre-specified grand theory, the set of publications reads convergent regularities through immediate elements that recur in adolescent behaviour research: a young person's tendency to follow rules and resist temptations as shaped by socialisation, the routines and opportunities that bring them into contact with risky settings, and the presence of formal and informal supervision. Causal language is used cautiously and only where mechanisms are theoretically specified and empirically proxied across waves; elsewhere, the focus is on patterned associations that are robust across designs and samples.

Estonia provides the policy locus. Three waves of the ISRD have been conducted in Estonia: ISRD2 (Markina and Saar 2009; Markina and Šahverdov-Žarkovski 2007), ISRD3 (Markina and Žarkovski 2014) and ISRD4 (Markina et al. 2024). Taken together, they provide a comparable self-report basis for national interpretation. ISRD analyses have revealed prevalence patterns and contextual associations that are not visible in case-based administrative data (Kask and Markina 2014; Markina and Kask 2013; Markina and Žarkovski 2014). In 2018, Estonia overhauled its youth-justice architecture by repealing the Juvenile Sanctions Act (AMVS 1998) and amending the Penal Code (KarS 2001), Criminal Procedure Code (KrMS 2003) and other acts to prioritise developmentally appropriate, non-penal responses, expand prosecutorial options (including dismissal with obligations and referral to mediation), reduce the maximum duration of arrest for minors, and allow placement in a closed child-care institution in lieu of remand detention; juvenile committees were abolished and front-line decisions shifted to procedural authorities (Explanatory Note 453 SE 2017). Early post-reform evaluation evidence (Markina et al. 2021), together with related legal-analytic work (Luhamaa et al. 2024), indicates movement toward child-friendly practice but also persistent gaps in age-appropriate information,

meaningful participation, continuity of support across procedural transitions and coordinated assessment tools. Against this backdrop, Estonia is treated as the implementation arena where population-based ISRD indicators and mechanism-informed interpretations are translated into priorities for prevention, proportionate responses and reintegration.

The aim is to consolidate and interpret the ISRD-based publications as a coherent, policy-relevant whole. The chapter clarifies what self-report monitoring can and cannot add to official statistics. It presents a context-focused account of how socialisation, supervision, and situational exposure influence youth offending and victimisation. It then situates these insights within a child-rights framework grounded in the UN Convention on the Rights of the Child (CRC (adopted by GA res 44/25)) and its General Comments: No. 12 (2009) on the right to be heard (UN Committee on the Rights of the Child 2009), No. 14 (2013) on the best interests of the child (UN Committee on the Rights of the Child 2013), and No. 24 (2019) on child justice (UN Committee on the Rights of the Child 2019). This yardstick is read alongside the Council of Europe Guidelines on Child-Friendly Justice (Committee of Ministers of the Council of Europe 2010) and the EU Directive 2016/800 on Procedural Safeguards for Children Who Are Suspects or Accused Persons in Criminal Proceedings (2016). The criteria are participation and age-appropriate information, proportionality and least-restrictive response, protection from secondary victimisation, and continuity of support.

The analysis focuses on decision-relevant indicators derived from the ISRD and interprets them within Estonia's post-2018 youth justice framework. The primary research question is: *How can ISRD evidence be interpreted and applied within Estonia's child rights framework, and in light of the 2018 youth justice reform, to inform proportionate and least restrictive youth justice practices in Estonia?* To answer this question, the chapter addresses:

RQ1: What are the levels, patterns and key correlates of youth offending, victimisation and risky behaviour in Estonia, and how have these changed since 2006?

RQ2: How are rule-following, situational exposure and supervision associated with offending and victimisation in contemporary Estonia?

RQ3: To what extent do adolescents' offending and victimisation overlap across the online and offline domains, and how large is this overlap in Estonia compared with other ISRD4 countries?

RQ4: What do interviews with justice-involved adolescents in Estonia show about barriers and enablers of participation, everyday supervision, continuity of support and the lived effects of labelling?

RQ5: In light of this evidence, to what extent is the post-2018 youth-justice system aligned with the CRC, the Council of Europe Child-Friendly Justice Guidelines and Directive (EU) 2016/800, and what delivery conditions are required for proportionate, least-restrictive practice?

Together, these questions translate the aim into a sequence of decisions the evidence can inform. RQ1 establishes the empirical baseline and trends using harmonised ISRD items and grade bands. RQ2 makes the interpretive lens operational by estimating how rule-following, situational exposure and supervision relate to outcomes in contemporary Estonia. RQ3 identifies the victim–offender overlap and the features that differentiate groups, supplying a triage logic for least-restrictive, trauma-aware responses. RQ4 provides mechanism-rich interpretation from interviews with justice-involved adolescents, showing how participation, everyday supervision and continuity work in practice. RQ5 applies these findings to the CRC/CoE/EU yardstick in the post-2018 system, specifying delivery conditions for proportionate, child-friendly youth justice.

The chapter begins with the theoretical background and the Estonian youth justice context. It then describes the methodology, covering the ISRD waves and the qualitative design. Next, it presents an integrated digest of results. It concludes by applying the findings within Estonia’s child-rights framework and the post-2018 youth-justice architecture.

Original contribution: The compilation offers a harmonised, three-wave self-report account of youth offending, victimisation and risky behaviour in Estonia; integrates survey evidence with qualitative interviews to illuminate mechanisms in everyday supervision and exposure; and translates these findings into CRC-aligned, least-restrictive guidance for practice in the post-reform system.

2 THEORETICAL FRAMEWORK

2.1 Context-focused approach to explain adolescent rule-breaking

This thesis uses a context-focused approach to explain adolescent rule-breaking by examining the young person, the situations they are in (people, places and times), and the supervision present in those situations (Wikström et al. 2012; 2024). In practical terms, we consider (i) a young person's tendency to follow rules, (ii) how often they encounter tempting or risky settings, and (iii) the strength of informal and formal supervision, and how these elements work together. Family and school shape both a young person's rule-following tendencies and their daily routines, which in turn determine where, with whom, and when they spend time, and thus how often they encounter tempting or risky situations (Eccles and Roeser 2011; Gottfredson and Hirschi 2004; Hirschi 2017; Osgood et al. 1996; Sampson and Laub 1993). Supervision by parents, teachers, other adults or authorities determines whether such opportunities turn into actual incidents of rule-breaking (Dishion and McMahon 1998; Osgood et al. 1996; Sampson and Laub 1993).

ISRDR has long been used to document associations between adolescent offending and victimisation and indicators from different life domains: family cohesion and parental monitoring (Junger-Tas et al. 2012; Kask et al. 2013; Markina and Kask 2013), peer contexts (Enzmann et al. 2010; Kask and Markina 2014), school climate (Yamini et al. 2025), and individual dispositions (De Buck and Pauwels 2019), often examining a handful of predictors at a time or, in larger comparative designs, modelling several domains together (Junger-Tas et al. 2012; Steketee et al. 2013). Domain-structured models are valuable for monitoring and prediction because they summarise how correlates cluster across family, peer, school, and community environments; however, they do not, by themselves, specify the causal processes that generate rule-breaking. Accordingly, cumulative-risk indices are not adopted here as an explanatory theory. Recent work shows that "cumulative risk" patterns are best read as multiple markers of social context. They index the qualities of the life domains in which crime-relevant processes operate, rather than a stack of causal forces. Adding more markers may enhance our ability to represent context effectively. It does not, by itself, deepen causal explanation (Treiber and Wikström 2025; Wikström et al. 2024, 15–16, 109). In this thesis, associations are interpreted through a context-focused individual–situation–supervision lens drawn from the situational decision-making literature (Wikström et al. 2012; 2024): outcomes arise from a perception–choice process shaped by a young person's rule-following tendency, their exposure to risky situations, and the supervision present.

Acts of rule-breaking emerge from a perception–choice process in concrete situations. A young person encounters a setting's rules and expectations, applies a moral appraisal to possible actions, and, if rule-breaking remains a live option,

considers inducements and risks before choosing whether to comply. The likelihood of an act depends on the convergence of a stronger tendency to break rules with exposure to tempting or risky settings under weak supervision; offending is unlikely where rule-following tendencies are strong or where supervision is robust (Wikström et al. 2012; 2024). Developmentally, family and school influence both rule-following tendencies and everyday routines; those routines determine where, with whom, and when young people spend their time, and thus how often they encounter risky situations. Supervision by parents, teachers, other adults or authorities determines whether such opportunities turn into actual incidents of rule-breaking.

Although formulated for offending, the same situation-focused architecture helps to make sense of heavy alcohol use and victimisation. Heavy adolescent drinking can be seen as rule-relevant behaviour whose likelihood increases when rule-breaking tendencies coincide with settings that normalise or facilitate consumption in the absence of effective supervision. Victimisation risk follows youths' activity fields and the quality of supervision in those settings; online harms share much of the same logic as offline harms, with differences arising from how activities are structured and supervised.

ISRD provides proxies for each element of this approach. Socialisation and rule-following tendencies are approximated by indicators such as family cohesion and parental monitoring, and, where available, items tapping rule non-compliance or related dispositions. Exposure is proxied by "with whom, where and when" information, evening outings, and unsupervised time; supervision is inferred from the presence or absence of oversight in those settings, and at the boundary with formal systems, from reporting and first-contact experiences. Outcomes include self-reported offending, victimisation and heavy or frequent alcohol use. Because ISRD waves differ slightly in instrumentation, the synthesis prioritises constructs that recur across waves and treats wave-specific measures as boundary conditions for interpretation.

From this follow clear expectations. Family cohesion and parental monitoring should relate negatively to offending, victimisation and heavy alcohol use because they shape the development of rule-consistent tendencies and routine activities. Situational indicators of company and place should differentiate higher- from lower-risk episodes of heavy drinking and other harms. Where data allow, the joint presence of stronger rule-breaking tendencies and criminogenic exposure under weak supervision should be associated with the highest likelihood of offending, while strong rule-following or non-criminogenic settings should attenuate risk. These expectations are evaluated not by a single omnibus model but by a disciplined interpretation of convergent patterns across the included studies.

This approach clarifies what each publication contributes. The Estonia chapter in the ISRD-2 volume (Study I) establishes the monitoring base. Family-focused ISRD analyses (Study II and III) show directionally consistent associations between parental monitoring/cohesion and adolescent alcohol use, which this approach reads as socialisation effects on tendencies and activity patterns rather

than isolated statistical links. The situational article on “with whom did you drink last time?” (Study IV) directly operationalises exposure and supervision by linking heavy drinking to immediate company and place. Legal policy analyses on children’s rights (Studies VIII and IX), reintegration and vulnerability (Studies VI and VII), provide the normative framework for translating these principles into practice, emphasising proportionality and least-restrictive responses at first contact, age-appropriate information, and meaningful participation, as well as continuity of support across procedural transitions. The online/offline chapter (Study V) adds domain specificity to exposure without requiring a different explanatory model.

Finally, the implications are practical. A context-focused approach does not claim that every observed association is itself causal; rather, it organises explanation around immediate elements that are theoretically specified and empirically proxied. Given measurement limits (for example, direct measures of morality are not available in every wave), the synthesis emphasises repeated, directionally consistent patterns instead of isolated coefficients. The resulting translation to practice is straightforward: prevention and response should target the socialisation processes that shape tendencies, the settings that create exposure, and the supervision arrangements that condition perception and choice.

Within this thesis, child rights and child-friendly justice principles do not function as a causal explanation; they govern how mechanism-consistent evidence is translated into youth justice responses. In practice, the child’s right to be heard and to age-appropriate information at first contact supports proportionate appraisal; the principles of proportionality and least-restrictive response align with distinctions between rule-breaking tendencies and exposure-driven risk; continuity of support across procedural transitions stabilises the socialisation contexts that shape tendencies and routine activities; and safeguards against secondary victimisation are integral to design and evaluation.

2.2 Child-Rights Framework and the Estonian Youth-Justice Context

This chapter has three moves. First, it outlines a clear typology of youth justice approaches employed in Europe. Second, it presents the rights-based approach, which encompasses the idea and the legal framework derived from the UN Convention on the Rights of the Child (CRC), Council of Europe standards, and EU law, now guiding decision-making rules and safeguards. The detailed translation of these standards into Estonian law and practice is developed in the section on the Estonian context and youth justice reform.

2.2.1 Typology of youth-justice approaches in Europe

A clear typology has emerged in the comparative literature for understanding how European youth justice systems are organised. Drawing on Dünkel's (2022) state-of-the-art synthesis and Goldson's (2018) European overview, four families of approach are distinguished: (1) the welfare-educational, (2) the justice-proportional, (3) the restorative, and (4) mixed or hybrid systems aligned with child-rights and minimum-intervention principles. In welfare-educational systems, the primary aims are education and reintegration, decisions are guided by the child's situation and needs, and measures are tailored and supportive, for example, structured supervision, mentoring, and school-linked plans. Justice-proportional systems treat offending first as a legal wrong, scale responses to the seriousness and culpability of the offence, and place strong weight on procedural safeguards and determinate measures, using diversion where lawful but framing it as a legal response. Restorative systems focus on repairing harm through voluntary and safeguarded participation, with facilitated encounters or indirect processes leading to agreements that can include apologies, restitution, or activities that rebuild supervision and relationships. Mixed or hybrid systems combine these logics in routine practice, typically prioritising diversion, relying on community-based and educational measures, and reserving custody as a genuine last resort, while maintaining robust due-process guarantees.

Two clarifications help with interpretation. First, the families of approaches describe dominant aims and decision rules, not mutually exclusive categories. The same jurisdiction may employ welfare-educational reasoning at intake, justice-proportional sentencing scaling, and restorative options at appropriate points in the pathway. Second, systems change over time in response to legal reforms and the learning of best practices. Since the 2010s, many European systems have converged on minimum-intervention principles and expanded structured diversion and restorative options, sometimes extending youth-appropriate responses to emerging adults, while preserving strong procedural safeguards (Decker and Marteaché 2017; Dünkel 2022; Goldson 2018; Zimring et al. 2020).

These families capture the dominant aims, decision rules and typical measures. Most jurisdictions are mixed, and the labels indicate emphasis rather than pure types. The next subsection outlines the child-rights-based approach and the legal framework that now structures standards and practices in Europe. One decision point illustrates these differences: prosecutorial diversion. In a welfare-educational orientation, diversion is used to put an education- and support-focused plan in place (mentoring, supervision, school-linked tasks), with light monitoring and quick feedback to adjust routines. In a justice-proportional orientation, diversion is treated as a legal response scaled to the seriousness of the offence and culpability, typically with clear conditions, time limits, and recorded reasons. In a restorative orientation, diversion proceeds only with free and informed consent, and centres on a safeguarded restorative process that may result in agreements on restitution, apologies, and supervised activities. In mixed/hybrid systems aligned with child rights and minimum intervention

principles, prosecutors triage cases to the least restrictive and most suitable route, combining proportionate legal conditions with supportive measures and documenting participation, information provided, and safeguards against secondary victimisation. Estonia can be located within a mixed model aligned with child rights and minimum intervention. Since 2018, the legal design has embedded child-specific safeguards in the Penal Code and Code of Criminal Procedure, prioritising diversion, community-based educational measures, and safeguarded restorative options, with custody reserved as a last resort. A detailed account of the reform trajectory and practice is provided in the section on Estonia's youth justice reform.

2.2.2 Rights-based approach: idea and legal framework

Read in conjunction with Goldson and Muncie's (2015) account of juvenile justice in international law and children's rights, as well as Muncie's (2013) analysis of penal severity and rights compliance, the four families can be best understood along two axes. The first is the system's formal orientation (welfare-educational, justice-proportional, restorative, mixed). The second is its everyday compliance with safeguards grounded in the UN Convention on the Rights of the Child (CRC), in particular participation and age-appropriate information (CRC Arts 12; 40(2)(b)(ii)), the best-interests assessment (Art 3(1)), proportionality and least-restrictive response (Arts 40(1); 37(b) on deprivation of liberty), and the last-resort rule for detention (Art 37(b)). Reading systems on both axes avoids false classifications: jurisdictions that appear "restorative" in design may, in practice, widen control if consent is weak or safeguards are thin, while systems that lean toward justice-proportionality can remain the least-restrictive where due-process guarantees are strong and diversion is routinely used.

This dual lens explains the direction of recent European reforms, including Estonia's post-2018 trajectory. Reform has paired expansion of diversion, community and restorative options with strengthened fair-procedure guarantees and clearer information duties, aiming to align law-in-action with CRC-based obligations (Committee of Ministers, Council of Europe 2008; Committee of Ministers of the Council of Europe 2010; Directive 2016/800 2016; UN Committee on the Rights of the Child 2019). Early case-file analysis of juvenile matters reveals corresponding shifts in practice, including a greater reliance on Code of Criminal Procedure (KrMS 2003) § 201, the selective use of § 203¹ in person offences, and the routine attachment of reparative and community-based obligations under § 202 (Markina et al. 2021). The same lens provides a bridge to the rights-based approach set out below. In that approach, children's rights operate as concrete decision rules for daily practice: they calibrate responses to the child's situation, protect against secondary victimisation, and secure continuity of support across procedural transitions, rather than being treated as aspirational statements.

As Goldson (2018) notes, rights-compliant frameworks must guard against net-widening and punitive drift, ensuring that diversion and restorative tools remain voluntary, proportionate, and child-safe.

International standards converge on four core criteria (Committee of Ministers, Council of Europe 2008; Committee of Ministers of the Council of Europe 2010; Directive 2016/800 2016; UN Committee on the Rights of the Child 2019). First, children have the right to be heard and to receive age-appropriate information at each procedural stage, and authorities must record reasons and options in language the child understands. Second, responses must be proportionate and least restrictive, with detention as a genuine last resort and for the shortest appropriate time. Third, procedures must protect against secondary victimisation, including avoiding repetitive interviewing, safeguarding privacy, and limiting unnecessary exposure to adversarial settings. Finally, support must continue across transitions, so that help does not lapse when a case moves from police to prosecution, municipal child protection, court or probation.

These requirements are grounded in the UN Convention on the Rights of the Child (Arts 2, 3, 12, 37, 39, 40), General Comment No. 24 (2019), General Comment No. 12 (2009) and General Comment No. 14 (2013), the Council of Europe Guidelines on Child-Friendly Justice, CM/Rec(2008)11 European Rules, and Directive (EU) 2016/800. In Estonia, these safeguards are embedded in the Penal Code (KarS 2001) and the Code of Criminal Procedure (KrMS 2003); a detailed translation and application are provided in the section on Estonia's youth-justice reform. These are decision rules, not aspirations, and they calibrate intervention to the child's situation and needs.

Leading scholars have translated these standards into operational guidance. Kilkelly and Liefwaard (2019; 2022), writing from an international children's rights perspective grounded in the CRC, show how children's rights translate into specific decision rules for authorities at each procedural stage. Authorities should provide information in age-appropriate language and formats, with written reasons for decisions that the child can understand; legal assistance and a suitable adult should be secured from first contact, not only at formal hearings; an individual assessment should record the child's views and covers needs and resources relevant to proportionality and least-restrictive response (health, education, family capacity for supervision, peer context and exposure, victimisation, readiness for restorative processes); and interviews and hearings should be arranged in child-sensitive ways that avoid repetition and protect privacy. Where deprivation of liberty is considered, it should be treated as a last-resort measure and justified for the shortest appropriate time with recorded reasons and periodic review. Continuity of support across transitions should be ensured by a named coordinator and formal hand-overs so that plans follow the child between police, prosecution, child protection, court and probation. Kilkelly and Liefwaard's analysis focuses on normative aspects rather than descriptive ones; it articulates CRC-based decision rules for authorities and does not imply uniform practice across jurisdictions. Comparative analyses indicate a trend in Europe towards these standards, but implementation remains uneven, with documented gaps and

variations across legal systems (Dünkel 2022; FRA 2017; Goldson 2018; Muncie 2013).

Haines and Case develop a complementary “Children First” model that organises practice around participation, strengths and supervision in everyday contexts. Diversion should be the default approach where lawful; plans should be co-produced with the child and family, avoiding stigmatising labels, and should focus on building supportive routines at home, in school, and in leisure activities. Conditions should be realistic and proportionate, time-limited and reviewable; non-compliance should trigger a problem-solving review of support and supervision rather than automatic escalation. Constructive, relationship-based work should be prioritised over punitive control, and progress should be monitored against specific, child-relevant goals (Haines and Case 2015).

Read together, these accounts produce an implementation script that aligns with European standards. Information and participation should be built in from first contact; diversion should be considered by default and reasons should be recorded; where restorative justice is appropriate, participation should be free and informed, with preparatory meetings, safety planning and the option to withdraw, and agreements should focus on reparation and on activities that rebuild everyday supervision; where measures are necessary, they should be tied to the concrete situations, places and peer constellations linked to the incident and should be monitored for effect; custody should be exceptional and strictly time-bounded. Comparative syntheses report that European systems are converging on a combined approach of minimum intervention, strong due-process guarantees, and safeguarded restorative options, with evaluative evidence indicating positive effects for restorative processes when well-implemented (Dünkel 2022; FRA 2017; Goldson 2018; Kimbrell et al. 2023).

Restorative juvenile justice focuses on repairing harm, strengthening participation and accountability in child-appropriate ways, and rebuilding everyday supervision and relationships (Committee of Ministers, Council of Europe 2018; European Council for Juvenile Justice; International Juvenile Justice Observatory 2015; Kimbrell et al. 2023). It is used where the parties freely consent to participate after receiving age-appropriate information. For a child suspect or accused, this includes acknowledging involvement to the extent required by the process, and where safeguards protect the child against pressure and secondary victimisation. In European practice, it complements, rather than replaces, proportionate legal responses and is normatively anchored in Council of Europe standards on restorative justice and child-friendly justice (Committee of Ministers, Council of Europe 2008; 2018; Committee of Ministers of the Council of Europe 2010).

2.3 Estonia's 2018 youth-justice reform: aims, design, implementation

Before the 2018 reform, Estonia's response to children's rule-breaking operated on parallel tracks. Criminal and misdemeanour procedures ran alongside the Juvenile Sanctions Act (AMVS 1998) with its juvenile committees, producing uneven outcomes for similar conduct and weak safeguards in the misdemeanour track. Tamm and Salla (2016) document how practice defaulted to fines for petty cases and how several status behaviours (e.g., underage tobacco and alcohol use) were treated as punishable acts rather than welfare concerns, with restorative options mostly confined to criminal cases. The policy problem, as framed by the Ministry of Justice, was a system that reacted slowly, escalated unnecessarily, and offered little capacity to tailor responses to a child's situation or to strengthen everyday supervision.

The 2018 reform re-centred responses on proportionate, child-appropriate interventions consistent with international child-rights standards. The Explanatory Memorandum to Draft 453 SE (Explanatory Note 453 SE 2017) set three headline aims: act earlier and more quickly; avoid unnecessary court escalation; and link children to help through coordinated local services (Explanatory Note 453 SE 2017). The Parliament adopted the law on 22 November 2017, abolishing the AMVS juvenile committees and relocating core decisions into ordinary procedure with early-stage prosecutorial discretion. Following the reform, Estonian juvenile criminal law proceeds from the idea that 14-to 17-year-olds have limited culpability and that the aims of criminal law in their cases should, as a rule, be achieved through non-punitive influence measures and social work or child protection interventions rather than punishment (Sootak et al. 2021, 223 § 56 lg 3 komm 20.4). The abolition of the AMVS juvenile committees and the expansion of welfare tools shifted non-criminal norm-breaking and the behaviour of children under 14 entirely into the social-welfare and child-protection sphere, while for 14–17-year-olds (and, in suitable cases, 18–20-year-olds under § 87(7)) the court must always first decide whether the young person can be exempted from punishment and dealt with through the influence measures listed in § 87 (Sootak et al. 2021, 224 § 56 lg 3 komm 20.4). Only where a special preventive prognosis indicates that these measures are insufficient may a punishment be imposed. In line with the monistic sanctions system, the minor can either be punished or subjected to influence measures, but not both (Sootak et al. 2021, 401 §87 komm 2.1).

Following the 2018 reform, public prosecutors assumed a much more central gatekeeping role in juvenile cases. As a general rule, they are expected to prioritise non-punitive influence measures and, where this is sufficient to prevent reoffending, may terminate criminal proceedings under KrMS § 201 rather than refer the case to court (Pärn 2018). Upon termination of legal proceedings, prosecutors have the option to issue a warning. With the informed consent of the child, they may also impose tailored obligations, either individually or in combination. These obligations can include 10 to 60 hours of community service, financial

compensation or reparation, participation in a social program, treatment, mediation, or other suitable measures, as outlined in KrMS § 201(2)(1)-(6). The maximum implementation period is ten months (KrMS § 201(3)), and the decision must be explained to the child and legal representative in age-appropriate terms, with an option to notify the municipality where the child is identified as a “child in need” (*abivajav laps*) (KrMS § 201(4)). Read together with Directive (EU) 2016/800 and the Council of Europe’s Guidelines on Child-Friendly Justice, the memorandum stressed consent, proportionality, time-limits and review.

At the sentencing stage, KarS § 87 provides a separate catalogue of “sanctions applicable to minors and young adults” which must be considered before any criminal punishment is imposed. For 14–17-year-olds convicted of a criminal offence whose moral and mental development is deemed limited, the court may, singly or in combination, order: an admonition; participation in a social programme; indemnification and remedy of the damage caused; addiction treatment or other treatment; mediation; subjection to supervision of conduct under KarS § 75 for up to one year; 5–60 hours of community service; restriction of freedom of movement for up to one year, where necessary together with electronic surveillance for up to six months pursuant to § 75¹; placement in a closed children’s institution for up to one year; and other obligations voluntarily assumed by the child (KarS § 87(1)). In misdemeanour cases, an analogous but narrower list applies, with community service capped at 20 hours and without electronic surveillance (KarS § 87(2)). However, many cases never reach the court stage: under the Code of Misdemeanor Procedure (VTMS 2002), § 30(2) the extra-judicial authority may, in respect of a 14–17-year-old, refrain from imposing either a punishment or a KarS § 87(2) sanction, issue a warning and terminate the proceedings, and, where the child qualifies as a “child in need”, notify the municipality and transmit the necessary case materials. Treatment, mediation, community service and other voluntarily assumed obligations require the minor’s prior informed consent (KarS § 87(3)), and placement in a closed children’s institution excludes simultaneous community service or supervision of conduct (KarS § 87(5)). Finally, taking into account the developmental level and circumstances of the offence, most of these sanctions (with the exception of admonition and placement in a closed institution) may also be applied to young adults who committed the offence before the age of twenty-one (KarS § 87(7)). The catalogue is also procedurally harmonised: the same core obligations that appear as prosecutorial diversion measures in KrMS § 201 are replicated in KarS § 87 as sanctions for minors and young adults, and in misdemeanour proceedings the extra-judicial authority applies these sanctions by reference to KarS § 87(2), with only the maximum intensity or duration adjusted to the type and seriousness of the offence. This aligns with the general post-2018 principle that, wherever possible, minor offences by children should be addressed through warnings and child-protection pathways rather than formal punishment.

Operationally, the reform strengthened the connection between prosecutorial decision-making and local child-protection systems. Where a child meets the “child in need” threshold, cooperation duties trigger referrals to municipal child

protection and coordinated planning. In the misdemeanour track, VTMS § 30 now permits termination on expediency where a minor undertakes a social programme or mediation, sets an outer limit for programme duration, and allows re-opening if obligations are not met (VTMS § 30(1)(3)– (4), (1¹)–(1²)). Pre-trial detention for children can be substituted with placement in a closed childcare institution (KrMS § 131(3²) – (3³); KrMSRS § 25⁷), and data on influence measures applied to children were purged from the criminal records database by July 1, 2018 (KarRS 2011, § 37(4)). The intention, stated in 453 SE, was to use obligations to organise supervision in ordinary settings, such as home, school, community, and digital spaces, so that the child’s routines are stabilised and harm is less likely to recur (Explanatory Note 453 SE 2017). This logic treats risk markers as signals about context and exposure rather than as a causal checklist, and it positions proportionate obligations as supports that close specific supervision gaps rather than as punishments under another name.

Evaluations since 2018 indicate that practice has moved in the intended direction, while revealing variation and pressure points that matter for delivery. RAK’s user-journey study shows that case handling is generally faster and that young people and families experience fewer formal steps, with decisions more often resolved through obligations rather than punitive sanctions; at the same time, information is not always provided in a language the child understands, and repeated contacts with multiple officials still occur in some municipalities (RAK 2021). RAKE’s mixed-methods research similarly reports a shift toward obligations and restorative measures, identifies declines in the use of custodial sanctions for children, and highlights uneven municipal capacity to design and implement proportionate plans (Markina et al. 2021). Kantar Emor’s design-led development of brief, early interventions specifies practical building blocks: structured family conversations, a short sequence of follow-up contacts, and child-co-designed reparation tasks that help tie obligations to the reasons the incident occurred and strengthen everyday supervision around the child (Reinson et al. 2021). Together, these findings suggest progress on diversion and proportionality, tempered by implementation gaps in information-provision, coordination, and continuity of support.

Child-centredness and child-friendly justice are not slogans in this context, but operational requirements. Applied to Estonia’s post-2018 arrangements, Kilkelly and Liefwaard’s (2022) CRC-grounded guidance discussed in the previous section, imply that the child’s consent to obligations must be informed and voluntary; written decisions should explain how the obligations are proportionate to the incident and to the child’s situation; a named coordinator (mostly child welfare) should ensure that support follows the child across transitions between police, prosecution, child protection, court and probation; and review points should be used to problem-solve barriers to compliance rather than to escalate automatically.

In practice, this child-friendly approach aligns with a “Children First” model that organises work around participation, strengths and supervision in everyday contexts. Diversion should be the default where lawful; plans should be co-

produced with the child and family, avoid stigmatising labels, and focus on building supportive routines at home, in school and in leisure; conditions should be realistic, time-limited and reviewable; and constructive, relationship-based work should be prioritised over punitive control (Haines & Case, 2015). When considering the 453 SE and the evaluations from 2021, it is evident that Estonia is aiming for several improvements: implementing more tailored obligations, streamlining processing to be quicker and less formal, enhancing connections to local support, and addressing any remaining weaknesses. This includes establishing a clear agenda for improvements in participation, providing understandable information, and ensuring continuity of support.

Read against this yardstick, the alignment of Estonia's post-2018 model can be evaluated on the criteria most salient to child rights practice. First, proportionality and least-restrictive response: the legal mechanism of prosecutorial termination with tailored obligations (KrMS § 201(2)– (4)) operationalises diversion by default where lawful. This provides decision-makers with a structured alternative to punitive escalation, enabling packages tailored to the incident and the child's situation (e.g., combining reparation with a short programme). Empirically, case-indication files and fieldwork evidence indicate a significant shift away from punishments toward obligations after 2018, accompanied by faster case handling (Markina et al. 2021; RAK 2021). Taken together, the mechanism plus observed practice satisfies the least-restrictive logic in design and shows movement in delivery.

Second, participation and age-appropriate information: KrMS § 201(4) requires decisions to be explained to the child and legal representative in terms the child can understand, and the 453 SE memorandum frames informed consent as a precondition for obligations. Evaluations, however, document uneven implementation: some children report not understanding reasons or obligations; written materials and explanations vary across municipalities; and the presence of a suitable adult and early legal assistance is not yet consistently guaranteed at first contact (RAK 2021). The argument is mixed: norms are consistent, but practices are incomplete, which weakens participation in some cases.

Third, protection from secondary victimisation: the reform reduces formal steps and permits child-sensitive routes, such as mediation and reparation without court, which, in principle, lowers repeated exposure and stigma. RAK's user-journey analysis records fewer steps for many children, with positive experiences occurring when conversations are structured and brief; yet, repeated contacts and retelling still occur in some localities, often where inter-agency coordination is weak (RAK 2021; Reinson et al. 2021). Thus, the risk is mitigated by design but not eliminated in practice.

Fourth, continuity of support: the legal and policy architecture links prosecutorial decisions to municipal child-protection systems where the child meets the "child in need" threshold, allowing for notification to ensure coordinated follow-up (Explanatory Note 453 SE 2017). The intended function is to organise supervision in ordinary settings, such as home, school, community, and digital spaces, so that routines stabilise and harm is less likely to recur. Post-reform

studies confirm that continuity is achieved in some municipalities but remains variable overall, reflecting differences in local capacity and information sharing (Markina et al. 2021).

Finally, deprivation of liberty as a last resort: Estonia strengthened the last-resort character by allowing placement in a closed childcare institution as an alternative to pre-trial detention (KrMS § 131(3²)–(3³); Code of Criminal Procedure Implementation Act § 257 (KrMSRS 2004)) and by reserving imprisonment for the gravest cases. Empirical reviews report declines in custodial measures applied to children post-2018 (Markina et al. 2021). This combination of legal narrowing and observed reductions supports the conclusion of alignment on this criterion.

In sum, the legal architecture largely reflects a child-rights-centred model and has produced measurable shifts toward diversion and proportionality. The principal weaknesses identified by evaluations (uneven child-friendly information at first contact, repetition of contacts, and inconsistent continuity across agencies) are implementation problems located at municipal and inter-agency interfaces rather than contradictions in the legal design. Addressing these delivery conditions is the immediate route to making the model reliably child-friendly in practice.

3 METHODOLOGY

The methodological approach used in this dissertation can be best described as an integrative, multi-method approach (Creswell and Plano Clark 2018; Johnson et al. 2007). Here, this denotes two empirical strands: (i) a large-sample quantitative school-based survey series (ISR2007; ISR2014; ISR2023) and (ii) a qualitative interview study with justice-involved adolescents, integrated with a doctrinal/normative legal analysis that translates the findings into child-rights-aligned guidance for the youth-justice system. The survey strand follows the established ISR tradition with harmonised measures across waves; the interview strand adds situational detail on exposure and supervision; the doctrinal strand frames interpretation. Together, these components enable evidence about prevalence and patterns to be read directly against the requirements of proportionality, the least restrictive response, participation, protection from secondary victimisation, and continuity of support.

3.1 Quantitative strand: International Self-Report Delinquency Study (ISR) Waves 2–4 in Estonia

3.1.1 Method and sample

The International Self-Report Delinquency Study (ISR) is a large cross-national research project that investigates juvenile offending and victimisation through anonymous school-based surveys of adolescents (Junger-Tas et al. 2010; Marshall et al. 2022). It was pioneered in the early 1990s by Dutch criminologist Josine Junger-Tas and has since been carried out in multiple waves (ISR1, ISR2, ISR3, and now ISR4) to track trends and test theories about youth delinquency. Across all waves, the ISR's core aims have remained consistent: to measure the prevalence and frequency of delinquent behaviour and youth victimisation, to compare these patterns across countries, and to explore the validity of criminological theories in explaining juvenile delinquency (Enzmann et al. 2010; Marshall et al. 2022). The study's target population has also been broadly similar in each wave, typically comprising school-attending adolescents in their early to mid-teens, which ensures comparability over time and the inclusion of a wide spectrum of youths. In practice, this means focusing on students in grades 7 to 9 (approximately ages 13–16) in most participating countries (Marshall et al. 2013). By surveying youths in schools, the ISR can reach a large, diverse sample (including otherwise hard-to-reach groups) and gather information on offences that often never come to official attention. The cornerstone of the ISR methodology is the quantitative self-report survey, which is implemented in a standardised manner in each country and wave. Below, I describe how this survey was conducted in Estonia in ISR waves 2, 3, and 4, highlighting commonalities and key differences between the waves.

ISR2 (2006) – The second wave (ISR2) was the first full-scale implementation of the ISR design, conducted from 2005 to 2007 in approximately 30 countries (primarily in Europe, as well as the US and other regions) (Enzmann et al. 2010). In Estonia, ISR2 took place in 2006, marking the country’s initial participation in the project. The survey’s target group was youths aged roughly 12 to 15, corresponding to grades 7–9 in school (Markina and Saar 2009). This age range was chosen to capture mid-adolescence, a developmental period when involvement in delinquent behaviour often peaks. The content of the ISR2 questionnaire covered a broad range of topics: respondents were asked about their demographic background and family situation, their experiences at school, their friendships and leisure activities, and, crucially, any involvement in offending or victimisation. Offending questions ranged from minor misbehaviours (like vandalism, shoplifting, or truancy) to more serious acts (violence, theft, etc.), and the survey also inquired about instances where the youth was a victim of crime or bullying. By asking these questions anonymously, the ISR encourages honest self-disclosure, recognising that many youth offences never come to official attention and thus won’t appear in police records. A key objective of ISR2 was not only to describe the prevalence of different types of youth delinquency but also to explain delinquency by examining its correlates and testing theories. For example, the ISR2 data were used to explore classic criminological hypotheses: did adolescents with weaker social bonds (to family or school) report more offending? Did those with lower self-control engage in more crime, as the General Theory of Crime would predict? Were youth who spent lots of unstructured time with peers (a risky “lifestyle” factor) more prone to delinquency? The international dataset enabled researchers to explore such questions across various cultural contexts. In Estonia’s case, ISR2 provided the first comprehensive, self-reported snapshot of youth offending nationally, which was valuable for both research and policy.

The methodology of ISR2 was carefully standardised internationally, but it had some practical differences compared to later waves. Sampling in ISR2 was either city-based or national: each country chose whether to draw a fully nationwide sample of schools or select a handful of cities or towns to represent different community settings (Enzmann et al. 2015; Junger-Tas et al. 2010). In Estonia, the sample design was national in scope. However, for the sake of comparability, in international comparative analysis, a subsample of data from Tallinn and two smaller cities was used. Within the chosen cities, schools and classes were randomly selected to participate, aiming for a total sample of at least 2,000 students per country to ensure robust statistics. In Estonia, this yielded a sample of 2,623 students. Data collection in 2006 was done in classrooms using paper-and-pencil questionnaires, which was the standard at that time. Researchers or trained proctors administered the survey during a class period, emphasising confidentiality and anonymity. Teachers were usually absent from class. ISR2 in Estonia achieved its purpose: it established baseline rates of youth delinquency and victimisation in the mid-2000s and enabled Estonia to participate in the first major comparative analysis of self-reported youth crime in Europe. The findings

from ISRD2 helped identify common problem behaviours (e.g., alcohol-related infractions, petty theft, fighting) and risk factors in Estonian adolescents, providing a point of reference for later policy changes and research. Importantly, ISRD2 also demonstrated the feasibility of such self-report studies in Estonia, setting the stage for follow-up waves.

ISRD3 (2013) – The third wave of ISRD, ISRD3, was conducted in the early 2010s (data collection occurred between 2012 and 2014) and involved over 30 countries worldwide (Kivivuori et al. 2015; Marshall et al. 2019). This wave built upon the experience of ISRD2, refining both the questionnaire and the sampling approach, while maintaining the core study design. As before, the primary target group consisted of middle-school students, aged approximately 13–15. In most countries, ISRD3 focused on 7th, 8th, and 9th graders, which corresponds to roughly 12 to 16-year-olds. This meant that the age range in ISRD3 was very similar to that in ISRD2, allowing for a direct comparison of juvenile offending rates over time. In Estonia, the ISRD3 was conducted from 2013 to 2014. As in the previous wave, the sample design was chosen by each participating country and in Estonia, the national sample was implemented. ISRD3 in Estonia gathered responses from 3,631 students.

One of the notable methodological updates in ISRD3 was the shift toward digital data collection. While ISRD2 had relied primarily on pencil-and-paper surveys, ISRD3 coincided with the wider availability of school computer labs and internet access, and many countries took advantage of this. In Estonia's 2013 survey, the questionnaire was administered online: students typically sat at computers in their school's IT classroom and filled out the survey via a secure web form (Kivivuori et al. 2015). The ISRD3 international coordination provided a web-based survey tool, which Estonia and numerous other countries used; some others still used paper where computers were not available. This change to electronic administration improved data quality – for instance, skip patterns and complex question routes could be handled automatically, and data entry errors were minimised. It is also likely to have increased student engagement, as teens might find typing responses more comfortable than filling in paper sheets. Despite the mode change, measures were taken to preserve privacy (each student had a device spaced apart, and data were transmitted confidentially). The survey sessions were overseen by research staff or teachers, following a strict protocol, such as ISRD2, but with the addition of new technical aspects. According to comparative sources, by ISRD3, most participating countries' surveys were completed electronically, marking a clear modernisation of the ISRD approach. Estonia was part of this trend, having a 100% online administration for its ISRD3 sample. In terms of questionnaire content, ISRD3 retained a large portion of the ISRD2 core module, allowing for comparisons over time (Marshall et al. 2013).

ISRD4 (2022–2023) – The fourth wave, ISRD4, is the most recent iteration and is being conducted in the early 2020s (with many countries collecting data during 2021–2022, and some, like Estonia, in late 2022 to early 2023) (Marshall et al. 2022). By this wave, the ISRD project has expanded its reach even further. The overarching goals remain the same: to provide an up-to-date empirical

picture of youth offending and victimisation and to examine cross-national patterns. However, ISRD4 also incorporates important innovations in methodology and content to address prior limitations and new crime phenomena.

A major methodological enhancement in ISRD4 is the effort to capture a broader youth population, especially older adolescents who were somewhat under-represented in earlier school-based surveys. In previous waves, the upper age cut-off was effectively around 15–16 (since most samples were drawn from grade 9 or 10 at the highest). This meant that 16- or 17-year-olds who had left school or were in non-academic tracks might not be surveyed, leaving a gap in knowledge about late-teen offending. To remedy this, ISRD4 introduced a dual sampling approach (Marshall et al. 2022). First, it continues the traditional school survey targeting roughly ages 13–17 (covering grades 8–11 in Estonia’s education system, for example). Second, ISRD4 includes a supplementary web-based survey for youths beyond the regular school sample, typically those aged 16–19 who might not be reached in classrooms. In Estonia, this has been implemented as follows: the primary sample consists of all students in grades 8, 9, 10, and 11 in general education schools (excluding special education schools) – essentially, teenagers aged approximately 13–18 years who are attending school. This school-based survey is conducted during class time using online questionnaires on computers or tablets. Additionally, Estonia launched a shorter online questionnaire (accessible via a public link) targeting the 16–19-year-old population outside of the sampled classes. This online sample is a form of outreach to include adolescents who may be in vocational schools, recent school graduates, or otherwise not captured by the school survey (for instance, early school leavers). The two samples are kept separate for analysis, but allow researchers to compare in-school youth with those who are older or in non-formal settings. The results of the data collected via online sampling and analysis of the feasibility of the new approach are beyond the scope of the current thesis. The analysis presented in this thesis utilises only data collected from a school-based sample. The ISRD4 collected data from 6,349 students at schools. By comparison to earlier waves, this is a significant increase in sample size and scope. As in previous waves, a nationwide survey was conducted; however, the approach for selecting classes has changed: instead of selecting classes, the selection of schools was implemented. When the school was selected, all classes from the required range (8–11) were invited to participate in the research.

The ISRD4 introduces several new emphases that reflect the evolving landscape of youth behaviour and concerns of the 2020s. Perhaps the most prominent new focus is on online (cyber) offending and victimisation (Marshall et al. 2022). Since the previous ISRD wave, the role of the internet and digital technology in adolescents’ lives has grown enormously – with it have come new forms of misconduct (such as hacking, online fraud, cyberbullying, sharing of illegal content, etc.) and new risks of victimization (like online harassment, exposure to hate speech, or sexual exploitation over the internet). From an implementation perspective, ISRD4 in Estonia was carried out with careful adherence to the international research protocol. The questionnaire was programmed into a LimeSurvey

platform hosted by the University of Tartu, ensuring data security and standardisation (Markina 2022). In all three waves, the surveys were conducted in Estonian and Russian. In ISRD4, it was also possible to answer the questions in Ukrainian or English. However, only a few students have taken advantage of this opportunity. ISRD2-ISR4 research in Estonia was prepared, organised and implemented by the University of Tartu team under the supervision of the author.

Table 1 summarises the Estonian ISRD school-based samples for waves 2–4, showing the fieldwork period, survey mode, targeted grades and achieved sample sizes (N). Together, ISRD2, ISRD3, and ISRD4 in Estonia represent a progression of a long-term cross-sectional study, each wave preserving the study’s core purpose but also adapting to new realities. The common aims across waves have been to generate reliable self-report data on youth crime and victimisation, to monitor changes over time, and to use this evidence to test criminological explanations and improve youth justice policy. The target group has consistently been school-aged adolescents (initially focused on younger teens, now broadened to include older teens as well), reflecting both practical reach and the interest in early delinquent behaviour. Over the waves, one can see some differences: the sampling frame has widened (from a few cities in 2006 to a quasi-national sample by 2022 in Estonia), the data collection mode has modernised (from paper questionnaires to online surveys), and the questionnaire content has evolved (adding modules on substances, then on cybercrime and violence perceptions, among others). Each wave’s adjustments were driven by lessons learned and by changes in youth culture and society; for example, the rise of the internet prompted new questions in ISRD4, just as a surge in interest in procedural justice shaped ISRD3’s content. Despite these changes, there is a strong continuity in methodology: all waves used anonymous self-report instruments administered in schools, employed standardised questions and coding across countries, and followed a rigorous protocol to ensure data validity and cross-national comparability.

Table 1. School-based samples of ISRD2-ISR4 in Estonia

Wave	Type of sample	Period of data collection	Research mode	Classes targeted	N
ISRD2	National	01.04.2006–01.11.2006	paper-and-pencil	7–9	2,623
ISRD3	National	4.12.2013–20.02.2014	online	7–9	3,631
ISRD4	National	05.04.2023–07.06.2023	online	8–11	6,349

3.1.2 Measures

3.1.2.1 Offending and Substance Use

Table 2 presents the coverage of ISRD items used to measure offending, substance use and online misconduct across the three Estonian waves. For each behaviour, the questionnaire first asks whether the respondent has ever engaged in the act, and if so, whether it occurred within the last 12 months and how many times. The table indicates which acts are suitable for trend analysis and which are specific to each wave. Eight offences are harmonised across all three waves and form the core for prevalence and incidence comparisons: vandalism, shoplifting, burglary, car theft, weapon carrying, participation in a group fight, assault causing injury and drug selling. Several items appear only in ISRD2 and ISRD3, such as bicycle theft, theft from a car, purse snatching, illegal downloading and the two alcohol-type indicators for light drinks and strong spirits. Other items enter later. Robbery and personal theft are introduced in ISRD3, and the online misconduct items (intimate postings, online hate speech and cyber deception) are measured in ISRD4.

Table 2. ISRD2-ISRD4 Item Coverage of Offending and Substance Use

Offences	Operationalisation in the questionnaire	ISRD	ISRD	ISRD
		2	3	4
Vandalism	Have you ever damaged something on purpose, such as a bus shelter, a window, a car, or a seat in the bus or train?	+	+	+
Graffiti	Have you ever painted graffiti on a wall, train, subway or bus without permission?	-	+	+
Shoplifting	Have you ever stolen something from a shop or store?	+	+	+
Burglary	Have you ever broken into a house or another building to steal something?	+	+	+
Bicycle theft	Did you ever steal a bicycle, moped or scooter?	+	+	-
Car theft	Have you ever stolen a motorbike or car?	+	+	+
Theft from the car	Did you ever steal something out of or from a car?	+	+	-
Illegal downloading	When you use a computer did you ever download music or films?	+	+	-
Purse snatching	Did you ever snatch a purse, bag or something else from a person?	+	-	-
Robbery	Have you ever used a weapon, force or threat of force to get money or things from someone?	-	+	+

Offences	Operationalisation in the questionnaire	ISRD 2	ISRD 3	ISRD 4
Personal theft	Have you ever stolen something from a person without force or threat?	-	+	-
Weapon carrying	Have you ever carried a weapon, such as a stick, club, knife, or gun for your own protection or to attack others?	+	+	+
Group fight	Have you ever taken part in a group fight on the street or in another public place, such as a shopping mall or sports stadium?	+	+	+
Assault	Have you ever beaten someone up or hurt someone with a stick, club, knife or gun so badly that the person was injured?	+	+	+
Drug selling	Have you ever sold any drugs or helped someone to sell drugs?	+	+	+
Light alcohol drinking	Did you ever drink beer, breezers or wine?	+	+	-
Strong spirits	Did you ever drink strong spirits (gin, rum, vodka, whisky)?	+	+	-
Marijuana smoking	Did you ever use weed, marijuana or hash?	+	+	-
Stimulants	Did you ever use drugs such as XTC or speed?	+	+	-
Heavy drugs	Did you ever use drugs such as LSD, heroin or coke?	+	+	-
Intimate postings	Have you ever shared online an intimate photo or video of someone that he or she did not want others to see?	-	-	+
Online Hate Speech	Have you ever sent hurtful messages or comments on social media about someone's race, ethnicity or nationality, religion, gender identity, sexual orientation, or for similar reasons?	-	-	+
Cyber Deception	Have you ever used the internet, e-mail or social media to dupe or deceive others (like phishing, selling worthless or illegal things, etc.) in order to make money?	-	-	+
Hacking	Have you ever hacked or broken into a private account or computer to acquire data, get control of an account, or destroy data?	+	-	+

3.1.2.2 Victimization (Theft and Assault)

Parallel to offending, the ISRD surveys ask young people about their experiences as victims. Key items cover theft (having property stolen) and physical assault. As with the offending items, the questionnaire first asks whether the respondent has ever been victimised and, if yes, whether this occurred in the last 12 months and how many times.

Table 3 maps which victimisation items are available across the three Estonian waves and how each behaviour was asked. Two core harms, assault and personal theft, are harmonised in ISRD2–ISRD4 and provide the safest base for trend statements. Several categories were added later to broaden coverage: hate-crime victimisation appears from ISRD3; cyberbullying, intimate postings, and online hate speech are included from ISRD3/ISRD4 to capture online harms; and parental violence (minor and serious) is measured in ISRD3–ISRD4. Bullying at school is addressed in ISRD2 and ISRD3, but is not part of the ISRD4 core. A special note concerns extortion and robbery. ISRD2 used an “extortion” wording (“someone wanted you to give money or things and threatened you”), whereas ISRD4 used a “robbery” wording (“weapon, force or threat of force to take money or things”). Substantively, both target coercive taking, but the phrasing differs sufficiently to risk a measurement shift; therefore, they are listed separately and should be compared with caution.

This evolution reflects the project’s aims. The ISRD began as a study of offending. By the fourth wave, it was clear that comparable international data on youths’ victimisation was scarce. The inventory was therefore extended, with items chosen to mirror offending types where possible. The broader set of victimisation measures not only improves description but also allows a direct test of the offender–victim overlap, an important hypothesis for proportionate and least-restrictive youth-justice responses.

Table 3. ISRD2-ISRD4 Items Coverage of Victimization

Type of victimisation	Operationalisation in the questionnaire	ISRD 2	ISRD 3	ISRD 4
Extortion	Someone wanted you to give him/her money or something else (watch, shoes, mobile phone) and threatened you if you did not do it?	+	+	–
Robbery	Has anyone ever used a weapon, force or threat of force to get money or things from you?	–	–	+
Assault	Has anyone ever beaten you up or hurt you with a stick, club, knife or gun so badly that you were injured? * * <i>wording has changed between waves</i>	+	+	+
Personal theft	Has something ever been stolen from you (such as a book, money, mobile phone, sports gear, bicycle ...)?	+	+	+

Type of victimisation	Operationalisation in the questionnaire	ISRD 2	ISRD 3	ISRD 4
Hate crime	Has anyone ever threatened you with violence or committed physical violence against you because of your race, ethnicity or nationality, religion, gender identity, sexual orientation, or for similar reasons?	–	+	+
Bullying	You were bullied at school (other students humiliated you or made fun of you, hit or kicked you, or excluded you from their group)?	+	+	–
Cyber bullying	Has anyone ever threatened you on social media?	–	+	+
Intimate posting	Has anyone ever shared online an intimate photo or video of you that you did not want others to see?	–	–	+
Online hate speech	Has anyone ever sent you hurtful messages or comments on social media about your race, ethnicity or nationality, religion, gender identity, sexual orientation or for similar reason?	–	–	+
Parental violence (minor)	Has your mother or father (or your stepmother or stepfather) ever hit, slapped or shoved you (including as a punishment)?	–	+	+
Parental violence (serious)	Has your mother or father (or your stepmother or stepfather) ever hit you with an object, punched or kicked you forcefully or beaten you up (including as a punishment)?	–	+	+

3.1.2.3 Explanatory Variables

Family context, school climate and the social setting of drinking are treated as central to analyses of offending, victimisation and alcohol use. Where measures change across waves, implications for comparability are noted. The ISRD instrument includes additional contextual measures (e.g., peers and leisure). In this dissertation, age and sex are treated as standard controls and the variables described below are prioritised because they align with the individual–situation–supervision lens and are available in comparable form across waves.

Family structure. In each wave, respondents indicate with whom they live, allowing a distinction between two-parent households and other arrangements (single-parent or stepfamilies). This binary is used consistently across ISRD2–ISRD4 as a socio-demographic control.

Family bonding. Bonding is measured using a four-item scale that assesses getting along with mother/father, access to emotional support, and feelings of guilt about disappointing parents. In ISRD2–ISRD3, the items use an agree–disagree response; in ISRD4, they are asked in a frequency format (“How often do the

following statements apply to you?”). The construct remains the same, but pooling raw scores across waves should be avoided without harmonisation.

Parental control. Three subscales are used (parental knowledge, parental supervision and child disclosure), each on a five-point scale from “almost always” to “almost never.” ISRD2 fielded a core set (knowledge of whereabouts; one curfew item). ISRD3 implemented the full battery (three knowledge items, four supervision checks, four disclosure items). ISRD4 retained the three knowledge items and added a domain-specific internet oversight item; the supervision and disclosure batteries were not fielded. For cross-wave comparisons, reliance should be placed on the **knowledge** items common to all waves; the richer ISRD3 scales are suited to within-wave modelling. Table 4 summarises item coverage.

Table 4. Parental control measures (knowledge, supervision, disclosure) and item coverage, ISRD2–ISRD4 (Estonia)

		ISRD 2	ISRD 3	ISRD 4
Parental knowledge	My parents/adult know <i>where I am</i> when I go out	+	+	+
	My parents/adult know <i>what I am doing</i> when I go out	–	+	+
	My parents/adult know <i>what friends I am with</i> when I go out	–	+	+
	If I have been out, my parents/adult ask me what I did, where I went, and who I spent time with.	–	+	–
	An adult at home knows what I do on the Internet	–	–	+
Parental Supervision	If I go out in the evening my parents tell me when I have to be back home by.	+	+	–
	If I am out and it gets late, I have to call my parents and let them know.	–	+	–
	My parents check if I have done my homework.	–	+	–
	My parents check that I only watch films/DVDs allowed for my age-group.	–	+	–
Child Disclosure	I tell my parents who I spend time with.	–	+	–
	I tell my parents how I spend my money.	–	+	–
	I tell my parents where I am most afternoons after school.	–	+	–
	I tell my parents what I do with my free time.	–	+	–

Social context of drinking. ISRD2 includes a last-occasion context item asking with whom the adolescent drank (peers, parents/other adults, alone). ISRD3–ISRD4 do not systematically repeat this item. In those waves, situational exposure is approximated using lifestyle indicators such as evenings out with friends, which carry the same interpretive meaning for supervision and opportunity.

Relative economic position. ISRD2 employs an asset checklist (own room, computer, mobile phone, car). These items demonstrated limited discrimination in more affluent settings and partly reflected consumer preferences. ISRD3 replaces the checklist with subjective appraisals (perceived family affluence and personal wealth) and an income-source question; ISRD4 drops the income-source item and adds a standard perceived household-income question adapted from the European Social Survey. Asset-based and perception-based measures are not equivalent; trend claims should rely on within-wave specifications or harmonised categories derived from the subjective items.

School climate. Attachment to school is measured with four items in ISRD2–ISRD3 (“If I had to move, I would miss my school”; “Most mornings I like going to school”; “I like my school”; “Our classes are interesting”). To reduce redundancy, ISRD4 eliminates “I like my school,” resulting in a three-item scale. School disorganisation is measured in all waves with four items (“There is a lot of stealing/fighting in my school”; “Many things are broken or vandalised”; “There is a lot of drug use”), using a four-point agree–disagree response. Indices are constructed with a consistent direction via reverse coding, where needed.

3.2 Qualitative strand: interviews with justice-involved adolescents

The qualitative strand consists of an in-depth study of young people in Estonia with criminal convictions who were living in the community at the time of the interview. Fieldwork was conducted in 2017 and 2018 and was conceived as part of the EU Horizon 2020 PROMISE programme on youth, conflict with authority, and social engagement (Pilkington 2018). The Estonian study was originally conducted as a standalone investigation, resulting in a journal article focused on reintegration after punishment and the lived experiences of stigma (Study VI). In the present dissertation, the findings are read in conjunction with the ISRD survey results, allowing patterns estimated in the population to be interpreted in reference to young people’s own accounts of supervision in everyday settings, exposure to risky situations, and the ways in which labels and procedural encounters shape behaviour. The design follows the PROMISE framework for qualitative case studies, which promotes researcher reflexivity, attention to labelling processes, and practical steps to reduce stigmatisation during research encounters (Deakin et al. 2022; Pilkington 2018).

Recruitment to a dispersed and wary population required a staged approach. Initial access was sought through official channels, notably the Probation Service, and through a creative engagement activity intended to serve both as trust-building

and as a platform for later narrative interviews. Despite supportive discussions with justice stakeholders, attendance was irregular, and overall engagement remained modest – a pattern consistent with PROMISE observations that officially mediated routes can signal authority and thereby depress participation among labelled groups who value privacy and control over disclosure (Pilkington 2018). In response, the team adopted a peer research model. A trusted insider with lived experience of the justice system and overlapping social networks introduced the project to potential interviewees and arranged meetings at times and in places that the young people themselves proposed. The change of route rapidly unlocked the field, and interviews were completed within a concentrated period from mid-December 2017 to mid-January 2018. The experience confirmed that rapport and credibility are crucial when researching stigmatised youth, and that peer-facilitated access can reduce the perceived proximity of researchers to authorities (Deakin et al. 2022).

Interviews took place face-to-face in neutral, youth-appropriate venues, such as cafés, youth centres, and quiet public spaces. Care was taken to avoid institutional settings, use ordinary language, and refrain from labels such as ‘offender’ or ‘delinquent’ in invitations and conversations. Interviews were scheduled to accommodate work or education schedules and were rescheduled as needed. Where possible, the conversation opened with everyday topics to establish comfort before moving to more sensitive material. The interviewer invited participants to narrate their own trajectory in their own order while ensuring that core topics were addressed before the end of the session (Study VI).

Twenty-two semi-structured interviews were completed with twenty-four young people. One interview was conducted with a friendship triad at the participants’ request. The sample was predominantly male, which mirrors the gender distribution in the youth justice population in Estonia at the time. The ages of the interviewees ranged from mid-teens to mid-twenties, with most being in their early twenties. Participants had experienced a range of justice contacts and sanctions. Some had served time in closed institutions, others had community sentences or probation supervision. Many had disrupted schooling and unstable employment histories, and a minority described health or substance-related difficulties. Ethnic composition broadly reflected the profile of the youth correctional population. These features of the sample are important for interpretation because they indicate that the study accessed young people with substantive justice involvement and ongoing reintegration demands (Study VI). They also signal limits, including the small number of young women and the use of trust-network recruitment, which prioritises depth over representativeness.

The study adhered to national ethical guidelines for research involving young people.¹ Written informed consent was obtained from all participants. For interviewees under the age of eighteen, written consent was also obtained from a parent or guardian. Participation was voluntary, and interviewees could decline to answer any question or end the interview at any time without consequence. All

¹ Ethical committee decision nr....

interviews were audio-recorded with the participants' permission. Audio files were stored on encrypted drives and were transcribed verbatim. Names and identifying details were removed or replaced with pseudonyms in transcripts and in any later use. Care was taken to avoid the unnecessary collection of identifying information and to generalise locations or institutional names where possible to avoid inadvertent identification. These measures reflect a legal, -ethical stance that places the young person's interests at the centre and aims to prevent secondary victimisation during research, which echoes the child-centred and child-friendly justice standards used elsewhere in the dissertation as a yardstick for practice. Interviews typically lasted around half an hour, with some extending to over an hour. The interviewer made brief field notes immediately after each session to record the context and emergent themes (Study VI).

3.3 Research ethics

All empirical studies reported in this thesis were conducted in accordance with national and international standards on research ethics and child protection.

The Estonian ISRD school surveys (ISRD2–ISRD4) were based on anonymous self-completion questionnaires administered in classrooms. The research design and procedures adhered to the common ISRD ethical framework, which is grounded in the UN Convention on the Rights of the Child and applicable data protection laws. Participation in the surveys was voluntary. Pupils and their parents or guardians received clear information about the aims of the study, the anonymous nature of the data and their right to refuse or withdraw. No names or direct identifiers were collected, and all analyses are reported in aggregate form only, ensuring that individual pupils cannot be identified.

Qualitative interviews and case-study materials used in the thesis (including interviews with young people and professionals) were reviewed and approved by the Research Ethics Committee of the University of Tartu. Informed consent was obtained from all interviewees (and, where appropriate, from parents or guardians), and great care was taken to minimise any potential distress. Audio-recordings and transcripts were stored securely, and quotations used in the thesis are anonymised.

Throughout the research process, particular attention was paid to the potential vulnerability of children and young people in contact with the justice and child-protection systems. The design and interpretation of the studies were guided by the principles of necessity, proportionality and minimisation of risk, as well as by the child's right to be heard and to have their views taken seriously.

4 RESULTS

4.1 Levels, patterns and trends in offending, victimisation and risky behaviour

RQ1: What are the levels, patterns and key correlates of youth offending, victimisation and risky behaviour in Estonia, and how have these changed since 2006?

RQ1 maps the levels and patterns of youth offending, victimisation and risky behaviour in Estonia, and, where possible, trends over time. The analysis places the ISRD estimates against the time series of registered juvenile offences and misdemeanours to give an institutional context. Registered data are used descriptively to illustrate system trends and potential recording or legal threshold effects; ISRD provides the population-based counterpoint. Trend estimates rely on harmonised ISRD items asked in all three waves and are restricted to grades 8–9 to preserve comparability. ISRD4 covers grades 8–11, so its grade 8–9 subsample is used for trend comparisons; items introduced in 2023 are treated as baseline indicators rather than trend measures. Online behaviours are included only where wording matches earlier waves; otherwise, they are presented as a 2023 baseline. Sex differences are not discussed here. The aim is to create a clear picture of the population that can be read alongside the youth justice framework following the 2018 reform.

In 2024, 3,730 offences committed by minors were registered in Estonia, comprising 2,958 misdemeanours and 772 crimes (Ministry of Justice, 2025). The number of registered offences has fallen severalfold over the past fifteen years, while the number of minors (aged 10–17) in the population has increased since 2014. To put three waves of ISRD data into context, let’s look at the juvenile offending figure for the period 2008–2024. The figure shows the rate of crimes and misdemeanours committed by minors, i.e., the number of registered offences per 1,000 residents aged 10–17.

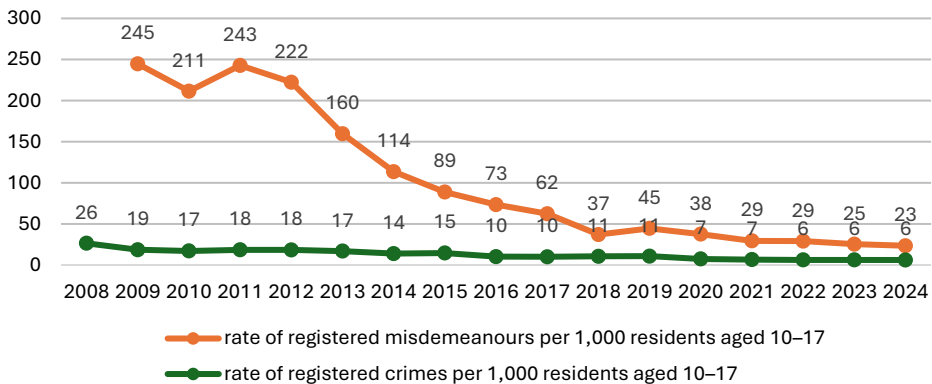


Figure 1. Rates of registered misdemeanours and crimes per 1,000 residents aged 10–17 in Estonia, 2008–2024.

This series shows a sustained decline in system-recorded juvenile offending. The marked drop in misdemeanours begins well before the 2018 reform and continues afterwards, with only a brief uptick around 2019, while crimes decline to a low and stable band from 2020 onward. The highest levels appear in the years around the first Estonian ISRD fieldwork (ISRD2 in 2006), then recede. Read alongside the self-report evidence on harmonised items, these figures support a picture of stability or reduction rather than escalation.

A similar downward trend in registered juvenile offending has been observed in other countries as well. (Fernández-Molina and Bartolomé Gutiérrez 2020; Van Der Laan et al. 2021). Various explanations have been proposed for the decline in recorded crime, such as strengthened economies and rising prosperity (Levitt 2004; Tonry 2014), wider use of custodial sentences (Farrell et al. 2014), changes in police practice (Committee on Proactive Policing: Effects on Crime, Communities, and Civil Liberties et al. 2018), a smaller youth share and an ageing population (Rennó Santos et al. 2019), improved guardianship thanks to technological advances (Farrell et al. 2014), and changes in everyday routines (Svensson and Oberwittler 2021). In addition, several studies support the idea that the widespread use of the internet has altered the nature of crime, although this shift is not yet reflected in recorded crime statistics (Caneppele and Aebi 2019; Miró-Llinares and Moneva 2019).

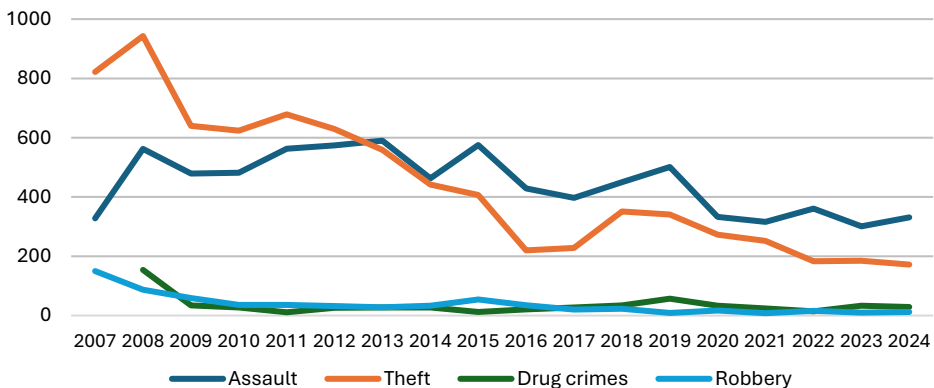


Figure 2. Counts of Registered Offences by Juveniles in ISRD Core Categories, Estonia, (2008–2024)

To shift from registered crime and misdemeanour statistics to ISRD evidence, the discussion focuses on those registered offences that the ISRD instrument also measures. For more serious offending, the ISRD asks about assault, (personal) theft, robbery and drug offences. Between 2007 and about 2013, roughly the period between the second and third ISRD waves, registered theft was the most prevalent crime among Estonian adolescents.

Two legal reclassification steps help to explain the subsequent decline in registered theft crimes. First, from March 2007, repeat low-value thefts (at or below the “small value” limit of 20 minimum daily rates, about €64 at the time) were handled as misdemeanours under Penal Code §218 rather than as crimes, moving a share of shoplifting and similar incidents out of crime statistics. This

effect was tempered in July 2008, when “systematic theft” was added to § 199(2), allowing patterned petty theft to be charged as a crime again. Second, on 1 January 2015, the minimum daily rate was set at €10, effectively raising the small-value threshold to €200. From that point, many incidents that would previously have met the crime threshold were processed as misdemeanours, further reducing the number of thefts recorded as crimes. In short, registered figures are sensitive to legal definitions and recording practices, whereas victimisation and self-report surveys provide population-based estimates that are less affected by such changes.

According to ISRD2, 11% of respondents reported shoplifting at least once in their lives, and almost 2% did so in the last year. Two per cent had ever broken into a car (0.6% in the last year), and 1.5% had ever broken into a house or other building to steal something (0.5% in the last year) (Study I). Over their lifetime, 3.8% reported committing an assault, and 1.8% did so in the last year (ibid.). Drug dealing was reported by 2.7% over the lifetime and 2% in the last year. Robbery/extortion was rare: 0.8% lifetime and 0.5% last year (ibid.). Overall, assault and shoplifting were the most common self-reported offences, while robbery/extortion was rare. Drug dealing was low but more prevalent than registered crime data would suggest.

ISRD3 (Markina and Žarkovski 2014) shows decreases in most categories: 8.3% reported shoplifting at least once in their lifetime and 3.4% in the last year. Burglary was reported by 0.9% of the respondents, compared to 0.6% last year. Assault was reported by 2.1% of respondents in their lifetime and 1.3% in the last year. Drug dealing indicators were slightly higher than in ISRD2: 3.1% lifetime and 2.6% last year.

ISRD4 results are not directly comparable with earlier waves because the age range is wider. This should be kept in mind when reading the figures. In 2023, shoplifting was the most prevalent offence: 23% reported shoplifting at least once in their lifetime, and 5% in the last year. Assault was reported by 3% of the population lifetime and 1% in the last year. One per cent reported committing burglary during their lifetime, and almost none reported doing so in the last 12 months. Drug dealing was reported by 5% lifetime and 3% in the last year (Markina et al. 2024).

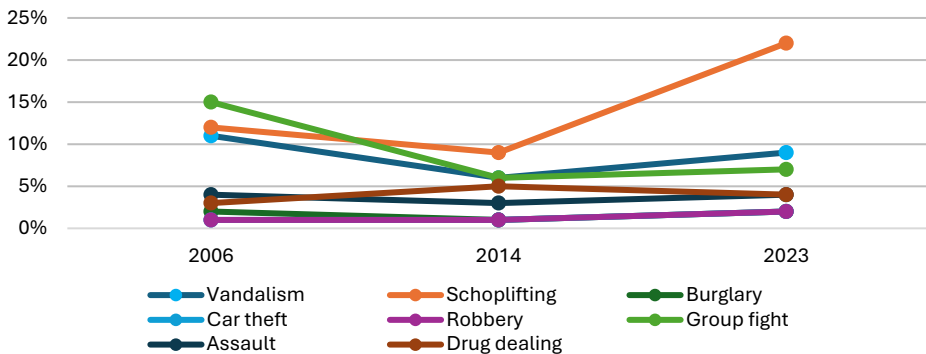


Figure 3. Lifetime prevalence of different offence types among youth, 2006, 2014 and 2023 (%).

To compare adolescent rule-breaking over time, measures were aligned across waves and analysis was restricted to the same school grades. Eight offence forms were asked about in all three surveys: vandalism, shoplifting, burglary, vehicle theft, extortion/threats, group fighting, assault, and drug selling/mediating. Weapon carrying was excluded because it is not straightforwardly an “offence” in each wording. Two summary indicators were then computed for grades 8–9 only: (i) lifetime involvement and (ii) involvement in the last 12 months. This yielded analytic Ns of 1,754 (2006), 2,496 (2014), and 4,359 (2023), with minor variation due to item-level missingness (Markina et al. 2024). Figure 3 illustrates lifetime involvement across the three ISRD waves for grades 8 and 9.

On this harmonised basis, last year’s offending is broadly stable, with a slight decline over time: 13.6% in 2006 versus 12.4% in 2023. By offence type (lifetime), familiar “everyday” behaviours dominate. Shoplifting and vandalism are most salient across waves, with 2023 showing a comparatively higher shoplifting signal than 2014. Serious property and violent forms (e.g. burglary, vehicle theft, assault with injury) remain at very low prevalence in all years. These patterns support the view that common, lower-harm acts account for most self-reported involvement (Markina et al., 2024).

Alcohol involvement shows a decline in like-for-like indicators. In 2006, 87% of pupils reported having ever consumed alcohol, and 45% reported use in the last month (Markina and Šahverdov-Žarkovski 2007). By 2013/14, the lifetime figure had fallen to 68% (Markina and Žarkovski 2014). The 2013/14 wave also introduced a heavy episodic drinking item that asks about five or more drinks in the past 30 days; because this replaces earlier intoxication wording, it is treated as a 2013/14 baseline rather than a direct trend measure (Markina and Žarkovski 2014).

Online offending was measured for the first time as a dedicated block in ISRD4. Four behaviours are included at the national level. In the last 12 months about 6% of pupils reported sending hurtful messages online about protected characteristics, 3% reported sharing someone’s intimate image without consent, 2% reported using the internet to deceive others for money, and 2% reported hacking into an account or device; lifetime figures are higher at roughly 12%, 6%, 4% and 5% respectively (Markina et al. 2024). Earlier Estonian waves did not field a comparable online offending module; ISRD3 recorded related online victimisation such as cyberbullying and hate-motivated threats (Markina and Žarkovski 2014). For context, in the ISRD4 international comparison, Estonia’s last 12 months online offending rate sits toward the higher end of the range, and the gap between its online and offline rates is narrow in relative terms (about 11.1% online versus 14.9% offline), which situates the national baseline without inviting trend claims (Study V).

Adolescent victimisation was measured in all three Estonian ISRD waves. For time-series purposes, the focus is on the overlapping core: personal theft, physical assault, and (with caution) robbery or extortion, as the wording differs across waves. ISRD3 added bullying and first online harms; ISRD4 broadened the online inventory; parental violence items had already been introduced in ISRD3.

Trend statements, therefore, rely on the shared items and on the same grade band where possible (grades 8–9), with later additions treated as baselines rather than extensions (Markina and Saar 2009; Markina and Šahverdov-Žarkovski 2007; Markina and Žarkovski 2014; Markina et al. 2024)

The ISRD2 baseline (2006) shows that victimisation was common. In the last 12 months, 18.6% reported personal theft (last 12 months), 4.8% reported assault causing injury (last 12 months), and 3.7% reported robbery or extortion. In ISRD2 (2006), 24% of pupils reported encountering school bullying, with higher rates among younger cohorts (e.g., 40% of boys aged 12–13 and 30% of girls aged 14). Regarding the overlapping core items, theft is the most common experience, while serious contact offences are less frequent (Study I).

By 2014 (ISRD3), the last year prevalence of victimisation remained high, but the pattern shifted slightly. Personal theft was 21.7% and assault 7.3%, while robbery (asked separately from extortion) stood at 2.5%. Cyberbullying appeared as a new category and was reported by 15.6% in the last 12 months; traditional school bullying remained higher at about 22% in the last 12 months, indicating that online harms added to rather than replaced existing victimisation (Markina and Žarkovski 2014, 29–31, 59–61).

ISRD4 (2023) updates the picture with a wider online module and an expanded grade range. For the overlapping items, the last 12 months' theft prevalence rate is 12%, assault rate is 2%, and robbery rate is 2%. Online harms are prominent: 15% report threats received through social media in the last 12 months, and 7% report online hate speech; 6% report parental physical violence in the last year. Because the age band and item set differ, these values are presented as national baselines rather than as direct extensions of the earlier series (Markina et al. 2024).

Parental violence has been measured since ISRD3 using two items that distinguish minor acts (hit, slap or shove) from serious acts (hit with an object, punch or kick forcefully, or beat up), with both lifetime and last 12 months frames. ISRD3 provides the first baseline for Estonia. ISRD4 repeats the items in a comparable form and reports that 6% of pupils experienced parental physical violence in the last 12 months, with higher lifetime prevalence. These items extend the victimisation profile into the home setting and should be read alongside the school and peer contexts reported above (Markina et al. 2024; Markina and Žarkovski 2014).

In summary, across the overlapping core, there is no evidence of an increase in victimisation over the last 12 months between 2006 and 2023. Theft appears to peak in 2014 and is lower in 2023; assault is lower in 2023 than in either of the earlier waves; robbery remains rare. Parental violence, first measured in ISRD3 and repeated in ISRD4, shows a last 12 months prevalence of about 6% in 2023, with higher lifetime levels, and is treated as a baseline rather than a trend. Because the wording for robbery and extortion differs across waves, trend precision is limited, and the wider grade coverage in ISRD4 requires like-for-like restriction when drawing trends. These descriptive results set the scene for the analysis of the victim–offender overlap in RQ3.

Three key observations can be made. First, when comparing the same items and grades, there is no evidence of an upward trend in offending over the last 12 months, between 2006 and 2023. The same observation holds true for victimisation. Second, the decline in lifetime involvement noted in 2014 suggests that it is influenced by cohort or reporting dynamics rather than indicating a steady decline. The national report suggests that further analysis is required, such as examining cohort changes, the impact of wording or recall effects, or variations in the composition of the grade band. Third, since diversion can reduce administrative counts, the harmonised ISRD estimates serve as a population check, showing no increase in offending over the last 12 months among students in grades 8–9 after the 2018 reform.

4.2 Associations between rule following, exposure and supervision

RQ2: How are rule-following, situational exposure and supervision associated with offending and victimisation in contemporary Estonia?

RQ2 draws on the four publications that analyse associations most directly. Study I (ISRD2 Estonia chapter) examines correlates of self-reported offending in the Estonian school sample (Markina & Saar, 2009). Studies II and III investigate the relationship between family structure, parental monitoring, and related factors and adolescent alcohol outcomes using ISRD2 data in multi-country and three-country designs. Study IV uses the ISRD2 last-occasion item to examine the immediate social setting of drinking. National reports (Markina and Žarkovski 2014) are used only to supply magnitudes where the journal chapters summarise directions without numbers.

Analytic note. Associations are estimated within each wave using logistic (or, in Studies II–III, multilevel logistic) models adjusted for age and sex. Both Studies II and III control for sex, grade and migrant status. ISRD3 national models use school-clustered standard errors. RQ2 does not conduct cross-wave comparisons; those are reported under RQ1 on harmonised items restricted to grades 8–9. All estimates are cross-sectional and are interpreted as associations rather than causal effects.

Study I shows the expected association pattern observed in ISRD-based analyses of Estonia. Adolescents who report higher parental knowledge and better family relations are less likely to report any offending in the last 12 months, while those who spend more evenings out and more unstructured time with peers are more likely to do so. These associations are reported net of age and sex. The same structure appears in the ISRD3 national report, which includes published coefficients. For example, in the ISRD3 national models that include family and lifestyle variables, a 10-point increase on the parental knowledge index is associated with approximately 20% lower odds of reporting any offending in the last 12 months (OR = 0.80; Markina & Žarkovski, 2014, Table 8, p. 40, model 3).

The Parental Knowledge Index is a composite score scaled from 0 to 100, where higher values indicate that parents know where the child is, what they are doing, and with whom they are interacting. For readability, effects are expressed per 10-point increase (for example, moving from 60 to 70 on the index). Time spent with larger peer groups is associated with higher odds of offending and of heavy episodic drinking; for pupils who spend free time with four or more friends, the odds ratios are OR = 1.85 for any offending and OR = 4.27 for heavy episodic drinking (Markina and Žarkovski 2014, 68, Table 19).

Studies II, III and IV focus on alcohol, with Studies II and III examining family factors and Study IV examining the immediate social setting of drinking. In the ISRD2 multi-country analysis (Study II), estimated using three-level models (pupil, school, country), stronger parental supervision is associated with substantially lower odds of intense alcohol use (OR = 0.62), and stronger family bonding likewise reduces the risk (OR = 0.68). Living with both parents is protective (OR = 0.72). By contrast, higher family affluence (OR = 1.17) and recent negative life events (OR = 1.25) are associated with higher odds, net of controls (Study II, Table 5; see also Tables 2, 4, 6–7). In the Estonia row of the country-specific estimates, the same pattern holds: parental supervision remains protective (OR = 0.61) and family bonding is associated with lower odds (OR = 0.72), while affluence (OR = 1.11) and negative life events (OR = 1.19) are risk-increasing; the family-structure indicator is smaller in magnitude (OR = 0.85) (Study II, Table 3).

Study III (Estonia, Czech Republic, Hungary) reproduces these directions using country-comparative logistic models. In Estonia, parental supervision is associated with higher odds of abstinence (OR = 1.68; 95% CI, 1.45–1.94; Table 2) and lower odds of heavy episodic drinking (OR = 0.73; 95% CI, 0.65–0.82; Table 3). Family bonding shows a modest, borderline reduction in heavy episodic drinking (OR = 0.90; 95% CI, 0.80–1.00; Table 3). Family disruption is associated with higher odds of heavy episodic drinking (OR=1.19; 95% CI 1.06–1.34), while affluence is not a significant predictor in the Estonian specification. Descriptively, in the same dataset, heavy episodic drinking is 21.8% and lifetime abstinence is 13.6% among Estonian respondents (Study III, Table 1).

Study IV shifts the focus from family influences to the immediate social settings of drinking. Using ISRD2 data, it shows that alcohol use most often occurs with peers. In Estonia, 64.3% of last light-alcohol episodes and 74.2% of last spirits episodes happened with peers, compared with 57.6% and 68.2% in the 25-country sample. The quantity consumed is also higher when adolescents drink only with peers. For light alcohol, the mean is 1.63 units with peers, compared with 0.66 when drinking with parents, 1.19 with other adults and 1.16 when alone. For spirits, the mean is 3.75 shots with peers, compared with 2.42 with other adults and 2.24 when alone. Because these are situational, last-occasion reports rather than longitudinal histories, they do not allow trend claims or causal inference. However, they demonstrate that adult presence reduces consumption levels and that routine supervision shapes situational risk, consistent with the mechanism inferred from Studies II and III (Study IV).

Read together, Studies I–IV form a coherent picture. Background socialisation and supervision at home are linked to lower prevalence of offending and last-year intoxication. Exposure to unsupervised peer settings and affiliation with delinquent peers are linked to higher prevalence. Where the ISRD3 national models provide magnitudes, they indicate modest protective effects for parental knowledge (approximately 20% lower odds per 10-point increase) and larger, decision-relevant contrasts for peer exposure (odds ratios of around 1.85 for any offending and 4.27 for heavy episodic drinking among those with larger peer groups). The associations are stable across designs and samples. Because parental knowledge and everyday routines are observable and modifiable at first contact, they are appropriate targets for CRC-consistent, least-restrictive planning following the 2018 reform.

Since supervision and routine exposure can be modified and are relevant to decision-making, initial assessments should document parental knowledge and daily routines, including evenings out and peer interactions. By recording these factors at the first point of contact, we can operationalise the principles of the Convention on the Rights of the Child (CRC) concerning participation and least-restrictive planning. Responses that are proportionate and align with the CRC, the Council of Europe Guidelines on Child-Friendly Justice, and Directive (EU) 2016/800 should prioritise enhancing everyday supervision and adjusting activity routines, rather than escalating to formal control.

4.3 Online–offline domain overlap

RQ3: To what extent do adolescents’ offending and victimisation overlap across the online and offline domains, and how large is this overlap in Estonia compared with other ISRD4 countries?

RQ3 examines how adolescents’ self-reported victimisation and offending are distributed across the online and offline domains and the extent to which these domains overlap. The estimates are based on Study V (the ISRD4 online/offline chapter) and utilise last-year’s measures. For victimisation, in Study V, the online domain comprises incidents of cyberbullying, online hate speech and non-consensual sharing of intimate images. The offline domain covers contact and property harms from the ISRD core (including assault, theft or robbery, and vandalism). For offending, the online domain includes online hate speech, non-consensual image sharing, cyber deception and hacking. The offline domain comprises core contact and property offences. Because the offline indices contain more items than the online indices, higher offline prevalence is expected in part for design reasons; country comparisons are therefore descriptive. Within the 21-country comparison, the total sample shows last-year offline victimisation at 21.5 per cent and online victimisation at 18.0 per cent, while online offending stands at 7.9 per cent and is lower than offline offending in every country (Study V, Tables 9–10). Estonia is broadly similar to the ISRD4 total but with a

slightly different balance: online victimisation is higher (20.7 per cent vs 18.0 per cent) and offline victimisation lower (18.5 per cent vs 21.5 per cent); online offending is higher than the total-sample online figure (11.1 per cent vs 7.9 per cent), while – as in every country – offline offending remains higher than online (14.9 per cent vs 11.1 per cent) (Study V).

For victimisation, Study V categorises pupils into four groups based on their experiences in the previous year: online only, offline only, both domains, and none. In the total sample, 69.8 per cent report no victimisation, 8.7 per cent online only, 12.2 per cent offline only, and 9.5 per cent in both domains (Estonia: 8.7 per cent) (Study V, Table 9).

Estonia's distribution is similar, with a larger online-only share than offline-only and about 8.7 per cent in both domains (Study V). In plain terms, online harms are widespread in their own right, and the “both domains” group is large enough to matter for practice: roughly one in twelve Estonian pupils experienced victimisation in both online and offline domains over the past year (Study V).

To gauge the strength of this domain connection beyond raw percentages, Study V reports Loevinger's H, a coefficient between zero and one that indicates how much incidents in one domain co-occur with incidents in the other. H summarises co-occurrence beyond marginal prevalence; values around 0.3 to 0.5 indicate moderate co-occurrence, values near zero indicate weak co-occurrence, and values near one indicate strong co-occurrence. For victimisation, the total-sample H is 0.39 (95% CI 0.38 to 0.40), with country values spanning approximately 0.28 to 0.54. Estonia's H is 0.34 (95% CI 0.31 to 0.37), within this moderate band (Study V, Table 9). This indicates a consistent, moderate association across sites, compatible with shared lifestyle and exposure patterns rather than two separate worlds (Study V).

For offending, two regularities emerge in Study V. First, online offending is lower than offline offending in every country, which partly reflects the broader content of the offline index. Second, the co-occurrence between domains is generally stronger for offending than for victimisation when measured with Loevinger's H; in the total sample, H is 0.49 (95% CI 0.48 to 0.51) (Study V, Table 10). In the total sample, about 4.7 per cent of pupils report offending in both domains (Estonia: 4.5 per cent), with national values ranging from roughly 2.0 to 8.7 per cent (Study V, Table 10). Estonia's H for online–offline offending is comparatively low at 0.29 (95% CI 0.25–0.32), which suggests that pupils who report online offending are less likely also to report offline offending than in many Western and Nordic sites where H is closer to 0.58–0.65 (Study V). The cross-national range is not extreme, but Estonia's position within it is distinctive enough to matter for national assessment practice (Study V).

Study V also finds no consistent link between domain overlap and basic macro-economic indicators, such as national connectivity or internet access. Countries with high connectivity may exhibit varying degrees of overlap, while those with moderate connectivity aren't always characterised by low overlap. This suggests that immediate contexts, such as experiences in school, family, and peer interactions, have a greater influence on domain contact than the overall availability

of technology. Additionally, these immediate factors are configured differently across countries (Study V).

Two key conclusions can be drawn regarding Estonian youth justice. First, it is essential to address online and offline harms together when first interacting with a young person and during prevention planning. If a student has experienced an online incident, they should also be screened for any offline exposure. Conversely, if a student has had an offline incident, they should be gently asked about any online harms they may have faced. Second, responses to incidents should be tailored to the specific context while ensuring they are proportionate and as non-restrictive as possible. In schools, this means creating accessible reporting mechanisms for digital harms, implementing swift removal and support protocols for incidents of image-based abuse, and providing clear paths to restorative options when appropriate. In community settings, it's essential to establish clear pathways for reporting and support related to offline harms and to incorporate digital literacy into supervision during leisure time and peer interactions. These approaches should not function as separate systems but rather as interconnected channels that are coordinated so that support plans can follow the child across different environments.

4.4 Qualitative mechanisms: participation, supervision, continuity, labelling

RQ4: What do qualitative studies with justice-involved adolescents show about the lived effects of labelling and the role of participation, everyday supervision and continuity of support in reintegration?

This subsection is based on two publications that analyse a shared set of interviews conducted as part of the PROMISE project, employing a comparative qualitative design. Participants were recruited through probation services and peer contacts using a snowball sampling method. Study VI focuses on the Estonian sub-sample, comprising 24 semi-structured interviews, to provide an in-depth perspective on the reintegration process following sanctioning in Estonia.

Study VII presents a cross-country synthesis involving 71 young people from three different sites, examining how labelling and supportive relationships impact self-concept and behaviour in educational, welfare, and justice settings. The findings are interpretative rather than generalizable. Labelling operates through everyday stigma that follows young people into ordinary settings and constrains routine opportunities. Past convictions surface in background checks for jobs and rentals. Strangers in workplaces or neighbourhoods are treated as untrustworthy. An old label is revived by minor incidents that would otherwise pass unnoticed. Several interviewees described adapting to this as a form of self-protection, lowering expectations, avoiding disclosure or withdrawing from activities where rejection felt likely. One participant explained, "I would like to live a life of an

ordinary person: go to work and return home in the evening; I would like ordinary relations with people, I would like to be trusted.” (Study VI; female, 25) These experiences shape self-concept and willingness to engage with services. If a label is expected to foreclose options, non-participation can feel safer than risking another refusal. Estonian accounts in the comparative study reflect a similar shift toward a “why try” mindset when encountering negative labels repeatedly (Study VII, Estonia).

Debts, enforcement and administrative disclosure create practical traps. After sanctioning, accumulated fines, damages and enforcement fees often become the central problem. Interviewees report having frozen bank accounts, garnished wages, and letters to employers disclosing their legal status. These measures can destabilise legitimate work and housing precisely when stability is needed. They can incentivise a shift into informal earnings to avoid deductions. The knock-on effects are felt at home. Family resources are stretched, rent payments fall behind, and small crises snowball. Young people describe trying to repay while enforcement proceeds faster than repayments, producing a financial trap that makes ordinary reintegration more difficult than it needs to be (Study VI).

Interactions with authorities can be experienced in two distinct ways: positively or negatively. When these interactions are focused on rules, are repetitive, or lack empathy, trust diminishes, and individuals become less likely to seek help. Factors such as having to tell the same story repeatedly, meeting new workers at every appointment, and the limited consideration of school or work schedules contribute to disengagement. In contrast, maintaining a sustained relationship with a designated practitioner can lead to significant improvements in outcomes for justice-involved youth. Interviewees described workers who engaged with them, provided guidance, set clear expectations, coordinated with schools or employers, and adjusted appointment times to accommodate their needs. One young woman expressed it simply: “I can cope... I can move forward... I have evolved... I’m not afraid of anyone anymore.” (Study VI; female, 19). These supportive relationships foster continuity as individuals transition from police involvement to prosecution and community supervision. They reduce the necessity of repeatedly recounting traumatic experiences and create a stable framework that encourages participation. Within this context, young people are more inclined to accept appropriate supervision and reintegrate into their everyday routines of school, work, and family life (Studies VI–VII). In light of Estonia’s 2018 youth justice reform, these mechanisms align with commitments to participation, least-restrictive measures, and continuity of support (Explanatory Note 453 SE 2017). The next section, Youth Child Rights Framework and Estonian youth justice, assesses delivery conditions against CRC General Comments Nos. 12, 14, and 24 and the Council of Europe Child-Friendly Justice Guidelines.

4.5 Alignment with child-rights standards after the 2018 reform

RQ5: Considering this evidence, to what extent is the post-2018 youth-justice system aligned with the CRC, the Council of Europe Child-Friendly Justice Guidelines and Directive (EU) 2016/800, and what delivery conditions are required for proportionate, least-restrictive practice?

RQ5 asks to what extent Estonia's youth justice arrangements, following the 2018 reform, align with the child rights yardstick set by the UN Convention on the Rights of the Child and its General Comments No. 12 (2009), No. 14 (2013), and No. 24 (2019). The subsection draws on Study VIII (pre-reform baseline), Study IX (post-reform principles and delivery) and post-reform evaluations of case files and user journeys. Practice is read alongside the Council of Europe Guidelines on Child-Friendly Justice (2010) and Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons.

Before the reform, responses to children's rule-breaking operated on parallel tracks. Criminal and misdemeanour procedures ran alongside the Juvenile Sanctions Act and its juvenile committees. The intention was protective, to steer children away from criminal courts, yet safeguards were uneven, and outcomes could differ for similar conduct. Deprivation of liberty could occur in several institutional settings (police arrest houses and short-term detention, prison youth departments, closed child-care institutions and special schools, shelters and psychiatric wards), and the CRC requirement to keep children separate from adults and to provide child-sensitive care (education, contact with family, trained staff) was not consistently met, for example in police arrest houses and short-term detention and in some welfare or psychiatric placements where separation or access to education and family contact could not be guaranteed (Study VIII). After the 2018 reform, deprivation of liberty is implemented mainly through placement in a closed childcare service and volumes are modest: year-end caseloads were 48 (2018), 62 (2019), 80 (2020), 63 (2021) and 58 (2022); in 2022 about 70% of placements were under the Social Welfare Act and approximately 39% of children placed had a diagnosed disability (Study IX). Use of imprisonment for minors is rare and has declined. At year's end 2019, there were 15 juvenile prisoners in Estonia. By year-end 2023, the count was one. In early 2024, there were temporarily none, with small remand counts reported again in early 2025 (Ministry of Justice, 2024; Criminal Policy Department, n.d.; ERR, 18 February 2024; ERR, 12 January 2025). Participation and age-appropriate information varied by locality, as did the presence of a suitable adult and timely legal assistance at first contact. Taken together, Study VIII describes a mixed welfare-justice model that fell short of a fully child-friendly design (Study VIII).

The 2018 reform repealed the Juvenile Sanctions Act and amended the Penal Code and the Code of Criminal Procedure. The Explanatory Memorandum to Draft 453 SE sets three aims: to act earlier and more quickly, to avoid unnecessary

escalation to court, and to connect children to help through coordinated local services. Prosecutorial decision-making at an early stage became the principal gateway for proportionate and least-restrictive responses. Proceedings can be terminated with a warning, with obligations tailored to the child's needs and resources, or after reconciliation through mediation. The reform reduced the maximum duration of arrest for minors and enabled placement in a closed child-care institution instead of remand detention, which better protects the child. It clarified duties to provide information in age-appropriate language, strengthened the right to a suitable adult and legal assistance from first contact and situated these safeguards within the broader European framework (Committee of Ministers of the Council of Europe 2010; Directive 2016/800 2016; Explanatory Note 453 SE 2017). In line with this, Penal Code § 87 specifies ten measures that authorities may combine or tailor to the child: a warning; referral to intervention programmes; compensation for damage; addiction treatment; mediation; conduct supervision; community service; movement restriction using electronic monitoring; placement in a closed childcare service; and other obligations voluntarily assumed by the child. Measures such as addiction treatment and mediation require the child's consent, reflecting an emphasis on participation and restorative resolution (Study IX).

Post-reform evaluations indicate that diversion has become routine, and reparative endings are common. Prosecutorial terminations with obligations increased markedly: the share of minors' cases terminated by prosecutors rose from about 21% in 2016 to roughly 52% by 2020, and in about four out of five such terminations, at least one obligation was imposed. By 2020, only about one-fifth of minors' cases proceeded to court, and even then, the use of measures of influence expanded (from approximately 45% in 2018 to about 64% in 2020), while custodial sentences declined. These tendencies are consistent with proportionality and with the rule that deprivation of liberty should be a measure of last resort (Markina et al. 2021, 75, Fig. 17; 79, Fig. 20; 80, Fig. 21).

Post-reform, deprivation of liberty is most commonly implemented through placement in a closed childcare service, which functions as a child-protection measure rather than a penal sanction. Year-end caseloads were 48 (2018), 62 (2019), 80 (2020), 63 (2021) and 58 (2022); in 2022, about 70% of placements were under the Social Welfare Act, and approximately 39% of children placed had a diagnosed disability, most often a mental disability (Study IX).

Participation and the provision of age-appropriate information vary. Some children report that they do not fully understand the reasons behind decisions or the content of their obligations. Written explanations and informational materials differ from one municipality to another, and access to a suitable adult and prompt legal assistance at the first point of contact is not guaranteed in all cases (RAK 2021; Reinson et al. 2021). These observations have been documented in post-reform evaluations and legal analyses (Study IX). These gaps directly affect compliance with the Convention on the Rights of the Child (CRC) requirements, which include hearing the child, recording reasoning that reflects the child's best interests, and providing explanations that children can understand.

Continuity of support across institutional transitions is another weak point. Where coordination between police, prosecution, municipal child protection and probation is strong, plans follow the child and duplication is limited. Elsewhere, young people describe retelling the same history, appointments that are not joined up and uncertainty about who is responsible for the next step. The evaluations recommend standardising the individual assessment used to calibrate proportionality and least-restrictive responses, improving age-appropriate information templates, and clarifying handover rules so that a named coordinator follows the child between agencies (Markina et al. 2021; Reinson et al. 2021). Study IX reaches a similar conclusion through a vulnerability and agency lens: the legal architecture now supports recorded best-interest assessments, participation, and privacy safeguards; however, the principal risks lie in uneven delivery at the interfaces between systems.

Protection from secondary victimisation has improved where procedures are shorter and mediation is used. Children face fewer adversarial contacts and fewer opportunities for unnecessary disclosure. Risks remain where inter-agency coordination is weak and administrative disclosure extends beyond what is necessary for supervision or support. Restraint in disclosure and attention to privacy are practical conditions for child-friendly justice in routine cases. A specific weakness concerns children exposed to domestic violence: in 2021, more than 6,000 children were identified as exposed, yet practice often excludes them from criminal proceedings (neither as victims nor as witnesses) to avoid re-traumatisation, with the side-effect of limiting access to information, representation and enhanced victim-support entitlements (Markina et al. 2021).

The current law reflects commitments aligned with the Convention on the Rights of the Child (CRC) regarding participation, proportionality, the use of least-restrictive responses, and treating deprivation of liberty as a last resort. In practice, diversion and restorative outcomes are used more frequently, while detention is less common and better defined. The remaining issues are related to implementation. To fully align with the 2018 reform, we need standardised individual assessments, guaranteed access to child-friendly information and support at first contact, and named coordination during transitions.

5 INTEGRATED SYNTHESIS OF RESULTS

This subsection addresses the main research question by demonstrating how evidence from the International Self-Report Delinquency Study (ISRD) can be interpreted and applied within Estonia's child rights framework, especially in light of the juvenile justice reforms made in 2018. The goal is to promote youth justice practices that are proportionate and least restrictive.

In line with the perception-choice theory discussed in the theory chapter, this synthesis views outcomes as situational products influenced by three factors: (i) rule-following tendencies shaped by socialisation, (ii) exposure to tempting or risky environments, and (iii) the level of supervision available in those environments. The aim here is to connect these elements to the concrete decisions made at the initial contact and beyond. The interpretive position is that on a harmonised comparison set in grades 8–9, the level of last-year offending is stable or slightly lower across 2006 to 2023, and the composition of behaviour is steady, with common and lower-harm acts such as shoplifting and vandalism accounting for most self-reported involvement, while serious violent and serious property forms remain rare. As documented above (RQ1), last-year's offending on the harmonised set shows a slight decline across the period. Victimization follows a similar profile when the same items are compared over time, and a persistent overlap exists between those who offend and those who are victimised. ISRD4 extends coverage to online behaviours and shows that these sit within the same landscape of opportunity and supervision rather than displacing the basic pattern observed offline. Where direct comparison is possible, Estonia does not diverge markedly from the broader ISRD4 picture. The series of administrative data on registered crimes and misdemeanours has shown a downward trend over the same period. While this data is influenced by legislative thresholds and policing practices, when examined alongside self-reported crime surveys, it does not provide support for increasing routine control measures.

In various studies, three key elements consistently emerge that help explain variations in outcomes in a way applicable to practice: *Socialisation signals* are measured by family cohesion and parental knowledge. They are linked to lower rates of offending, victimisation, and heavy alcohol use. *Exposure* increases when adolescents are placed in unstructured peer settings. Specifically, the likelihood of heavy drinking rises when the last drinking occasion occurred solely in the company of peers. The presence of *supervision*, whether informal (at home or school) or formal (through authorities), influences whether temptations in a given situation lead to actual incidents.

Family cohesion and parental knowledge are indicators of socialisation related to rule-consistent behaviour rather than direct measures of propensity. Engagement in social activities with peers, such as outings, companions, locations, and times, serves as an indicator of exposure. Additionally, factors such as adult supervision, curfews, awareness of activities, and initial contact arrangements are interpreted as indicators of parental oversight. These findings are not intended to

serve as a comprehensive causal theory; instead, they are robust results that are consistent across various designs, highlighting areas where effective interventions can be implemented.

The application of the post-2018 legal framework is directly influenced by this interpretation. The reform established early prosecutorial decisions as the primary entry point for responses that are proportionate and least restrictive, accompanied by a list of measures under Penal Code §87. In this context, ISRD indicators support first-instance diversion for first-time and low-gravity cases, while emphasising the need for a careful evaluation of the circumstances surrounding more serious or repeated offences.

At the initial point of contact, a brief individual assessment should capture the child's perspective and address three key decision elements: evidence of rule-following and the level of support available from family and school; recent exposure to tempting or risky environments, specifying with whom, where, and when these situations occurred; and the supervision that is accessible or can be arranged in those settings, with information and safeguards aligning with Directive (EU) 2016/800 (Articles 4–12 concerning information, parental responsibility, legal representation, individual assessment, deprivation of liberty, and privacy).

If the circumstances or the child's account indicate prior harm, the issue of victimisation should be addressed in conjunction with any legal response, ensuring that support is prioritised over procedural concerns. Decisions must be communicated in age-appropriate language, with a suitable adult present, and early legal assistance must be secured. Additionally, written explanations should clearly outline reasoning based on the child's best interests in a way that is understandable to them. Within this approach, obligations are selected to change everyday routines rather than to punish under another name. Short and structured plans that build supervision and support in the places where adolescents live their lives: at home, in school and in leisure, are preferable to abstract or maximal conditions; mediation is used where suitable; and placement in a closed childcare service is reserved for the small minority of cases where welfare and safety cannot be secured otherwise, with reasons recorded and periodic review to ensure the measure remains necessary and proportionate. These choices align with the criteria derived from the Convention and the Council of Europe Guidelines, namely participation and age-appropriate information, proportionality and least-restrictive response, protection from secondary victimisation and continuity of support.

Delivery conditions complete the picture because even a well-designed legal framework depends on reliable practice at the interfaces between agencies. Post-reform evaluations show strong use of diversion and reparative endings, but they also describe uneven provision of age-appropriate information at first contact, inconsistent presence of a suitable adult and early legal assistance, and variability in coordination across police, prosecution, municipal child protection, courts and probation. The practical remedies are straightforward if they are pursued systematically: standardise the individual assessment used to calibrate proportionality and the least-restrictive response; adopt clear information templates for first contact, consent and written reasons; assign a named coordinator so that plans

follow the child across transitions; and restrain administrative disclosure so that privacy is protected while necessary supervision and support can still be delivered.

Monitoring and learning should mirror this interpretation so that practice is continually corrected by evidence. Routine dashboards can track harmonised self-report indicators in grades 8–9 alongside administrative series and present simple breakdowns by region and school grade; within-wave models can continue to test whether the three decision elements behave as expected; and qualitative follow-ups can check whether participation, information and continuity are experienced as intended by children. Where gaps persist, targeted practice changes can be piloted and reviewed so that lessons feed back into first-contact assessment and the calibration of measures.

In sum, the ISRD evidence, considered through a context-focused lens, supports a stable diversion-first posture under the 2018 architecture, identifies the levers that proportionate youth-justice decisions can pull in everyday contexts, and shows how those levers can be applied in a way that is consistent with child-rights standards. The remaining work is implementation: making age-appropriate information, early legal assistance, standardised assessment and named coordination routine so that proportionate measures change everyday routines and reduce harm without unnecessary escalation. These conclusions are drawn from convergent patterns across waves and designs rather than a single omnibus causal model, reflecting the methodological limits noted in the theory and methods chapters and keeping explanation aligned with the perception–choice account.

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ABBREVIATIONS

AMVS	– Juvenile Sanctions Act (Alaealiste mõjutusvahendite seadus)
CoE	– Council of Europe
CRC	– Convention on the Rights of the Child
EU	– European Union
FRA	– European Union Agency for Fundamental Rights
GA	– United Nations General Assembly
ISRD	– International Self-Report Delinquency Study (waves ISRD1–ISRD4)
KarRS	– Criminal Records Act (Karistusregistri seadus)
KarS	– Penal Code (Karistusseadustik)
KrMS	– Code of Criminal Procedure (Kriminaalmenetluse seadustik)
KrMSRS	– Code of Criminal Procedure Implementation Act (Kriminaalmenetluse seadustiku rakendamise seadus)
MDFT	– Multidimensional Family Therapy
RAK	– Centre for Applied Anthropology of Estonia (Rakendusliku Antropoloogia Keskus)
RAKE	– Centre for Applied Social Sciences, University of Tartu (Tartu Ülikooli sotsiaalteaduslike rakendusuuringute keskus)
RQ	– Research question
UN	– United Nations
VTMS	– Code of Misdemeanor Procedure (Väärteomenetluse seadustik)

SUMMARY IN ESTONIAN

Noorte õigusrikkujate erikohtlemine Eestis ISRD-andmete valguses: lapse õigustel põhinev lähenemine

Taust, andmed ja lähenemine

Väitekiri käsitleb noorte õigusrikkumisi ja ohvristumist Eestis ning näitab, kuidas rahvusvahelise ISRD-uuringu (International Self-Report Delinquency Study, rahvusvaheline noorte õigusrikkumiste uuring) tõendus koos kvalitatiivsete allikatega aitab kujundada lapse õigustel põhinevat lähenemist noorte õigusrikkujate erikohtlemise valdkonnas. Eesmärk on tõlgendada empiirilised mustrid otsustusraamistikuks, mis toetab proportsionaalset ja võimalikult vähe stigmatiseerivat sekkumist ning aitab noorel eluga edasi minna ilma tarbetu sildistamiseta. Doktoritöö fookus on kolmel tasandil: milline on olukord (levimus, trendid, koosmõjud), millised mehhanismid seda kujundavad ning kuidas tõendus suunab mõjutusvahendite valikut prokuröri otsustes KrMS § 201 alusel ja kohtu otsustes KarS § 87 rakendamisel, samuti kohaliku omavalitsuse (KOV) juhtumikorraldust ja lapsekaitselisi samme.

Uurimistöö eesmärk on siduda ISRD-uuringu kvantitatiivsed tulemused ja kvalitatiivsed leiud selgeks otsustusraamistikuks, mis toetab proportsionaalset ja võimalikult vähe stigmatiseerivat sekkumist noorte õigusrikkujate erikohtlemise valdkonnas, hinnata 2018. aasta alaealiste õigusrikkujate erikohtlemise reformi vastavust lapse õigustel põhinevale lähenemisele ning sõnastada rakenduslikud soovituselised prokuratuurile, kohtutele ja KOV-idele.

Uurimisküsimused:

1. Milline on 12–16-aastaste õigusrikkumiste ja ohvriks langemise tase, struktuur ja muutus Eestis (ISRD2–ISRD4)?
2. Kuidas on reeglitele allumine, kokkupuude riskisituatsioonidega ja järelevalve seotud õigusrikkumiste ja ohvristumisega tänapäeva Eestis?
3. Mil määral kattuvad noorukite õigusrikkumised ja ohvristumine võrgu- ja võrguvälises ruumis ning kui suur on see kattuvus Eestis võrreldes teiste ISRD4 riikidega?
4. Mida näitavad õigussüsteemiga seotud noorukitega tehtud intervjuud noorte ühiskonnaelus osalemist soodustavate ja takistavate tegurite, igapäevase järelevalve, toe järjepidevuse ning sildistamise kogemuslike mõjude kohta?
5. Millisel määral vastab 2018. aasta järgne alaealiste erikohtlemise süsteem, tuginedes nendele tõenditele, lapse õiguste konventsioonile, Euroopa Nõukogu lapsesõbraliku õigusemõistmise suunistele ja direktiivile (EL) 2016/800 ning milliseid tingimusi on vaja, et praktika oleks proportsionaalne ja võimalikult vähe piirav?

ISRD on standardiseeritud klassiruumis täidetav anonüümne küsitlus 12–16-aastastele. Eestis viidi uuringuained läbi 2006. aastal (ISRD2), 2013/2014. aastal (ISRD3) ja 2023/2024. aastal (ISRD4). Kõigis lainetes mõõdeti samasid tuumiknäitajaid, mis võimaldavad võrrelda poevarguste, vandalismi, rünnakute, grupiakluste ja muude õigusrikkumiste ning erinevate ohvristumisiikide levimust ja selle muutusi ajas. Küsimustik sisaldab ka õigusrikkumiste ja ohvriks langemise konteksti kirjeldavaid mõõdikuid: kellega noor aega veedab, mitu õhtut nädalas on ta kodunt väljas, kui hästi teavad vanemad lapse liikumist ja seltskonda ning milline on koolikliima ja turvalisus. ISRD4 lisas võrgu-keskkonda kirjeldavad mõõdikud, sh küberahistamise, kokkupuute vihakõnega ning intiimsete kujutiste (fotod, videod) nõusolekuta jagamise küsimused, et hinnata noore võrgu- ja võrguväliste kokkupuudete kattuvust ühe ja sama meetodika raames. Kvantitatiivandmete analüüs tugineb kirjeldavale statistikale ja regressioonanalüüsile.

Kvalitatiivne analüüs hõlmab poolstruktureeritud intervjuusid õigussüsteemiga kokku puutunud noortega ning praktikute vaateid, mis avavad mehhanisme, mille kaudu sekkumised toimivad või ebaõnnestuvad.

Õigusdogmaatiline analüüs seob empiirilised leiud Eesti õigusraamistiku, lapse õiguste konventsiooni ja Euroopa lapsele sõbraliku õigusemõistmise põhimõtetega. 2018. aasta alaealiste õigusrikkujate erikohtlemise reform kaotas alaealiste komisjonid ja koondas otsustamise prokuröride ja kohtute pädevusse. Prokuröriile anti KrMS § 201 alusel võimalus lõpetada menetlus koos konkreetsete kohustustega; KarS § 87 sätestab mõjutusvahendite kataloogi alates hoiatustest, sotsiaalprogrammidest ja kahju heastamisest kuni ravi, lepitusteenuse, käitumiskontrolli, üldkasuliku töö, liikumisvabaduse piiramise (vajaduse korral koos elektroonilise valvega) ja suletud lasteasutuseni. Noorte täiskasvanute puhul saab sama loogikat rakendada piiratud ulatuses. Üldine suundumus on eelistada varajasi mittekaristuslikke ja kogukonnapõhiseid sekkumisi, jättes vabadusekaotuse viimaseks abinõuks.

Põhitulemused

Kolme ISRD-uuringu laine võrdlus näitab, et enamik noori kogeb elu jooksul mõned väiksemad õigusrikkumised või ohvristumised, kuid sagedasem probleemne ja raskem käitumine koondub suhteliselt väikesesse noorterühma. Paljud noored kasvavad väiksematest rikkumistest välja, kui kodu, kool ja sõprade võrgustik pakuvad järjepidevat tuge. Osa noorte puhul kattuvad ohvri ja toimepanija rollid, mis osutab, et lihtne vastandus „ohvrid“ ja „toimepanijad“ ei kirjelda tegelikkust ning et vaja on integreeritud ennetust, mis arvestab mõlemat rolli korraga. Ajaline võrdlus ISRD lainete vahel (2006, 2013/2014 ja 2023/2024) näitab sama mustri püsivust: kontekstitegurid, näiteks õhtused väljaskäimised, järelevalve tase ja seltskond, on olulised nii eri noorterühmades kui ka eri ajaperioodidel. Mitme laine võrdlus võimaldab jälgida seoste stabiilsust ja muutumist ajas noorte õigusrikkumiste, ohvristumise ja neid ümbritsevate taustategurite vahel, mida üksik uuringulaine eraldi ei näita.

Konkreetne situatsioon ja järelevalve on määrava tähtsusega nii üksiku käitumiseepisoodi kujunemisel kui ka rikkumiste kordumise ja ohvrustumise riski vähendamisel. Vanemlik kontroll ja teadlikkus laste tegevustest, pere sidusus ning turvaline koolikliima seostuvad madalama õigusrikkumiste ja ohvrustumise tasemega. Risk suureneb siis, kui kalduvus reegleid rikkuda ning sagedased kokkupuuted riskisituatsioonidega koonduvad keskkonda, kus järelevalve on nõrk.

ISR4 digimooduli tulemused näitavad, et võrgu- ja võrguväline keskkond ei ole noorte jaoks eraldiseisvad tegevusruumid. Noored, kes satuvad riskidesse päriselus, puutuvad sageli ohuga kokku ka internetis ning vastupidi. Mõlemas keskkonnas kehtib sama loogika: seltskond, aeg ja järelevalve ennustavad nii riski kui ka kaitset. See toetab integreeritud sekkumisi, mis ühendavad pere- ja koolipoolse toe ning arusaadava järelevalve internetikasutuse üle tavapärase järelevalve osana, ilma et tekitataks tarbetut koormust või jälitustunnet.

Kvalitatiivsed intervjuud avavad mehhanisme, mis suurendavad sekkumiste mõju. Lapse kaasamine ja talle arusaadava info andmine alates esimesest kontaktist, olgu selleks politsei või noorsoopolitsei, prokurör, kohaliku omavalitsuse lastekaitse, kool, kriminaalhooldus, konfliktivahendus või muu teenus, aitab kujundada vastutustunnet ja usaldust. Kohustused, mis haakuvad noore igapäevärütmiga, on kergemini täidetavad ja mõjusamad. Kui laps saab kiiresti tagasisidet ja ülesanded on jaotatud väikesteks, realselt teostatavateks sammudeks, püsib paremini ka motivatsioon. Ühe vastutava juhtumikorraldaja olemasolu hoiab protsessi koos ning aitab vältida killustumist ja korduvat küsitlemist. Seevastu sildistamine, venivad menetlused ning katkestused koolis või tööelus lõhuvad noore elu ja toe järjepidevuse ning võivad riski hoopis kasvatada.

Uuringu tulemused viitavad, et alaealiste õigusrikkujatele on tulemuslik läheneda ühtse põhimõtte järgi, mille keskmes on menetluse lõpetamine koos kohustustega (KrMS § 201) ning mõjutusvahendid, mis on lühiajalised, selge eesmärgiga ja regulaarselt üle vaadatavad. Selles lähenemises selgitatakse otsused lapsele ja vanemale arusaadavas keeles ning kohustused suunatakse kahju heastamisele, igapäevaste rutiinide korrastamisele ja kokkulepitud järelevalverollide kujundamisele, et vähendada kordusrisk. Sama loogika juhib nii menetluse lõpetamist KrMS § 201 alusel kui ka KarS § 87 alusel kohaldatavate mõjutusvahendite valikut, sh vajaduse korral § 87 lõike 7 alla kuuluva noore täiskasvanu puhul. Praktilisel tasandil tähendab see üht vastutavat kontaktisikut, sujuvat teekonda asutuste vahel ilma dubleerimise ja venimiseta ning sekkumise tulemuslikkuse jälgimist (näiteks kohustuste täitmine, kahju heastamine, korduvate kokkupuudete arv).

Uurimisküsimuste seos publikatsioonidega on kokkuvõtlikult järgmine.

1. Levimuse ja muustrite analüüs tugineb Eesti ISR2 tulemustele ning ISR4 uutele andmetele (Study I, Study V).
2. Pere, eakaaslaste ja rutiinide mõju käsitletakse töödes, mis eristavad vanemliku järelevalve, perekonna struktuuri ja materiaalse kindlustatuse panust intensiivse tarvitamise ja rikkumiskäitumise riskis (Studies II–III), ning situatiivset konteksti kirjeldavas artiklis (Study IV).

3. Võrgu- ja võrguvälise käitumise kattuvus põhineb ISRD4 sellealasel moodulil (Study V).
4. Mehhanismide ning noorte kogemuste kirjeldus õigussüsteemis toetub noorte intervjuudele ja rahvusvahelise võrdlusprojekti juhtumitele (Studies VI–VII).
5. Vastavus lapse õiguste põhimõtetele ja 2018. aasta alaealiste õigusrikkujate erikohtlemise reformi õppetunnid on koondatud Eesti õiguskeskkonda käsitlevatesse ülevaadetesse ja õigusdogmaatilistesse analüüsidesse (Studies VIII–IX).

Piirangud

Empiirilisel lähenemisel on piirid, millega tuleb tulemusi tõlgendades arvestada. Esiteks on ISRD-uuringus lainete vahel tehtud muudatusi nii mõõtevahendites kui ka mõnede skaalade sõnastuses, mistõttu saab trende võrrelda eeskätt ühtlustatud tuumiknäitajate tasandil. Teiseks hõlmab koolipõhine küsitlus paratamatult vähem neid noori, kes ei käi regulaarselt koolis või osalevad õppetöös harvem, ning enesehinnanguliste andmete puhul tuleb arvestada nii alaraporteerimise kui ka liialdamise võimalusega. Seda riski aitavad siiski vähendada anonüümsus ja standardiseeritud küsitluskorraldus. Kolmandaks on mitmed mehhanismid mõõdetud kaudsete näitajate abil: näiteks „vanemlik teadmine” ei ole üksüheselt samastatav vanemate tegeliku kontrolli või vanemluse kvaliteediga, vaid peegeldab pigem noore tajutud suhet vanematega ja info liikumise viisi.

Ajaline mõõde võimaldab kontrollida seoste stabiilsust: ISRD kolme laine võrdlus näitab, kas seosed püsivad või muutuvad. See ei muuda andmestikku siiski automaatselt põhjuslikuks, sest tegemist on läbilõikeuuringuga, kus leitud seosed on informatiivsed, kuid ei tõesta iseenesest põhjuslikkust. Seetõttu eristatakse kokkuvõttes järjekindlalt uurimistulemustest tulenevaid järeldusi, mille puhul on tõendatud tugev ja korduv seos, ning poliitikasoovitusi, mida tuleks rakenduses katsetada ja hinnata mõjuuuringute kaudu.

Õiguslikus ja institutsionaalses plaanis on piiranguks ka teenuste piirkondlik ebahõltsus ja juhtumikorralduse killustumine. Sama lapse teekond võib eri maakondades kulgeda väga erinevalt: mõnel pool on kiiresti kättesaadavad vahendusmenetlus, perenõustamine või sõltuvusravi, teisel tuleb lahendus kokku panna hajusalt korraldatud ja omavahel nõrgalt seotud teenustest. Sellised erisused on süsteemsed tegurid, mis ei sõltu noorest endast, kuid kujundavad oluliselt nii sekkumise tulemusi kui ka noore kogemust.

Kokkuvõte

Töö tulemused näitavad, et enamik noori kasvab väiksematest rikkumistest välja, kui kodu, kool ja kogukond pakuvad tuge ning riigi reaktsioon on proportsionaalne ja võimalikult vähe stigmatiseeriv. Pärast 2018. aasta alaealiste õigusrikkujate erikohtlemise reformi on üldiseks suunaks menetluse lõpetamine koos

kohustustega (KrMS § 201) ning mõjutusvahendid, mis on seotud konkreetse olukorra ja noore igapäevarütmiga. Lapse õigustel põhinev lähenemine annab otsustele selge raami: arusaadav info ja osalus alates esimesest kontaktist õiguskaitse- ja sotsiaalsüsteemiga, mõõdukus ja sekkumiste regulaarne ülevaatamine, kahju heastamine ning järjepidev tugi. Kui tõendus, praktika ja lapse õigused käivad koos, on suurem tõenäosus, et tugi ei katke, kahju saab heastatud ning noore elukäik stabiliseerub.

PUBLICATIONS

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