

WHAT TO EXPECT AFTER JUVENILE CORRECTIONAL INSTITUTION?

Recidivism or reintegration*

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Juvenile crime and recidivism among young offenders represent serious challenges for all contemporary legislators and question the efficiency of existing models of state reaction to juvenile in conflict with the law, especially when it comes to treatments and programmes applied during and after the enforcement of custodial measures. Being aware of a relatively high recidivism rate among juvenile offenders in Serbia and unwanted harmful side-effects of institutionalisation, the authors analyse current legal framework for imposing and enforcement of educative measure named remand to correctional institution with focus on psychological preparation of juveniles for life after leaving the correctional facility and their social reintegration. Special attention is dedicated to the issue of post-institutional treatment of juvenile offenders in Serbia and the steps that should be taken in order to create suitable legislative and practical preconditions for effective implementation of aftercare programmes. Dutch juvenile justice system has been presented as a positive example from comparative legislation and psychological and pedagogical practice and could be observed as a role model, together with other recommendations and suggestions for the improvement of current state in this field.

KEY WORDS: remand to correctional institution / juvenile offenders / post-institutional treatment / recidivism / reintegration

INTRODUCTION

Adolescents' antisocial behaviour has been recognised as very relevant, but also insufficiently explained phenomenon, although it has been often investigated. From the

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economic point of view, delinquency represents a significant expenditure for the state due to the reduced working potential of young people, who should be the bearers of the national progress, as well as because the investments necessary for their treatment and rehabilitation. At the individual level, victimization is classified as significant and frequent risk factor for a variety of somatic and mental problems (Fortier, Dilillo, Messman-Moore, Peugh, Denard, & Gaffey, 2009). Also, perpetrators are more likely to face some health problems and to experience life-threatening situations (Hrnčić, 2011).

In the Republic of Serbia, juvenile justice system and the protection of juveniles as victims of criminal offences are regulated by the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles (hereinafter: LJCOCPJ), which was adopted in 2005 and has been in force since 2006.¹ According to LJCOCPJ, juvenile is a person who has attained fourteen and has not attained eighteen years of age at the time of commission of the criminal offence. A younger juvenile is a person who has been between fourteen and sixteen years old, whereas an elder juvenile is a person who has been between sixteen and eighteen years old at the time of commission of the criminal offence. Provisions for juvenile offenders can sometimes be applied on young adults. A young adult is a person who has attained eighteen at the time of commission of the criminal offence but has not reached twenty one years of age at the time of the trial, and who meets other preconditions set by LJCOCPJ.²

National statistics for Serbian population for 2014 (without Kosovo) show that 2034 minors, out of who 144 were girls, were imposed some corrective measures. This gender disproportion is in accordance with the statistics in other countries, and studies show that these differences are even more evident in favour of boys for severer offenses which include violence (Moffitt, 2001). Some research suggest that the gender distribution is moving in the opposite direction when it comes to non-violent offenses such as prostitution and running away from home (Gaarder & Belknap, 2002). It could be hypothesised that certain gender specificities are mediated by the contextual factors - women manifest antisocial behaviour more frequently towards close people (e.g., family members, friends, partner), at very familiar locations, often with partner, rarely using weapons and inflicting less bodily injuries (Steffensmeier & Allan, 1996). Finally, studies show that men and women differ in their motives for doing crime – women more often commit violent crimes in order to stop abusive behaviour and harassment toward themselves or their children, thinking that all other alternatives have been exhausted, while in subpopulation of men revenge for fraud and family massacres are significantly more frequent, and that is often followed by their own suicide (Dobash, Dobash, Wilson, & Daly, 1992).

Data also suggest that during 2014 only 5% of juveniles were remand to the juvenile correctional institutions in Serbia, as well as that about 17% of totals have already been recidivists. It is important to mention that there is a lack of data about those who repeat crimes later in adulthood in Serbian context. At this point we can only rely on foreign research which indicate that the most of adolescents carry out the crimes between the age of 7 to 17 and only 15% of offenders continue with antisocial behaviour after the age of 28 (Moffitt & Caspi, 2001).

¹ The Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, Official Gazette of the Republic of Serbia, No. 85/2005 (hereinafter: LJCOCPJ).

² Article 3, LJCOCPJ and Article 41, LJCOCPJ.

THE EXPERIENCE OF OTHER EUROPEAN LEGAL SYSTEMS: THE DUTCH EXAMPLE

The prevention and suppression of juvenile delinquency and social reintegration of young offenders represent serious challenges for all contemporary legal systems. A comparative legal approach to these issues may improve current legislative framework and judicial practice and lead to innovative solutions. Therefore, the organisation and functioning juvenile correctional institutions in the Netherlands are analysed as positive examples and potential role models. The Dutch juvenile justice system is chosen due to the following features: 1) the focus on education and training during the enforcement of custodial measures; 2) the role of mentors as guides and advisors; 3) gradual preparation for re-entering the outside world; 4) cooperation between relevant institutions and services 5) organised post-institutional aftercare and supervision.

In the Netherlands, juvenile offenders aged between twelve and eighteen are tried under juvenile criminal law. The Code of Criminal Procedure³ and the Criminal Code⁴ contain special provisions that are applied to children between the ages of twelve and eighteen. Where no specific rules exist, the rules for adults are implemented (Bahtiyar, 2014: 4). The court may also apply juvenile criminal law to adults aged between eighteen and twenty-two years.⁵ Since April 1st 2014⁶, young offenders aged between sixteen and twenty-two can be tried either as juveniles or as adults, depending on the circumstances.⁷

Serious cases are brought before the juvenile court, which may order various sentences and measures, including custodial interventions. There are two types of custodial interventions: 1) the placement in juvenile detention and 2) the placement in an institution for juveniles order (PIJ order) (Van Marle, Hempel & Buck, 2010: 350). Juvenile detention is the only custodial sentence in juvenile criminal law (Bahtiyar, 2014: 18). In cases of juvenile detention, juveniles up to fifteen years old can be sentenced to a maximum of a twelve-month term of imprisonment, whereas sixteen and seventeen-year-olds can be sentenced to two years maximum. These maximum periods also apply in cases of two concurrent sentences and recidivism. Contrary to adults, concurrence and recidivism are not grounds for increasing the penalty. Time spent in custody, pre-trial detention or detention abroad in pursuance of a Dutch request for extradition, counts towards the juvenile detention.⁸ The PIJ order is a specific measure for juveniles who: 1) have committed a serious crime, 2) are at high risk for recidivism and 3) are threatened in their further psychological development. Its purpose is to provide safeguard of the society and improvement of juveniles' mental health by ensuring that they receive psychological and psychiatric treatment (Van

³ The Dutch Criminal Code (Wetboek van Strafrecht, adopted in March 1881, applied since September 1886), http://www.ejtn.eu/PageFiles/6533/2014%20seminars/Omsenie/WetboekvanStrafrecht_ENG_PV.pdf, 14.04.2016.

⁴ The Dutch Code of Criminal Procedure (Wetboek van Strafvordering, adopted in January 1921, applied since January 1926), http://www.ejtn.eu/PageFiles/6533/2014%20seminars/Omsenie/WetboekvanStrafvordering_ENG_PV.pdf, 14.04.2016.

⁵ Sections 77a and 77b, the Dutch Criminal Code.

⁶ For further information see: Penalties for juvenile offenders, Government of the Netherlands, <https://www.government.nl/topics/sentences-and-non-punitive-orders/contents/penalties-juvenile-offenders>, 14.04.2016.

⁷ Section 77c, the Dutch Criminal Code.

⁸ Section 77i and 27, the Dutch Criminal Code.

Marle, Hempel & Buck, 2010: 350). It lasts for two years, but can be renewed under certain circumstances. Even after the renewal, it cannot last longer than six years (Custodial Institutions Agency, 2009: 4).

Annually, 150–200 juveniles are admitted to national or private youth correctional institutions under PIJ order (Van Marle, Hempel & Buck, 2010: 350). There are separate groups for girls and boys and special groups for juveniles with mild forms of mental impairment or serious sexual issues. Young offenders who have not yet been tried, and juveniles already subject to a custodial order are both kept in the same facilities. (Custodial Institutions Agency, 2009: 4).

The enforcement of custodial sentences and measures is delegated to the national Custodial Institutions Agency, an independent body within the Ministry of Justice (Custodial Institutions Agency, 2009: 2). A special sector within it, called Correctional Institutions for Juvenile Offenders Sector, is in charge of juvenile offenders' treatment, resocialization and aftercare (Custodial Institutions Agency, 2009: 5). There are special units for juveniles in need of specific treatment including: 1) forensic observation and guidance unit: for persons in a mental crisis; 2) unit for persons with a mild mental impairment; 3) very intensive care unit for persons with a psychiatric or personality disorder; 4) unit for persons with serious sexual issues; 5) individual process unit for persons who have a negative impact on their group members (Custodial Institutions Agency, 2009: 19).

The stay in a correctional institution has several stages. It begins in a mainstream closed institution, but the juveniles are transferred to a half-open institution as soon as it is possible. A plan of perspectives is created for each juvenile after three weeks. It is based on the initial interviews and screening and the identification of juvenile's needs considering learning and development. The Plan of Perspectives and the Aftercare Plan of the Probation Service together form the Process Plan. The Plan consists of the steps that the juvenile has to make during and after the stay in the institution, in order to successfully reintegrate to the society. Juvenile's progress is discussed on a weekly basis by the juvenile and his or her mentor (Custodial Institutions Agency, 2009: 16).

Behavioural scientists map juvenile's stage of development and the presence of mental disorders and find the best approach to his or her resocialization and appropriate behavioural intervention programmes, such as a social skills training or an aggression management course. The basic method is called YOUTURN and it helps juveniles to master the skills they need in order to live as independent members of the community such as: making decisions, handling money and standing by their word. The programme includes a variety of methods aimed to reduce the risk of recidivism (Custodial Institutions Agency, 2009: 16).

Each correctional institution has a teaching facility, and its educational professionals are expected to create a safe and stimulating climate for learning and treatment through intense individual contact and supervision of group processes. They maintain contact with parents and other organisations and participate in the making of plan of perspectives and educational programmes. The key preparatory steps towards social reintegration include Schooling and Training Programmes, which comprise at least 26 hours of schooling, training or work a week. During the programme, juveniles stay outside the institution and are supervised and coached by the Youth Probation Service or the family supervisor. Work Wise Processes may also be a part of the programme and are intended to assist juveniles in

finding suitable employment and accommodation, a professional training, spending leisure time and building a social network (Custodial Institutions Agency, 2009: 19).

Very few juvenile offenders stay in a correctional institution for more than two years. As a preparation for the release, they are gradually granted leave. At first, the leave is fully escorted, but, after some time, the level of supervision is reduced until the juvenile is given unsupervised leave. There are two forms of leave: 1) during placement in custodial institution and 2) under juvenile detention. Throughout placement in custodial institution, a juvenile is first granted leave after six months. After that, the treatment continues in a unit with less security measures in place (Custodial Institutions Agency, 2009: 17). At the end of the treatment, it is possible to obtain parole if the juvenile attends an educational or training course, or works at least 26 hours a week. In that case, the juvenile stays outside the institution, with parents or alone, under the supervision of the Youth Probation Service. At first, the juvenile is under supervision, but later the leave is unsupervised. During the unsupervised leave, the juvenile may attend a training course or apprenticeship outside the institution (Custodial Institutions Agency, 2009: 19).

Upon leaving the institution, juveniles are given aftercare and resocialisation, which are crucial for preventing recidivism. This is significant since the recidivism rate among young Dutch detainees is high (about 70% after four years) and most of them tend to reoffend within a year of release (Brugman, Bink, 2011: 356). The aftercare consists of supervision and coaching by the Youth Probation Service. It is applied immediately after the juvenile has left the institution. The Child Protection Board, the correctional institutions for juvenile offenders and the Youth Probation Service work together on coaching juveniles in network and process meetings. (Custodial Institutions Agency, 2009: 19). Their cooperation is important for combining and integrating penal and rehabilitative interventions (Bahtiyar, 2014: 5).

PSYCHOSOCIAL PROGRAMMES FOR FORMER JUVENILE OFFENDERS

The effects of the former offenders' (re)integration in the community depend both on the quality of the applied interventions during treatment and corrective programmes, and on the success of re-socialization programs which minors will join in after leaving the institution. Previous studies have provided important guidelines in the development of an efficient process of rehabilitation and re-socialisation (Altschuler, Armstrong & MacKenzie, 1999). First of all, prolonged stay in an institution, despite its cost for the country, leads to additional problems due to overcrowding of institutions and does not contribute to recidivism reduction. Secondly, effects of treatment perish shortly after leaving the institution if the permanent support and monitoring of minors is not provided. Finally, insufficiently comprehensive, unstructured, and unevenly applied reintegration in different spheres of life leads to failure of the entire programme. Based on analyses of different foreign reintegration programmes and authors recommendations (Altschuler & Armstrong, 2001; Fagan, 1990; Spencer & Jones-Walker, 2004), we can conclude that key aspects of effective re-socialisation system for former juvenile offenders are:

1. Adequate and continuous involvement of the social protection system;
2. Prompt, adequate, and equal access to the health care system;

3. Education and psychological support to professionals involved in prevention and treatment process, as well as in community programs;
4. Continuous work with the family of origin (or guardians) and social network;
5. Psycho-social treatment of juvenile offenders;
6. Education, professional development and support in the recruitment process;
7. Continuous supervision and monitoring of reintegration programme effects.

CURRENT SITUATION IN SERBIAN JUSTICE SYSTEM

Remand to juvenile correctional institution is one of custodial measures prescribed by LJCOCPJ that can be imposed on juvenile offenders aged between fourteen and eighteen or, under specific circumstances, on young adults⁹. It is applied if the court estimates that the juvenile offender should be detached from his surroundings, placed under intense supervision and submitted to special programmes. The court also takes into consideration the following circumstances: 1) juvenile's previous life, 2) the level of his or her behavioural disorder, 3) the nature of the offence he or her has committed, 4) whether the juvenile had previously been sentenced under criminal or administrative law. The enforcement of this custodial measure may last between six months and four years. Every six months, the court is obliged to examine whether there are grounds for its revocation or replacement with another educational measure.¹⁰ A person can stay in juvenile correctional institution until he or she turns twenty-three.¹¹

As stated in LJCOCPJ, the enforcement of remand to juvenile correctional institution is based upon an individual treatment programme created for each juvenile and adjusted to his or her personality. These programmes ought to be made by expert staff members' teams on the grounds of comprehensive observation of juvenile's maturity, personality features, age, educational level, previous life and behaviour, form of behavioural disorder, type of criminal offence and circumstances under which it has been committed. Juvenile's capacity for participation in education and professional training, his or her leisure activities, working with juvenile's parents or other family members as well as other forms of psycho-social, pedagogical and penological influences on juvenile should also be defined by the programme¹². Juveniles are placed within groups depending on their age, maturity level, personal characteristics and individual programmes, so that similar educational processes and influences could be applied on them. Each group has a special mentor and must not include more than ten juveniles¹³. A report on juvenile's psychological condition is made at least twice a year, and delivered to the judge who is in charge of supervising the enforcement of this measure.¹⁴

Probation represents an important step in juvenile offender's transition from correctional institution to the community and social reintegration. A juvenile can be released on probation after at least six months in juvenile correctional institution. Release

⁹ Article 3 and 40, LJCOCPJ.

¹⁰ Article 21, LJCOCPJ.

¹¹ Article 124, LJCOCPJ.

¹² Article 93, LJCOCPJ.

¹³ Article 127, LJCOCPJ.

¹⁴ Article 90, LJCOCPJ.

on probation is granted by court's decision if juvenile's success in rehabilitation indicates that he or she will not reoffend and will behave appropriately in his or her future community. The Court may order an increased supervision measure throughout the duration of probation, with possible order of one or more educational measures enumerated in Article 14 of LJCOPJ. The probation may last until the expiry of the term of remand to juvenile correctional institution provided that the Court has not previously suspended its enforcement or decided to substitute it by another educational measure. The Court may revoke the probation in the following situations: 1) if the juvenile commits a new criminal offence while on probation or if the ordered increased supervision measure does not achieve its objective or if the juvenile breaches the alternative sanctions ordered with the increased supervision measure. Time spent on probation is not calculated as time of statutory duration of the ordered educational measure¹⁵.

A juvenile is discharged from serving of educational measure: 1) after expiry of the longest statutory duration of the measure; 2) when revoking of its enforcement is ordered by the court; 3) if the substitution of the ordered educational measure by another one is ordered by the court or 4) if the court orders release on probation. However, if a juvenile is in the finishing grade of school or at the end of vocational training and release from the correctional institution would prevent the completion of his or her schooling or vocational training, the facility or institution may allow him or her to complete schooling or vocational training upon his or her request.¹⁶

The LJCOPJ contains a special section regulating the issue of the assistance after the enforcement of custodial educational measures. These legal provisions also refer to the assistance after the enforcement of juvenile prison sentence. The preparation for the release should actually begin as soon as the juvenile offender is placed in a correctional institution. In order to prepare the juvenile and his family for his or her return to former environment and re-inclusion in social activities, the competent guardianship authority, i.e. social service, should maintain continual contact with the juvenile, his or her family and the institution in which the juvenile is remanded throughout the enforcement of custodial measure. Furthermore, the correctional institution is obliged to notify juvenile' parents, adoptive parent, guardian, and/or close relatives with whom the juvenile used to live, as well as the competent guardianship authority at least three months in advance of the scheduled leave of the juvenile as well as to suggest measures that should be applied upon his or her return.¹⁷

A parent, adoptive parent or guardian, and/or close relative with whom the juvenile used to live before remand to juvenile correctional institution is required to notify the competent guardianship authority about the juvenile's return to his or her family. The law obliges competent guardianship authority to provide necessary assistance to the juvenile, after his or her release from juvenile correctional institution.¹⁸ After the release from correctional institution, the competent guardianship authority is supposed to take special care of a juvenile without parents and of a juvenile whose family and material circumstances are in disorder. This aftercare particularly refers to: accommodation,

¹⁵ Article 22, LJCOPJ.

¹⁶ Article 119, LJCOPJ.

¹⁷ Article, 147, LJCOPJ.

¹⁸ Article, 148, LJCOPJ.

nourishment, provision of clothing, medical treatment, assistance in settling family circumstance, finalising vocational training and employment of the juvenile.¹⁹

PSYCHO-SOCIAL REINTEGRATION PROGRAMMES IN THE REPUBLIC OF SERBIA – CURRENT SITUATION AND RECOMMENDATIONS

For the screening of current situation in a field of psycho-social interventions in Serbia we had used the before mentioned recommendations derived from the practical experiences in foreign systems as the evaluation criteria. The first criteria refers to the role of the social and health care, which should serve as a basis of support for convicted minors during the process of their re-socialization and reintegration. There are several delicate points in this area that should receive particular attention:

1. There is still insufficiently prompt and efficient response to the all cases of domestic violence;
2. The need for developing the multidisciplinary team in assessing the minor is neglected or ignored;
3. There is a need to ensure the existence of permanent case manager who would accompany minors during their stay in the correctional facility and after they leave the institution;
4. Family involvement is insufficient at all stages of treatment;
5. There is a need to establishing a continuous monitoring of juveniles after they leave the institution;
6. Better help and support should be provided to the delinquents with mental or somatic health problems and to those related to them.

When it comes to psycho-social support to minors, their families, and professionals, we can conclude that there is a need for introducing and developing networks of both institutional and non-institutional type which would provide psychological and psychotherapeutic help to juvenile minors. At present, psychologist employed in the youth correctional facility deals with the assessment and monitors the minor only during the first month after his or her arrival in the institution. Staff shortage and limited possibilities of their continuing professional education might be the cause why the application of programmes for minors' social skills improvement is largely limited. Some attempts of psycho-social work with minors are implemented mainly through informal conversations between the educators and juvenile. Thus the possibilities to work on integration of early childhood trauma in minors, to help them developing affective regulation and control, as well as their capacity to emphasise, to build their confidence to self and others, to help them engaging in a safer and more reliable relationships with other people, to learn them peaceful settlement of conflicts and coping with stress, and to enhance a more positive image of themselves and their future are very scarce.

In addition, analysis of the current system of reintegration of minors shows that there is a need to develop a program of psychological work with the offenders' families during the implementation of corrective measures, as well as after it is officially over. In most cases, a

¹⁹ Article, 149, LJCOCPJ.

minor loses all the contacts with his/her family, relatives, society, teachers, and friends upon his/her arrival at the correctional institution, and his/her social network becomes significantly impaired. Therefore, he/she is being forced to return to the same problematic and unsupportive environment after leaving the institution.

There are several validated psycho-social programmes whose adaptation to the conditions in Serbia could be considered (e.g., Allen & Fonagy, 2006; Chamberlain, Leve, & DeGarmo, 2007; Midgley & Vrouva, 2012). They all place great emphasis on comparative and continuous work with the juvenile offender and his family. It has been shown that a brief treatment aimed at increasing parental sensitivity had greater effects than a more demanding and deeper psychotherapy (Prior & Glaser, 2006). Some of the proposed programmes are: 1. "Psychotherapy child-parent", which aim is that parents get in contact with their pain, fears, anger, and helplessness coming from their childhood, and to understand how these experiences affect their relationship with the child, 2. "Circle of security", aimed at improving affective control, developing mentalization and empathy and increasing parents' sensitivity to the child's needs, 3. "Minding the baby", a set of interventions aimed at developing the capacity of the mentalization, 4. programmes at the University of Leiden, "Treatment based on skills" and "Interventions with the help of video-feedback in order to foster positive parenting", and 5. "ABC programme" that has proved to be successful in empowering parental care, non-violent communication and parents' ability to withstand and adequately react to the child's negative emotions.

Finally, the development of programmes of empowering professionals involved in treatment and re-socialisation processes is equally relevant. The interviews we conducted with employees in the correctional institution revealed that they are often faced with burnout syndrome, they emphasize the feeling of professional helplessness and their level of job satisfaction is very low. Moreover, the employees find that they need some additional programs which could help them dealing with everyday situations with minors. They estimate that the effects of the treatment are not sustainable after minors are released from the institution, "having in mind that some of them repeat crimes to provide themselves with three regular meals and dry bed". Therefore, a regular formal support to teachers, social and health workers should be introduced in the form of support groups, psychotherapy, supervision, practical training, during which they could share their experiences, learn new techniques and work strategies, and try to understand and process all the emotions themselves have faced.

Another important segment of reintegration is the training of social skills which could help the minors to engage in the community. During their stay in the institution in Serbia, juveniles have the opportunity to attend and complete primary and secondary school. Also, they are engaged in one of the available occupational workshops in which they might learn a craft. Unfortunately the certificate they receive is still not very well accepted in the community. After leaving the correctional institution adolescents would need an additional support to continue the education and professional development, such as to stay in contact with schools they were attended, and that system arrange the formal agreements with certain secondary schools in order to accept the ex-offenders after the expiry of the correctional measure.

The rehabilitation process should include mandatory training of skills necessary for the future employment procedure (e.g., writing a cv, job application, motivational letter) and the independent living (for example, money management, paying bills). Concrete and

important help might also be to formally support the former offenders endeavour to find a job or practice, also through some specific formal agreements with certain companies.

The analysis of the existing system of reintegration of minors in the Republic of Serbia has shown that there is a need for organized, reliable and valid system of monitoring the performance of the correctional measure. Psycho-social status of minors evaluated at the beginning of their correctional measure could be used in comparison with their profiles at the end in order to examine whether any changes in their thinking, perception or behaviour have occurred. Also, it would be useful to introduce the practice of assessing individual progress and needs. Finally, the collection and systematization of statistical data should also provide information that would allow precise conclusions about recidivism, as well as about the quality of life of the former offenders after the correctional institution.

WHAT CAN WE EXPECT - CONCLUDING REMARKS

Juvenile criminal law in the Republic of Serbia, as part of a unified legal system, is most susceptible to changes with the aim of improving it, and with the aim to provide adequate responses to the crime of juveniles for which each country, in terms of the existence of an appropriate response, has a special interest, especially in the part relating the question of reintegration of juveniles in the community and prevention of their recidivism. In this regard, the Republic of Serbia in recent years intensified efforts to reform the system with the aim of its further aligning with the newly-established European standards, primarily with the *Council of Europe Recommendation of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures* and the *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*.

Steps have been taken also towards the adoption of the new legislative framework and in this sense, since December 2015, the *Draft Law on Juvenile Offenders and the Protection of Minors in Criminal Proceedings* is at a public hearing. The proposed regulatory framework introduces some new solutions regarding the imposition and execution of the educational measure of committal to a correctional institution. In this sense, it is proposed to introduce a special range in imposing this criminal sanction due to the fact that the current system of relative specificity of duration of this measure has shown numerous weaknesses. The Draft law envisages the duration of the educational measure of committal to a correctional institution in the range of one to five years, instead of as now between six months and four years. For reasons of justice we consider supposed solution much more appropriate, bearing in mind that a decision with which court imposes the measure also determines its duration, provided that the maximum duration of this measure is determined in full years. It also establishes the obligation of the court every six months to consider whether there are grounds for suspension of enforced measure or for its replacement with another educational measure. Stated solution with the legal provisions on conditional release, and hopefully its application in practice a lot more frequent (presently we talk about sporadic), will require in the future more active role of all authorised entities in the planning and development of programs for the reintegration of persons who were sentenced to educational measure of committal to an educational-correctional juvenile institution. Bearing in mind that in most cases, after leaving this institution they are adults, we think that in the future there should be a system linking the juvenile justice system in the part of the reintegration of persons who have been sentenced

to some of an institutional criminal sanctions against minors with a system that is developed for adult sentenced persons, primarily in part involving the civil sector in the process of reintegration of persons who were sentenced to penitentiary criminal sanctions.

In parallel with the aforementioned, we believe that the focus of much more intensive work in the future should be just the time when the minor is on the execution of measure of sending to a educational-correctional institution and the creation of reintegration programs needs to be worked at from the moment of entry of a minor in this facility. In this regard it is necessary to better connect the social protection system with the people in charge of the treatment of juveniles in the institution, continuing work with the family if the minor has one, i.e. maintaining and strengthening contacts and a sense of belonging to the family and the wider community in which the minor is to be returned after completion of the measure. The aforementioned is confirmed by the analysis prepared by the expert team of the Institute for Criminological and Sociological Research entitled "Analysis of the current situation, identification of needs of minors deprived of their liberty in the Republic of Serbia and the proposed reintegration program", which was created with the support of the OSCE mission in Serbia. This analysis and the results of pilot research carried out will be a starting base for the further steps that should be taken to improve the existing system.

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ŠTA POSLE VASPITNO POPRAVNOG DOMA? Recidiv ili reintegracija

Kriminalitet maloletnika i recidivizam mladih učinilaca krivičnih dela predstavljaju ozbiljne izazove za sve savremene zakonodavce i dovode u pitanje efikasnost postojećih modela državne reakcije na maloletnike u sukobu sa zakonom, naročito kada je reč o programima i tretmanima koji se prema njima primenjuju tokom i nakon izvršenja zavodskih vaspitnih mera. Imajući u vidu relativno visoku stopu recidivizma među mladim prestupnicima u Srbiji, kao i neželjene štetne posledice institucionalizacije, autorke analiziraju postojeći pravni okvir za izricanje i izvršenje vaspitne mere upućivanja u vaspitno-popravni dom, sa fokusom na psihološku pripremu maloletnika za život nakon napuštanja vaspitno-popravnog doma i njihovu socijalnu reintegraciju. Posebna pažnja posvećena je pitanju post-institucionalnog tretmana maloletnih prestupnika u Srbiji i koracima koje treba preduzeti kako bi se stvorili odgovarajući zakonski i praktični preduslovi za delotvornu primenu post-institucionalnih programa. Holandski sistem maloletničkog pravosuđa predstavljen je kao pozitivan primer iz uporednog zakonodavstva i psihološke i pedagoške prakse i trebalo bi ga posmatrati kao uzor, zajedno sa ostalim preporukama i sugestijama za poboljšanje postojećeg stanja u ovoj oblasti.

KLJUČNE REČI: upućivanje u vaspitno-popravni dom / maloletni prestupnici / post-institucionalni tretman / recidiviza / reintegracija