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Building resilience of youth towards criminal activities

Analysis of Participation of youths in criminal activities

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1. INTRODUCTION

Youth (*juvenile*) crime as well as attempts at understanding why youths engage in criminal activities, factors that underlie this, but resilience as well, are the main topics the authors of this study address. The research itself stands for one of project activities of the regional *Building resilience of youth towards criminal activities (SB RG 04062024)* project, which is jointly conducted by *Juventas* (Montenegro), as the project leader organisation, *Nisma për Ndryshim Shoqëror ARSIS* (Albania), and *Belgrade Centre for Human Rights* (Serbia), as partner organisations in this project, which is supported by *SMART Balkans*.

The purpose of this analysis is not to fully explain criminal activity of youths, or the current situation in Serbia. Instead, it aims to provide answers to some of the major problem matters, which can stand for the basis and starting point for some further, more comprehensive research, as well as possible directions for development and improvement in relative institutions' activities in practice. Through the analysis of both theoretical and legal frameworks, but primarily based on interviews with the representatives of certain Serbian institutions and organisations within whose scope of activity is also to work with young persons who get in conflict with the law, the authors have provided the answers to some of crucial aspects of juvenile criminality. This analysis consists of the following segments:

Theoretical review. It represents the analysis of individual factors that have influence on criminal behaviour of the young, including protection factors as well. In addition to looking into the dominant theories in the subject matter, the authors in particular noted some of the most significant research that has been conducted in Serbia, the current situation presented based on official statistical data, but also the monitoring of juvenile criminality trends. Since offences committed by youths are a topic that does not get the sufficient amount of attention in both scientific and specialised discourses, the authors have particularly indicated some empirical studies the subject of which was also this form of undesirable behaviour of minors.



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Legal and institutional framework in Serbia. This segment consists of two separate sections. The first section is an analysis of the legal framework, this analysis being performed through the analysis of certain international standards and relative applicable regulations in Serbia. The second section is the institutional framework within which an overview of relevant institutions that work with youths who get in conflict with the law is presented.

Mapping the existing services that deal with youths who get in conflict with the law. In this segment, the focus of attention is certain services provided to youths that get in conflict with the law (including Serbia's official institutions and the non-governmental sector alike).

Self-evaluation of the capacities and needs of the institutions and NGOs who work in improving youth resilience towards crime. This section include information about number (*and needed number*) of professionals, perception of the level of knowledge, perception of the level of support, services needed on the local and national level.

Training plan for professionals. In this segment, the authors provide a list of trainings per group of professionals.

Recommendations for improvements of the legal and institutional framework. Based on the conducted research and the obtained results, as well as the analysis of the existing legal and institutional framework, the authors provide a list of 32 recommendations for improving the legal and institutional framework in Serbia.



2. THEORETICAL REVIEW

Pull and Push Factors

Participation of youths in criminal activities, as well as factors that prompt criminal behaviour, are a subject that has always gained special attention in both scientific and specialised discourses, with the modern legal systems continuously trying to come up with such mechanisms that would strengthen the idea of resilience, but at the same time avert criminal offences and misdemeanour offences committed by juveniles, the same applying to other forms of behaviour which could be denoted as socially unacceptable or borderline criminal. First of all, we can agree with the view that the majority of the protection factors of diversion are diametrically opposed to the factors of the risk of recidivism. However, the very process of diversion can occur at any point in life (Vujičić, 2023).

As a part of the unique legal system, juvenile justice law is susceptible to change for the purpose of it being improved, and in order to provide adequate response to juveniles' criminality, in which every country has a special interest (Stevanović, 2020: 17). Obviously, this question can be observed in a broader sense, as a part of the judiciary or child-friendly justice, which takes into account the minors' best interests, irrespective of delinquent activity in question.

There is extensive literature that addresses the issue of juvenile delinquency, and it mentions multiple variables (factors) which affect delinquent behaviour. The literature rightfully stresses the fact that investigating the risk factors can be of importance for

successfully responding in order to prevent juvenile criminality (Church, Wrahton & Taylor, 2009: 3). The purpose of such studies, as well as normative solutions, is primarily reflected in preventing the minors' delinquent behaviour (*prevention mechanism*), i.e. to influence those who have already committed a crime in such a way that will result in them abandoning further criminal activity. As accurately noted by Loeber and his colleagues, longitudinal studies were crucial for discovering developmental pathways to delinquency, since they tried to get a comprehensive insight into all possible impacts which lead to criminal behaviour in youths (Loeber *et al.* 1999: 249).

It is frequently noted in various studies that juveniles mainly commit property crimes. Nevertheless, a change in the structure of juvenile criminality and increase in the number of crimes with the elements of violence, as well as the share of the so called “drug-related criminality”, are illustrated by data obtained from previously conducted research (Ignjatović, 2015: 23; Simeunović-Patić, 2009), whereas research into juvenile perpetrators of offences with the elements of violence also shows the importance of substance abuse in this category of delinquents (Jovanović, Pašalić, 2015: 221).

As regards violent persons, relative literature emphasises that they are faced with various health issues, which at times can also lead to life-threatening conditions. This is by no means avoided in juvenile detention and rehabilitation centres, whose scores are significantly higher in depression tests. Such persons typically come from families with poor socio-economic circumstances, incomplete family structure, a higher presence of mental illnesses, and criminal convictions among family members (Hrnčić, 2011). Stevanović, Batrićević & Milojević analysed several studies, and their analyses show several possible explanations for criminality of youths, i.e., they describe potential risk factors, as follows: dysfunctional family, lack of social networks and poor inclusion in the community – neighbourhood, school, health and social systems. Furthermore, adolescents are frequently exposed to peer pressure, or adult group pressure, to join in criminal activities. These studies note that various biological factors (ADHD, neurological inability to experience fear, etc.) are found in the group of offenders who

most commonly prove themselves to be persistent perpetrators of crimes (according to Stevanović, 2020).

In recent years, several studies have been conducted in Serbia, these dealing with the analyses of juvenile criminality. Below, we will outline some of them.

Research (ISR3) conducted in the Republic of Serbia during the period between 2013 and 2014, included a total of 1,344 respondents, pupils and students of 20 schools, which according to relative educational level were categorised as grammar schools, specialised secondary schools, and primary schools. More specifically, the sample included 11 secondary schools and 9 primary schools. 19). The obtained data show, among other things, that in delinquency structure, in its narrow sense, property crimes are predominant, i.e., forms of behaviour against property, be it taking someone else's property (various forms of theft), or destruction or damage to someone's things or property (vandalism and graffiti vandalism). As far as gender structure of juvenile delinquents is concerned, the mentioned research did not note any statistically significant difference between boys and girls, in terms of engaging throughout their lives in activities which are considered delinquency in a broader sense. However, relative findings show that boys tend to become engaged more frequently in various types of juvenile delinquency activities, in their narrow sense, more frequently than girls do. However, there is a striking difference in the field of vandalism, carrying a weapon or other objects that can be used to inflict grievous bodily harm, taking part in fights and inflicting bodily harm to other persons in a fight, hence, in terms of the occurrence of behaviour which is connected to demonstrating aggression and violence (Ćopić, 2016: 46).

The Institute of Criminological and Sociological Research, in collaboration with the OSCE Mission to Serbia, conducted research into the Impact Analysis of the application of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles during the period between 2006 and 2020. Here we will take note of two crucial findings. First of all, the rate of juvenile criminality in Serbia, following a period of stability (2006-2012), and the year when it peaked (2013), was until 2016 marked by a steep drop, while the values of this rate were balanced during the period 2016-2019. Although the rate of juvenile criminality was stable

during the period 2016-2019, its share in the overall rate of criminality slightly increased, the latter showing during this period a somewhat dropping trend. The share of juvenile criminality (in terms of recorded crimes) in the overall rate of criminality during the period 2006-2019 shows a trend of relative stability, with its values ranging between 8.3% and 11%. Relative data were provided by the Ministry of the Interior. The second finding refers to age structure of the perpetrators of crimes. Namely, what is cause for concern is the fact that annually between 16% and 20% of criminal charges brought against juvenile perpetrators were dismissed once it had been established that the perpetrator was a child of up to 14 years of age. This is indicative of the need for a stronger normative and institutional engagement in the area of delinquency prevention and treatment for children of up to 14 years of age (Karić *et al.*, 2021).

As analyses of the trends of juvenile criminality in Serbia during the period between 2009 and 2018 (ten-year average) were performed, it was established that minors on average participated with 3.7% in the total number of all criminal charges that were brought (Vujičić, 2020). Nevertheless, if we analyse the period between 2019 and 2023 (five-year average), data show that minors on average participated with 3% in the total structure of reported crimes. Minors on average account for 5% of the overall structure of crimes with the judgement of conviction. What is to an extent reason for concern are data released by the Statistical Office of the Republic of Serbia in July 2024. Namely, the total number of criminal charges brought against juvenile perpetrators in the year 2023 was higher by 8% compared to the year 2022. The number of proposals submitted to the Council for the Execution of Criminal Sanctions against Minors was higher by 15% compared to the year 2022, whereas the number of minors on whom criminal sanctions were imposed was higher by 20%.

As regards youths, the Belgrade Centre for Human Rights analysed the state of affairs regarding youths exercising their right to work in the system of the execution of criminal sanctions. It should be mentioned that for this particular study, the term “young person” also included such persons who were aged between 18 and 30 and were part of the system of the execution of criminal sanctions, as well as such persons who for the purposes of the provisions

of the Criminal Code are considered minors. Data provided by the Department for the Execution of Criminal Sanctions show that in 2023, 45.5% youths were engaged in work activities (inside or outside particular institution for the execution of criminal sanctions). In addition to this issue, the authors addressed other major aspects which may have an impact on successful resocialisation of convicted persons, such as the inclusion of youths in specialised trainings or education process (2024).

What is rather often overlooked are misdemeanour offences committed by minors? Nevertheless, the minors' activities in the field of offences are most frequently gateway criminal activities. It is therefore necessary to place a stronger focus on this fact, especially if we keep in mind the need for taking timely action and coming up with a means for diversion of minors from the pathway in which a criminal career is built (Jovanović, Pašalić, 2020).

Experienced misdemeanour judges in the Republic of Serbia confirm that misdemeanour offences which are the most commonly committed by minors are specifically those that have some elements of violence, and also that recidivism is not infrequent, while recidivists are the exact category of perpetrators who move forward on the path of a criminal career. The misdemeanour judges also note that they frequently see misdemeanour offences which are borderline criminal offences, very close to criminal offences with the elements of violence, so that relative offenders could easily end up before the criminal court. But the decision ultimately lies with the public prosecutor whether particular case will be treated as misdemeanour or criminal offence. This phenomenon – a drop in criminal offences with the elements of violence committed by juveniles being set off against an increase in the number of misdemeanour offences – is also illustrated by the results of research, as a part of which the two types of activities performed by minors were compared (Simeunović-Patić, 2009). As regards offences with the elements of violence, these being committed by minors, public disorderly conduct, as per the Law on Public Order and Peace, ranks first (Jovanović, Pašalić, 2020).

Foreign literature often mentions misdemeanour traffic offences committed by adolescents. When the cases of the Misdemeanour Court in Belgrade for the period between

2015 and 2022 were analysed, the results showed that the share of the minors' misdemeanour traffic offences was in excess of 30%, whereas during the last observed year, this share was more than a half of all cases involving minors that were tried before the Misdemeanour Court of Belgrade (Jovanović, Ristanović, 2023). Available data do not provide information on the profile of juvenile perpetrators but based on the judges' experience, it can be concluded that they were: male, so called older minors (in more than 90% of cases), and they were mainly children of whom the parents did not perform or were unable to perform adequate supervision. More often, they come from broken homes, single-parent families, the parent mainly being the mother, but as research into juvenile delinquency has shown so far, what adds to the minors' delinquent behaviour is inadequate parental competence, regardless of whether the families in question are complete or incomplete (Simeunović-Patić: 112-115; Jovanović, Sofrenović, 2016: 65-66). What has also been noticed is that among the minors who commit felony traffic offences, there are quite a few recidivists. Therefore, when passing relative decisions, it is necessary to appreciate this fact in particular. As for gender structure, girls are rarely among the perpetrators of offences. Nevertheless, the girls usually pose a "bigger problem" because what underlies their cases, inquires often identify, is a complicated family situation, domestic violence, substance abuse etc. It should be noted that generally speaking, minors who commit serious offences, even the traffic-related ones, often abuse substances (Jovanović, Pašalić, 2015: 220).

Given the reform processes that are underway in Serbia, these processes being relative to EU accession, we will wrap up by mentioning two important documents: Action Plan for Chapter 23 for the period 2020-2025 (*AP 23*) and Strategy for the Development of System for the Execution of Criminal Sanctions for the period 2022-2027 (*Strategy*). Both documents in some of their parts deal with minors (perpetrators of crimes) and in addition to an overview of everything that has been done with relation to the improvement of the position of minors in criminal proceedings, ensuing activities were also proposed, these activities having to be implemented in order to make further progress in practice.

AP 23 deals with child-friendly justice in several places. In the "Fundamental Rights" section, it is stated, among other things, that it will continue: activities aimed at improvement of juvenile justice in order to fully implement European standards, particularly by enabling an annual increase in the number of children benefiting from a child oriented judiciary through widespread use and introduction of new diversionary schemes, specially adapted to the preparation for the release carried out by trained judicial and other experts, through the improvement of infrastructure and the widespread use of alternative sanctions. Training of staff for the application of specialized treatment programs for juvenile offenders for the purpose of successful reintegration was performed in cooperation with twinning project "Strengthening capacities for training, education and employment of convicted persons".

Unlike AP 23, it is envisaged that Measure 1.5. Improvement of human rights of particularly vulnerable groups of convicted persons will also be carried out through the activity 1.5.1. Improvement of the position of minors against whom criminal sanctions are executed with: (1) Standardisation of the existing treatment programmes and standards for treating minors; (2) Evaluation of the application of treatment programmes and standards for treating minors; (3) Improvement of treatment programmes and standards for treating minors, in accordance with the results of conducted evaluation, and (4) Creating programmes, training for the application and implementation of release programmes for minors. What has been identified as a special problem is also the issue of post-penal acceptance. Accordingly, it is envisaged that Measure 5.10. Improvement of the acceptance back into the community of particularly vulnerable groups of convicts will also be implemented through the activities: 5.10.1. Compiling acceptance into the community programmes for minors (perpetrators of crimes) and 5.10.2. Organisation and implementation of trainings for the commissioners in commissioner offices that deal with acceptance into the community programmes for minors (perpetrators of crimes).

3. LEGAL AND INSTITUTIONAL FRAMEWORK

3.1. LEGAL FRAMEWORK

Children and minors are recognized as a particularly sensitive category, and therefore a large number of conventions, international standards, and laws adopted at the national level are dedicated to them. In today's context, we usually talk about child-friendly justice (regardless of what role a minor has in a certain type of procedure). Furthermore, this means that the concept of child-friendly justice is also applied to juvenile offenders, which will primarily be analyzed in the following paragraphs (*considering the subject and scope of this study, only certain laws will be analyzed*).

Constitution of the Republic of Serbia (*Constitution*) in Article 194 stipulates that the Constitution shall be the supreme legal act of the Republic of Serbia. All laws and other general acts enacted in the Republic of Serbia must be in compliance with the Constitution. Ratified international treaties and generally accepted rules of the international law shall be part of the legal system of the Republic of Serbia. Ratified international treaties may not be in noncompliance with the Constitution. Laws and other general acts enacted in the Republic of Serbia may not be in noncompliance with the ratified international treaties and generally accepted rules of the International Law.

Bearing in mind the hierarchy of legal sources in the Serbian legal system, the position of minors as perpetrators of criminal acts is determined both by the provisions of the Constitution as the highest legal act, and by the standards prescribed by confirmed international treaties - as well as by those that are (relatively) closely related in terms of their focus for the rights of the child, as well as those of a general nature, generally accepted principles of

international law¹, laws and other general acts². It should be noted that the legal system of Serbia does not recognize the concept of organic laws, so the hierarchical relationship of norms within the national legislation is established by explicitly prescribing the status of *lex specialis* at the level of the entire law or with respect to some of its provisions (e.g. The Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles).

When it comes to child-friendly justice, the **Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice** (adopted by the Committee of Ministers of the Council of Europe on 17 November 2010) are of particular importance. It can be argued that these Guidelines sublimate and concretize the principles of international law in the field of children's rights in the best way (first of all, here we are referring to two basic concepts that are accepted in modern systems: *Best interests of the child* and *Child-friendly justice*).

Let's go back to the **Constitution** and Article 64 which regulates the Rights of the Child. A child shall enjoy human rights suitable to their age and mental maturity. [...] A child shall be protected from psychological, physical, economic and any other form of exploitation or abuse. [...]. The law shall regulate rights of the child and their protection. Also, Article 66 regulates

¹ There are a number of international documents that directly or indirectly regulate the position of minors (and children in general). At this point, we point out only some of them: Convention on the Rights of the Child (1990); Principles and Guidelines on access to legal aid in criminal justice systems (2012); UN CRC General Comments: No. 12 on children's right to be heard (2009); No. 24 on children's rights in the child justice system (2019) that replaced the general comment No. 10 (2007) on children's rights in juvenile justice; No. 25 (2021) on children's rights in relation to the digital environment; Standard Minimum Rules for the Treatment of Prisoners; United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), United Nations Rules for the Protection of Juveniles Deprived of their Liberty, Adopted by General Assembly resolution 45/113 of 14 December 1990; United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) etc.

² Since the subject of this study is basically not legal regulations, see more about that topic, for example, in: Kolaković-Bojović, M., Stevanović, I., Vukićević, V. (2022) Analiza normativnog i institucionalnog okvira u oblasti pravosuđa po meri deteta. Beograd: Institut za kriminološka i sociološka istraživanja; Kolaković-Bojović, M., Drobnjak, T., Banić, M. (2020) *Formativna analiza: Izveštaj o postojećem zakonodavnom i normativnom okviru u oblasti pravosuđa po meri deteta u Srbiji i njihova primena praksi*. Beograd: International Rescue Committee; Stevanović, I., Vujčić, N. (2019) Adequate Training of Juveniles Deprived of Liberty: A Step Toward Successful Reintegration. In: Pavlović, Z. (ed.) *Human rights protection: protection of the rights of the child: 30 years after the adoption of The Convention on the Rights of the Child*. Novi Sad: Provincial Protector of Citizens - Ombudsman; Belgrade: Institute of Criminological and Sociological Research, pp. 255-282.

that “child in the Republic of Serbia shall enjoy special protection in the Republic of Serbia in compliance with the law.” Although the Constitution does not deal directly with the position of children and minors in criminal proceedings, it is noticeable that they are recognized as a particularly sensitive category of persons. This is additionally concluded on the basis of Article 32, which, *among other things*, stipulates that the “press and public may be excluded from all or part of the court procedure in the interest of juveniles”.

The **Criminal Code of the Republic of Serbia (CC)**, as one of the main pillars of criminal legislation in Serbia, mentions juvenile perpetrators in several places. In General part - Chapter One - General provisions, more precisely in Article 4 - “Criminal Sanctions and their General Purpose”, CC prescribes that “criminal sanction may not be imposed on a person who has not turned fourteen at the time of the commission of an offence. Rehabilitation measures and other criminal sanctions may be imposed on a juvenile under the conditions prescribed by a special law”. In Chapter Twelve - Meaning of Terms, CC in Article 112 defines next terms: the child (person under fourteen years of age); the minor (person over fourteen years of age but who has not attained eighteen years of age) and the juvenile (person who has not attained eighteen years of age). These terminological definitions have implications not only on General part (*e.g. the age of criminal responsibility, impossibility of applying parole etc.*) but also in a Special part of CC (*usually they represent a qualifying circumstance for certain criminal acts*).

The Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles (JL) is a *lex specialis* in this matter. In Part One - Basic provisions, Article 1 stipulates that the JL shall contain provisions applicable to juvenile perpetrators of criminal offences (*juveniles*). Provisions of the JL shall relate to substantive criminal law, relevant implementing bodies, criminal proceeding and enforcement of criminal sanctions against these offenders. In accordance with Article 2 of the JL, neither criminal sanctions nor other measures provided under the JL may be pronounced or applied to a person under fourteen years of age at the time of commission of an unlawful act provided under law as a criminal offence (*Exclusion of Criminal Sanctions against Children*).

Age of offender is regulated in Article 3 as follows: A *juvenile* is a person who at the time of commission of the criminal offence has attained fourteen years of age and has not attained eighteen years of age. A *younger juvenile* is a person who at the time of commission of the criminal offence has attained fourteen and is under sixteen years of age. An *elder juvenile* is a person who at the time of commission of the criminal offence has attained sixteen and is under eighteen years of age. A *young adult* is a person who at the time of commission of the criminal offence has attained eighteen but has not reached twenty one years of age at the time of the trial, and who meets other conditions set forth by the JL. As the JL is *lex specialis*, Article 4 prescribes that provisions of the CC, the Criminal Procedure Code, the Enforcement of Penal Sanctions Act and other general statutes shall apply only if not in contravention with the JL.

In the Second part - Criminal Provisions on Juveniles - Provisions of Substantive Criminal Law, the JL regulated Diversion orders and Criminal Sanctions. The purpose of diversion order is to avoid instituting criminal proceeding against a juvenile or to suspend proceeding and/or, by application of the diversion order, to influence proper development of a juvenile, enhance his personal responsibility in order to avoid a relapse into crime in future. Diversion orders, according to Article 7 of the JL include: 1) Settlement with the injured party so that by compensating the damages, apology, work or otherwise, the detrimental consequences would be alleviated either in full or partly; 2) Regular attendance of classes or work; 3) Engagement, without remuneration, in the work of humanitarian organisations or community work (welfare, local or environmental); 4) Undergoing relevant checkups and drug and alcohol treatment programs; 5) Participation in individual or group therapy at suitable health institution or counselling centre.

Types of Criminal Sanctions - in accordance with Article 9 of the JL, educational measures, juvenile detention and security measures, stipulated by Article 79 of the CC, may be pronounced to juvenile offenders, with the exception of restraint to be engaged in his occupation, business activities or duties. Only educational measures may be pronounced to younger juveniles. Educational measures and exceptionally juvenile prison may be pronounced to elder juveniles. Under the terms of the JL security measures may be pronounced to juveniles.

The purpose of criminal sanctions against juveniles is to influence the development and enhancement of personal responsibility of the juvenile, education and his proper personality growth through supervision, protection and assistance as well as by providing general and professional qualifications in order to ensure the juvenile's resocialisation into the community. In addition to the above, the purpose of juvenile detention is to administer intensified influence on the juvenile offender not to commit criminal offences in the future, and as deterrent to other juveniles not to commit criminal offences (Article 10 of the JL).

In this part, we will also point out educational measures. The JL in Article 11 foresees the following types of measures:

1) *Warning and guidance*: Court admonition and alternative sanctioning (Admonition and guidance are pronounced when such measures are required to influence the character and behaviour of the juvenile);

2) *Measures of increased supervision*: increased supervision by parents, adoptive parent or guardian, increased supervision in foster family, increased supervision by guardianship authority, increased supervision with daily attendance in relevant rehabilitation and educational institution for juveniles (Increased supervision measures are pronounced when education and development of a juvenile require measures of longer duration under relevant qualified supervision and assistance, without separation from the current environment);

3) *Institutional measures*: remand to rehabilitation institution, remand to correctional institution, committal to special institution for treatment and acquiring of social skills (Institutional educational measures are pronounced to a juvenile requiring rehabilitation, medical treatment and acquiring of social skills of longer duration with complete separation from his current environment, aimed at increased influence on the juvenile. Institutional measures are pronounced as a last resort and may last, within the limits set forth under the JL, only as long as necessary to achieve the purpose of the educational measures).

Finally, it seems important to mention the provisions of the JL concerning assistance and support to juveniles. As Article 147 of the JL stipulates, for the duration of the institutional measure and juvenile prison sentence the competent guardianship authority shall maintain

constant contact with the juvenile, his family and institution in which the juvenile is remanded, in order to better prepare the juvenile and his family for his return to the former social environment and inclusion in social activities. Also, an institution or facility in which the juvenile is serving his juvenile prison sentence are required to notify at least three months in advance of the scheduled leave of the juvenile, his parents, adoptive parent, guardian, and/or close relatives with whom the juvenile used to live, as well as the competent guardianship authority, and suggest measures for accepting the juvenile on his return. In Article 148 of the JL provides that parent, adoptive parent or guardian, and/or close relative with whom the juvenile used to live before serving his institutional sentence or juvenile prison sentence, is required to notify the competent guardianship authority about the juvenile's return to his family. Competent guardianship authority is required to provide necessary assistance to the juvenile, after he has served criminal sanction. And, finally, Article 149 of the JL stipulates that competent guardianship authority shall on release of the juvenile from serving of his institutional measure or juvenile prison sentence take special care of a juvenile without parents and of a juvenile whose family and material circumstances are in disorder. This care shall particularly include accommodation, nourishment, provision of clothing, medical treatment, assistance in settling family circumstance, finalising vocational training and employment of the juvenile.

Law on misdemeanours (LM) in Chapter Six prescribes rules for minors. According to Article 71 of the LM, no misdemeanour proceedings can be conducted against a minor who at the time when he/she committed the misdemeanour did not turn fourteen years of age (*a child*). Provisions of this Chapter shall apply to the minors aged from fourteen to eighteen years of age who commit misdemeanours and other provisions of the LM only where they are not contrary to these provisions.

In contrast to criminal responsibility (previously mentioned CC and JL), the LM in Article 72 provides liability of parents, adoptive parents, guardians or foster parents and the minor. When a child has committed a misdemeanour due to an omission to supervise him/her by the parents, adoptive parents, guardians i.e. foster parents, where these persons were capable

of exercising such supervision, the parent, adoptive parent, guardian i.e. foster parent of the child shall be punished for the misdemeanour as if they have committed it themselves. The law may prescribe that the parents, adoptive parent, guardian i.e. a foster parent of a minor aged from fourteen and up to eighteen years of age shall also be punished for a misdemeanour committed by a minor if the misdemeanour committed has been a consequence of an omission to exercise due supervision over the minor, where they were capable of exercising such supervision. In addition to the parent, adoptive parent, guardian i.e. foster parent, the law may prescribe that other persons for whom the obligation to exercise supervision over a minor who has committed a misdemeanour is prescribed shall also be liable for a misdemeanour by a minor.

Misdemeanour Sanctions against Minors - Article 73 provides that only correctional measures can be imposed against a minor who, at the time of committing the misdemeanour, has reached the age of fourteen and who has not turned sixteen years of age (*a young minor*). A correctional measure, penalty points or a penalty can be imposed on a minor who, at the time of committing the misdemeanour, has reached the age of sixteen and has not reached eighteen years of age (*an older minor*). Where it is necessary due to the nature of the misdemeanour, a safeguard measure can be imposed on a minor in addition to the correctional measure or penalty. Only the court may impose a correctional measure, a fine, penalty points, a sentence of juvenile detention and a safeguard measure on a minor.

Finally, we will mention the **Social Welfare Law (SWL)**. According to Article 15 of the SWL, Correctional measures shall be applied at juvenile home pursuant to special regulations (also, juvenile home shall be founded by the Republic of Serbia i.e. autonomous province). Article 127 of the SWL provides that Correctional measures shall be applied at juvenile home pursuant to special law (*this article brings us back to the provisions of the JL*).

3.2. INSTITUTIONAL FRAMEWORK

There is a list of all relevant institutions in Serbia with basic information on the scope of the work on the national and local level:

Higher court adjudicates in criminal proceedings against juvenile offenders (a juvenile is a person who at the time of commission of the criminal offence has attained fourteen years of age and has not attained eighteen years of age). There are 25 higher courts in Serbia. Each of them has special department for juvenile offenders. The juvenile bench in the first instance court comprises of a juvenile judge and two lay judges of different sex as a rule. Juvenile bench judges must be persons who have acquired special qualifications in the field of the rights of the child and juvenile delinquency. Lay judges are elected from the ranks of teachers, professors, educators and other qualified persons experienced in work with children and youth. Also, the other relevant participants in the proceedings (police officers, defence attorneys, public prosecutors) must have appropriate certificates. The courts also monitor the enforcement of sanctions imposed on juveniles. The court on the territory of permanent residence of the juvenile shall have, as a rule, jurisdiction in proceedings against him/her.

Higher Public Prosecutor's Offices (there are 25 of them in Serbia) also have juvenile departments. The juvenile public prosecutor must have special knowledge (certificate of knowledge of the rights of the child and youth delinquency). The juvenile prosecutor is the only authorized prosecutor in cases of juvenile offenders (as there is no private or subsidiary prosecution in these cases).

Misdemeanor courts deal with juvenile misdemeanor offenders. Law on Misdemeanors has substantive and procedural provisions on minors (in its Part I: substantive legal provisions – Chapter VI; Part II: proceedings against minors – Chapter XXIII), but they are not well harmonized with the Law on Juvenile Criminal Offenders and Criminal Law Protection of Juveniles. There is no obligation to establish special department for juvenile offenders, but Misdemeanor Court in Belgrade has it, so the (same) qualified judge work with the minor even in the cases of his/her recidivism (in order to consider the case comprehensively, focusing on his/her personal and familial circumstances and other relevant circumstances of the case).

Appellate courts decide on appeals related to the decisions of the higher courts (and Appellate Misdemeanour Court decides on appeals related to the decisions of the misdemeanour courts) and the **Supreme Court**, as the highest court in the Republic, decides on an extraordinary legal remedy declared against the decision of the court of the Republic of Serbia and in other matters determined by law. The decisions of these courts are of great importance for lower instances related to their judicial practice. The latest decisions of the Supreme Court make significant changes in the practice of the misdemeanour courts related to proceedings against minors and their sanctioning.

Under jurisdiction of the Ministry of Justice, and its Administration for Execution of Criminal Sanctions, **Residential Correctional Facility in Kruševac** deals with juvenile criminal offenders who at the time of commission of the criminal offence have attained fourteen years of age, but educational measure could be realized until person attained 23 years (legal maximum). A closed ward forms a special architectural and organizational unit for the accommodation of minors with maladaptive behaviour. Treatment in a semi-open and open ward allows the preparation of minors for life in an open social community.

Juvenile Correctional Facility in Valjevo is the institution founded for the execution of juvenile imprisonment, the only criminal sanction that can be imposed on offenders between the ages of 16 and 18. Juvenile detention may not last less than six months or more than five years and shall be pronounced in full years and months. Juvenile detention of up to ten years may be pronounced for criminal offences carrying a statutory punishment of twenty years imprisonment or more severe punishment or in case of joinder of at least two criminal offences punishable by more than ten years of imprisonment.

The guardianship authority - the centre for social work plays an extremely important role in proceedings conducted against children and youth in conflict with the law (whether they

committed criminal offenses or misdemeanors), as well as when it comes to children with behavioural problems, i.e. those who are at risk of coming into conflict with the law. The centres determine the important circumstances related to minor personality and family and actively participate in the execution of sanctions imposed on minors (educational measures) and diversion orders as well as in their post-penal treatment. They closely cooperate with parents, schools and other stakeholders who work with a child who is in conflict with the law or is at risk in some way. Centres are engaged in preventive activities, as they can manage preventive and corrective supervision of parents and refer children and youth to appropriate preventive services.

Within system of social welfare, there are **counseling centres for marriage and family** that work with children in conflict and youth in conflict with the law individually and in groups.

The Republic Institute for Social Welfare is an institution that researches and monitors social phenomena, needs and problems, provides data-based insight into the level of development of social protection and encourages the creation of public policies in accordance with the goals of social development. An important activity of the Institute is the improvement of social protection services, which is also achieved through the licensing process. The improvement of social protection measures and the improvement of professional work are also areas of activity of the Institute. The improvement of social protection in the Province is within the scope of work of the **Provincial Institute for Social Protection**.

Institute for Mental Health (Belgrade) - Day Hospital for Addiction in Adolescence with the number of places 20, for adolescents aged 12-18 years, with signs of abuse and/or addiction to alcohol and other psychoactive substances with parents or guardians as associates in treatment. There are special departments in other medical institution for mental health care of children and youth (e.g. *Department of Child and Adolescent Psychiatry at University Clinical Centre in Niš*).

Within the **Ministry of Interior Affairs**, more precisely within the Criminal Police Directorate, there is **Department for the prevention and suppression of juvenile delinquency**. All police officers that come into contact with juvenile criminal offender must have certified knowledge on juvenile delinquency and children's rights.

The Ministry of Education performs state administration tasks related to research, planning and development of pre-school, primary, secondary and higher education and pupils' and students' standards, as well as supplementary education of children of domestic citizens abroad. There are two important sectors regarding issue of the children in conflict with law. Department for Pre-Primary and Secondary Education and Department for Secondary Education and Adult Education. Schools are very important factor in the prevention of the juvenile delinquency through educational and other related activities, but also in the context of multi-sectoral cooperation (especially with centres for social work) when child show behavioural problems or some risk factors are detected, as well as in case of execution of relevant sanctions or diversion orders (such as regular attendance of school classes). „Functional primary education of adults“ is an organizational and program unit in the formal education system in which adults acquire basic education appropriate to their needs, learning opportunities and labor market needs. In addition to basic education, adults are also enabled to acquire appropriate qualifications through training. The curriculum of basic adult education is implemented in specially trained and prepared primary schools and schools for basic adult education.

Ministry of Tourism and Youth (according to the goals of the Youth Strategy for the period 2023-2030) annually announces calls for associations and local self-government units that have a youth office to finance programs or projects aimed at preventing violence. Through these projects, the following results were achieved: in cooperation with the Police Directorate, interactive lectures for young people were organized in the field of preventive action on the development of youth security culture; youth organizations for the prevention of gender-based

violence have been strengthened; films about peer violence have been produced and broadcast in schools and on local television; public campaigns on youth safety and violence prevention were carried out, in which well-known athletes participated; psycho-social support for the prevention of violence through a peer approach has been developed; multi-sectoral teams of teachers and peer educators were educated on the topic of peer mediation as a model of non-violent conflict resolution; creating an integrated information system of web and mobile applications for the prevention of peer violence through electronic reporting of peer violence; resocialization and prevention of social behaviour of children and young people with behavioural problems has been increased, parents' councils have been educated on digital violence and how to protect young people; creating and broadcasting an educational film on the topic of prevention and response in the event of digital violence. Every year, the Ministry of Tourism and Youth conducts a survey on the position and needs of youth, in order to determine what their current needs are and what the biggest challenges they face are. More information can be found on the Ministry's website: <http://mto.gov.rs>

The Council for the Rights of the Child is an advisory body to the Government of the Republic of Serbia. It was established by Government Decision No. 560-7228/2002-1 on May 16 in 2002, with the tasks to: initiate measures for the harmonization of Government policies in areas related to children and youth (health, education, culture, social issues); initiate measures to build a comprehensive and coherent policy towards children and young people; define recommendations for the achievement of important social indicators in the field of childcare and proposes policies for the realization of children's rights in accordance with the UN Convention on the Rights of the Child; analyze the effects of the measures taken by the competent authorities on children, young people, families with children and the birth rate; as well as to monitor the realization and protection of the rights of the child in Serbia.

The Protector of Citizens is an independent and autonomous state body, charged with protecting and promoting respect for freedoms and rights. The Protector of Citizens pays

special attention to the protection of: the rights of persons belonging to national minorities; rights of the child, the rights of the persons with a disability, rights of the persons deprived of liberty, gender equality. **The Provincial Protector of Citizens** deals with the same issues on the provincial level.

4. MAPPING OF THE EXISTING SERVICES FOR CHILDREN AND YOUTH IN CONFLICT WITH THE LAW

The information on existing services are gathered in different ways, as there is no list of all services, and even in the local communities there are problems with mapping relevant services in order to apply diversion orders, for example. Also, it is not always possible to give precise data on the number of children and youth in conflict with the law with whom the institutions or NGOs work. A special problem is that in the case of some NGOs, children in conflict with the law are not singled out as a separate group/category of beneficiaries. In court cases, for example, the number of cases is not always the same as the number of juveniles, as in one case could (often) be involved more than one juvenile. However, respondents presented available data. General remark is that the number of children and youth in conflict with the law is increasing, as well as the need for (better) support, preventive and post-penal services.

Higher Court in Belgrade (interviewees were juvenile judge and counselor for juveniles in criminal proceedings). The following table provides a statistical overview of EEM cases, i.e. the number of juveniles to whom some of the educational measures were applied (except

for the educational measure –admonition by the court). EEM file - case of the execution of the educational measure is kept for each juvenile individually, and the number of cases corresponds to the number of juveniles sanctioned (by educational measures).

Table 1. The Higher Court in Belgrade: EEM files 2019 – 2023.

Year	From the previous year	New EEM	Total active
2019	313	194	507
2020	324	222	546
2021	351	243	594
2022	364	288	652
2023	398	252	650
Total	1750	1199	2949

Counselor for juveniles in criminal proceedings - psychologist has contact with an average of 750 juveniles per year (because her work, in addition to working with juveniles who are in the process of implementing an educational measure, involves engaging in a large number of cases in the preparatory procedure and in the trial phase, but also in working with juveniles who are in regular or juvenile proceedings, participating as injured parties or witnesses. She is also engaged in monitoring and working with juveniles on whom some of the safety measures of compulsory medical treatment are imposed. When it comes to the number of minors with whom she works daily, the respondent states that everything depends on the planned activities, but also on the events and needs of the juveniles themselves, their parents and other involved participants. Unplanned activities in working with children in conflict with the law are very characteristic on daily base. The above presented data undoubtedly show that heavy burden is on one employee, the only psychologist employed in the Higher Court in Belgrade. Other courts in Serbia do not have any psychologists, and as our respondents point out – there is a great need for this profile.

A juvenile judge from the Belgrade Higher Court gives the information that she schedules 6-7 hearings a day; that the urgency of the proceedings and deadlines are always taken into account. Also, the number of hearings does not simply mean the number of juveniles with whom a judge works, because there may be more of them in one case, which is very common situation. It can be concluded that a far greater number of cases are before the court, i. e. judges (than Table 1. shows), as it is known that not all cases are ended by imposing an educational measure (epilogue could be a diversion order or proceedings could be suspended due to the inexpediency). In the period 2019-2023, there were 2505 cases in the preparatory proceedings and 1882 in the main proceedings. It should be borne in mind that the largest number of cases included proceedings against several minors (the number is certainly several times higher than the number of previously mentioned cases), and that very often in these cases other minors participated as injured and witnesses, which make these proceedings very complex and demanding for professionals.

The juvenile judge from the Higher Court in Valjevo responds that he works with an average of 100 juvenile perpetrators of criminal offenses per year (2019-2023), having in mind that he, as well as other juvenile judges, also acts in cases of adult perpetrators.

The most complete information was provided by the **Misdemeanor Court in Belgrade** - data on the number of cases in 2019-2023 periods, but it should be borne in mind that the number of minors is certainly higher, because there may be more than one perpetrator in one case. The data are also distributed by type of the offenses, thus presenting clearer picture of juvenile misdemeanor activities.

Table 2. Share in the total number of juvenile cases, 2019.

2019	Law	Files	Number
1	Law on Road Traffic Safety	44.6%	549



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2	Law on Public Order and Peace	15%	185
3	Law on Identity Card	26%	320
4	Law on Weapons and Ammunition	3%	37
5	All other regulations	11.4%	141
Total		100%	1232

Table 3. Share in the total number of juvenile cases, 2020.

2020	Law	Files	Number
1	Law on Road Traffic Safety	43.8%	490
2	Law on Public Order and Peace	17%	190
3	Law on Identity Card	29.9%	335
4	Law on Weapons and Ammunition	3.3%	37
5	All other regulations	6.1%	68
Total		100%	1120

Table 4. Share in the total number of juvenile cases, 2021.

2021	Law	Files	Number
1	Law on Road Traffic Safety	42.4%	499
2	Law on Public Order and Peace	16.6%	195
3	Law on Identity Card	27.2%	320
4	Law on Weapons and Ammunition	3.1%	37
5	All other regulations	10.6%	125
Total		100%	1176

Table 5. Share in the total number of juvenile cases, 2022.

2022	Law	Files	Number
1	Law on Road Traffic Safety	55.6%	640
2	Law on Public Order and Peace	13.3%	153
3	Law on Identity Card	21.9%	252
4	Law on Weapons and Ammunition	3.1%	36



5	All other regulations	6.1%	70
Total		100%	1151

Table 6. Share in the total number of juvenile cases, 2023.

2023	Law	Files	Number
1	Law on Road Traffic Safety	48.7%	187
2	Law on Public Order and Peace	14.8%	57
3	Law on Identity Card	26%	100
4	Law on Weapons and Ammunition	6%	23
5	All other regulations	4.4%	17
Total		100%	384

Approximately 20-30 cases appear per month in the caseload of the judge who works in the “juvenile department” (which has existed since 2023 and was established by the decision of the actual president of the Misdemeanor Court in Belgrade), but it is not possible to say exactly how many minors are being worked with, because judge never know who will come with the chosen defense attorney, and the practice of "running away" both parents and minors has been noticed (before the ex-officio defense attorney arrives) which is harmful practice that should be tackled as a special problem.

Higher Public Prosecutor's Office (in Belgrade) – Department for Juveniles, works with about 1000 juveniles per year, and approximately 2-3 cases per day (that may involve more minors in one case). Very frequent calls from various institutions and persons for counseling (police officers, schools, centers for social work, etc) constitute important part of the daily activity of a juvenile prosecutor.

Respondents who act in criminal cases (judges and juvenile prosecutors) as well as those who act in misdemeanor cases agree that there is a significant increase in the number of offenses with elements of violence, that offenses related to psychoactive substances are very common,

and that traffic offenses are a growing problem (especially driving without a driver's license). The second particular problem is the uncooperativeness, (ir)responsibility of parents, i.e. the lack of recognition of their own responsibility, the lack of desire or capacity to cooperate and in general, minimization or relativization of the problem. A special problem is the noticeable increase in the number of children (under the age of 14) who have perpetrated acts with the objective characteristics of a criminal/misdemeanor offense and from whom dangerous tools, psychoactive substances are confiscated, but the proceedings cannot be conducted due to their age.

Residential Correctional Facility in Kruševac. At the moment of interview, 175 of children are accommodated in the institution, and in the 2019-2023 period there were an average of 60-80 newcomers per year.

Juvenile Correctional Facility in Valjevo. Fluctuation of convicts in the period 2019 to 2023 was about 1200 convicted persons (juveniles, young adults, for the first time sentenced to imprisonment for up to 10 years). One professional in the treatment service is in charge of up to 30 cases. On a daily basis, informative programs are performed with 15, and counseling and therapeutic work with three convicted persons.

Centers for social work (Belgrade). On average, 100 children per year; one case manager works approximately with 10 children in conflict with the law annually, and our respondents work with one to three children on a daily basis.

Interviewees from one secondary school in Belgrade (for vocational education in the area of economy, trade, agriculture) work in the school every day (depending on the number of classes and the organization of classes) with up to 100 children.

Center for Social Preventive Activities - GRiG: an organization that has been working for over 25 years with young people from vulnerable categories, young people with behavioral problems as well as their families and preparing this category of young people for independent living. Back in 1994, the first socio-therapeutic club for children in conflict with the law was established. The respondent (coordinator of program activities at CSPA GRiG, psychologist by, educator of systemic family therapy, with over 10 years of experience in working with young people in conflict with the law) works, due to a heavy workload, with one child a day, while at the level of the organization, up to ten young people pass through the counseling center daily on weekdays. On weekends, this number is higher, because this is the time when socio-therapy groups for young people come together. Their number varies depending on the membership, but some average of young people per group is 10. Currently, there are two socio-therapeutic groups for young people and one for parents. In addition, they work with young people individually: by counseling and therapeutic activities. By year, at the level of the organization, the number of children-beneficiaries is as follows: 2019 – 208; 2020 – 212; 2021 – 228; 2022 – 255; 2023 – 161 ([GRiG – GRiG \(cspa-grig.org\)](http://cspa-grig.org)). It should be noticed that almost all interviewees know about GRiG's activities and praise professionalism, commitment and success of its team.

CEPORA (Centre for Positive Youth Development) was founded in 2011 in Belgrade. Its mission is to implement current prevention science knowledge in order to improve emotional and social development of children and youth. So far, they have implemented over 100 projects aimed at preventing behavioral problems and encouraging positive development of children and youth, thus encouraging over 19.000 children and youth. For seven years, they are continuously working with children and youth without parental care who are on institutional-based care at Center for Care of Infants, Children and Youth in Belgrade. They work in the fields of social welfare, education, youth work and culture and arts. They are focused on strengthening the potential of children and young people and preventing behavioral problems. Cepora is recognized in the community for its highly interactive methodology and application



of applied theater. The organization's team consists of experts, primarily special educators, with many years of experience in their work. In addition to working directly with children and young people, they are committed to empowering other professionals to work with children and young people, as well as improving the system of child and youth care.

The Youth Support Center is a community-based program that is continuously available and free of charge for all young people aged 15 to 30. Young people who need support in the process of becoming independent are involved in the activities of the Center. The following support services are available: Youth Club; Personal Development Service (social skills training and individual counseling); Career Development Service (career guidance and trainings to increase employability); Mentoring (peer mentoring and learning support); Sections (sports section and reading club). Young people are included in services according to their needs and receive highly individualized support.

Large numbers of users are at the level of Cepora – 1000 per year (because they work with schools, institutions for children without parental care), and at the level of the Youth Support Center, which started in 2020 (COVID-19 year) about 50 young people were beneficiaries, otherwise 100-120 on average per year (5-10 were children in conflict with the law annually).

NEOSTART (Centre for crime prevention and after incarceration care) NEOSTART's objective is to initiate, implement, and support responsible changes in the society in which it works by: integrating people who have been placed in institutions for the execution of criminal sanctions; integrating children and young people who have been in institutions of social protection; improving the position of persons who have been incarcerated; integrating people who have been included in formal or informal types of addiction treatments ; eliminating the consequences of incarceration due to other measures that require the legal deprivation of liberty; NEOSTART implements several different programs that are aimed at providing post-penal support: INFO line, fieldwork, Active Job Search Corner, Counseling Centre and a



special program for young people who are leaving the correctional institution. The activities of the organization are focused on crime prevention, post-penal assistance and raising awareness of the importance of comprehensive support to persons after their stay in institutions for the execution of criminal sanctions. On average, there are 2-5 beneficiaries (children in conflict with the law) per year; on average - one minor beneficiary attended meetings on a weekly basis. (www.neostart.org).

CIM - Center for Youth Integration, Belgrade. Organization which improves the position of children at risk, by promoting policies and practices in accordance with the needs of children, by improving the quality of work, by providing services and developing a model of assistance in Belgrade and in other communities. Drop in shelter is a licensed service, recognized in Law on Social Welfare, with the aim to improve life quality of the children living and working on the street. Drop in shelter beneficiaries are the children between 5 and 15 years of age who live or work on the streets of Belgrade and who are exposed to numerous risks due to a way of life. Beneficiaries are supplied with regular, nutritionally balanced meals, clean clothes and footwear adjusted to the weather conditions, with the support during their education and during involvement in the educational system. Drop in shelter represents the safe environment which meets their needs and nourishes proper psychosocial development of a child. Beneficiaries can also take part in different creative, educative, cultural and sports activities. Not only the Drop in shelter related activities are available to the beneficiaries and their families, but also a team of outreach work experts who regularly visit places where the children live, work or spend their time. Outreach work enables strengthening the relation of trust with the beneficiaries and their families. The Drop in shelter team of professionals consists of social workers, special pedagogues, a nurse, psychologists and a lawyer. This team has a joint mission to provide support and protection to all beneficiaries of the Drop in shelter, respecting best interest of a child. On average, CIM have 650-700 children-beneficiaries per year. (<https://cim.org.rs>)

The Star - Center for Social Integration of Children and Youth is an association of citizens whose goal is to promote fostering, help to children without parental care in institutions as well as those who are getting ready for an independent life after leaving the social care system. The Star Center was founded on March 12, 2013 in Belgrade. After several years of providing holistic support and help to children and youth without parental care and to those from very poor or dysfunctional families, the Star decided to form an association with clear goals, transparent actions and good results. Its goal is to engage as many interested individuals, associations and institutions as possible in its activities. It aims to provide concrete help for children and young people in Serbia who are unable to get support and help from other sources. Its mission is to help young people receive education and become independent, with the financial and moral support necessary for them not to feel abandoned but to know that someone cares for them. They do this by providing scholarships, private lessons, new and second hand clothes, computers, paying for school trips and prom nights; and by providing basic living conditions such as building wells and renovating premises. The Star's actions are small, concrete and clearly defined. (www.centarvezda.rs)

EduCenter: Educational Center for Personal and Professional Development consists of a team of experts who specialize in working with children and young people with behavioral problems. The principles on which the work of advisors in EduCenter is based are: voluntariness, responsibility towards clients, confidentiality, respect and appreciation of clients, the best interest of the child, a positive approach to working with clients and respect for the profession. Members of the EduCentar team gained many years of experience in working with families of children and young people with behavioral problems during the development of the social protection service - day care for children and youth with behavioral problems. Within the Day Care Center, they have developed a program for the implementation of educational measures and educational orders issued to juvenile perpetrators of criminal offenses. Now, in EduCenter, they apply various programs for the prevention of behavioral problems as well as programs aimed at changing problematic behavior in children and young



people. Most of the beneficiaries search for help in the following areas: problems in the child's behavior; dysfunctional parent-child communication; dysfunctional post-divorce parental communication; supporting the education of school-age children. In addition to a special pedagogue and psychologist, their team, if necessary, consists of a speech therapist, a child psychiatrist and a specialist in the abuse of psychoactive substances. (educentar.rs)

ADVERTO – Centre for Life Guidance gathers experts in the field of juvenile delinquency and, above all, provides help and support to young people and their families who exhibit certain behavioral problems or have been in conflict with the law. (adverto.org.rs).

Youth Council Kruševac provides support to young people from Residential Correctional Facility in Kruševac in order to prepare them for freedom and labor market demands. They offer them post-penal support, too (for those who live in Kruševac).

NGO Chance (Požarevac). As part of the service from the social welfare system, the Social Rehabilitation Club for Youth, implements the service of treatment for juvenile offenders who have been sentenced to an educational measure or who have been previously referred to Residential Correctional Facility in Kruševac. (www.sansa.org.rs)

Center for Missing and Exploited Children (a service for children in conflict with the law is in the process of in the process of accreditation). (<https://cnzd.rs>)



5. SELF-EVALUATION OF THE CAPACITIES AND NEEDS OF THE INSTITUTIONS AND NGOs WHO WORK IN IMPROVING YOUTHS TOWARDS CRIME

Most of the respondents from the state institutions say that they need a larger number of employees, better material conditions, and specific profiles of professionals, or specific education and skills. **The Higher Court in Belgrade** needs more juvenile judges. There are currently four of them formally, although there are actually three of them (because one is on a long sickness leave). According to the workplace systematization, there should be five of them, but given the large number of cases, the complexity of the procedure, and the heavy workload of juvenile judges, that number should be twice as large. In addition to a large number of

juvenile judges, there is also a need for a social worker, a person who knows the social protection system well (which is a solution that already exists in Bosnia, as stipulated by law).

The **Higher Court in Valjevo** does not need more juvenile judges (there are two of them at the moment), but it does need a psychologist who could be also helpful for the basic courts on the territory of the Higher Court in Valjevo when it comes to juvenile victims of crime and help to them, because those who will later come into conflict with the law are often victimized previously, so they need to be supported in time.

The **Misdemeanor Court in Belgrade** does not need a larger number of judges who work with juveniles (there are currently five of them), but it also needs a psychologist.

The Residential Correctional Facility in Kruševac has 21 correctional educators (profiles are: pedagogue, special pedagogues, oligophrenologist, social worker, and teacher). There is a need for a larger number of correctional educators, special pedagogues (at least five), as well as a psychologist and pedagogue. There is a need for people who would perform the tasks of order maintenance, the security guards. At least one guard could perform the tasks related to order maintenance in one pavilion, because now these tasks are performed by correctional educators, so they cannot perform their jobs well and dedicatedly. The correctional educator has to keep the door open so that he can keep an eye on what's going on in the pavilion. The cameras are not sufficient in order maintenance. If correctional educator needs to see what is happening, he would have to lock the pavilion and go to another building to check the video system. An assistant is also needed – an organizer of educational activities, who would help the correctional educators. The problem is also the expected retirement of so small number of personnel and the necessity of their replacement with qualified staff. More employees are needed in order to have more opportunities for activities such as music and art sections, because due to the insufficient number of employees, some employees are withdrawing from their jobs to perform others. Correctional educators even don't have printers in their offices.

A special problem is education, as well as diplomas and certificates. Good support is provided by HELP, which helps beneficiaries to start their own business and provides certificates for them, but this is not provided for all children. In 2015, the school „Youth” was shut down and since then there have been problems with diplomas that would be base for work engagement. There is a lack of coordinated action by the Ministry of Education and the Administration for the Execution of Criminal Sanctions. In brief, in the first place, it is necessary to increase the number of correctional educators, as they are overburdened with work and unnecessary tasks, as well as technical and other support that would make their highly demanding job easier.

Juvenile Correctional Facility in Valjevo has 19 employees of the following profiles (working in the treatment service): psychologist, pedagogue, special pedagogue, sociologist, andragogist, political scientist, professor of IT, professor of physical education. The number of professionals and their profiles are adequate.

In the **Higher Public Prosecutor's Office in Belgrade** (in the department for juveniles) there are eight of them working on juvenile cases, and that number is considered quite sufficient. The pressure increases in special situations, as there is no detention of the juveniles in the police station, so it the extension of the time of 8 hours for bringing in minors would be welcomed.

Three respondents from **social centers in Belgrade** give somewhat different answers. Two of them complain about staffing shortage, and one said that the number of professionals in the Child and Youth Protection Service is sufficient. Two respondents indicate that more employees are needed, especially in the children's service, namely social workers and psychologists. One of them answered that there are just six professionals working with children and young people in conflict with the law, including the supervisor and the manager), and their profiles are: psychologist, social worker, special pedagogue. The number is assessed as insufficient. In addition to the necessity of employing a larger number of professional workers,

the interviewee emphasized the need to relieve professionals of unnecessary administrative tasks, as well as to provide better material status. The need to increase accommodation capacities for children and for better inter-sectoral cooperation and connections is also emphasized. One respondent states that there are twelve case managers working in the Child and Youth Protection Service of which two are psychologists, two are social workers, one is a pedagogue and seven are special pedagogues. He states that this number is sufficient, but services for children, such as clubs for different activities are needed.

Respondents from one **secondary school in Belgrade** (a school for various types of jobs in the field of economy, trade, agriculture) state that they have a total of 72 employees (lawyer, psychologist, pedagogue, teachers, principal), but they need a special pedagogue, special education teacher and teaching assistants. They also state that there is a need for better protection of teachers, and constant presence of security guards in schools, as well as a tightening of the penal policy towards parents who do not cooperate and do not recognize their responsibility for the absence of children from classes, as well as for various forms of problematic behavior.

As of 2022, **GRiG** had four full-time employees; currently two full-time employees. And on an annual basis, they have over fifteen professionals (psychologists, pedagogues, social workers, therapists and internship students) who work with young people and their families/significant others (guardians, foster parents, other family members). There is a need for more employees, as the need for this type of service is growing significantly. Namely, GRiG is the only counseling center of this type in the entire territory of Belgrade, and all seventeen municipalities send young people to GRiG to implement measures. Currently, there is a long waiting list in GRiG, because despite existing number of professionals, they do not manage to receive all young people who are referred by the centers for social work, i.e. court, in a timely manner. Unfortunately, this type of service is not supported systematically, so it is difficult to find funds to support this category of young people. As far as professional support is concerned,

GRiG has no shortage of it, because a large number of young professionals come to its counseling center for professional development and often want to stay there. But, stable funding would be of great help, as much time and energy GRiG spends in searching for financial support.

CEPORA has three employees, seven external associates, about twenty volunteers and mentors. In the Youth Center – one full-time employee, two external associates, four associates occasionally, if necessary (those who work on other programs in Cepora). They are all special pedagogues and tailor the programs according to their capacities; they have cooperation with GRiG and the capacities are assessed as sufficient. They are in contact with counselors for some issues (from Faculty for Special Education and Rehabilitation), and if a young person needs some special kind of help, Cepora find it for them in the community. Interviewees state that they are adapting to current regulations and possibilities, that they make maximum use of existing legal solutions and their capacities, and that they do not need personnel, but education on managerial skills for day care centre they plan to open soon would be welcomed (they will try to solve the issue of permanent office in the near future by themselves). The respondent says: *The key is in dedication, we have three full-time employees after 13 years of work. We do this job because we love it and we want to. We don't want to make for living by exploiting Cepora, but to work for it.*

NEOSTART is satisfied with five professionals who were social workers, special pedagogues, psychologists and other professionals trained to work with perpetrators of crimes. That number of professionals is sufficient for the work with juvenile offenders, because there are no many of them. But the problem is the stability of financing, as well as the provision of permanent space/office.

CIM (Centre for Youth Integration) has 43 staff members (including administration). Professional profiles are: pedagogues, special pedagogues, social workers, health workers.



They manage to do their activities, but the sustainability is the greatest challenge, as their activities depend on project funding.

Help Mission in the Republic of Serbia has been operating in Serbia since November 1999 providing socio-economic assistance for vulnerable individuals – refugees, internally displaced persons and Roma population. Main projects implemented by Help in Serbia focus on following sectors: Socio-economic support programmes and micro-enterprise development through income generation assistance; Support to the closure of collective centres by providing alternative housing solutions; Trainings and support for start-up businesses; Construction and rehabilitation projects; Humanitarian relief projects: distribution of food, hygienic items and firewood.

Correctional institutions for juveniles in Kruševac and Valjevo has close and good cooperation with HELP especially regarding organizations of vocational trainings and help in start-up businesses and employment of children and youth.

Non-governmental organizations do not need more professionals, they mostly have good, skilled staff, but what is missing is stability in funding in the first place, and systematic support. There is also problem with space (permanent offices). Respondent from GRiG says: *Namely, GRiG is the only counseling center of this type in the entire territory of Belgrade, and all seventeen municipalities refer young people to us. Currently, there is a long waiting list in GRiG because, in spite of this number of professionals, we do not manage to receive all young people referred by centers for social work, i.e. the Court, in a timely manner. Unfortunately, this type of service is not supported systematically, so it is difficult to find funds to support this category of young people. As far as professional support is concerned, GRiG does not lack it, because a large number of young professionals come to us for professional development and often want to stay.*



6. TRAINING PLAN FOR PROFESSIONALS

Judges and prosecutors would welcome education about skills related to work with minors, their better understanding, understanding of their personality and psychology, as well as education in the field of law for the best possible application of the law, but they are also interested in comparative legal provision and the international legal framework, as well as in communication skills in general.

Non-governmental organizations have highlighted the need for training related to managerial skills (specifically related to the organization and management of a day care center).

Respondents from **centers for social work** stated that they would benefit from all trainings, s related to children and youth, and support for these categories, as well as trainings for professional development of professionals engaged in services for children and youth in conflict with the law. Also, there is a need for training to overcome stress and prevent burnout syndrome, to maintain mental hygiene and for improvement of communication skills (in direct contact with children, convicted persons, but also with people in general). Trainings are needed in order to conduct interviews appropriately with a child in conflict with the law and his/her parents, for the process of assessing these children and families, as well as for the process of creating adequate reports for courts.

Respondents from **high school** stated that they need training to work with children (communication skills), especially for working with children from minority and vulnerable groups, education in the field of combating the use of psychoactive substances, prevention of

violence. They also emphasize that there is a need for better cooperation with the local self-government, the police and the center for social work, and that would be very useful if they all could attend the mentioned trainings and exchange experiences.

All respondents emphasized need for regular professional meetings, exchange of experiences, creation of common good practice, improvement of expertise of all participants in the juvenile cases. They need meetings and joint education with colleagues from abroad, as they want to learn more about models of good practice; to discuss about the lowering of the age limit of juvenile responsibility (because, as some professionals said: *Times have changed, the law is old, it does not follow reality, children are more mature at a younger age...*), and about other relevant issues, especially about “the best interest of the child” (as it seems that different participants in the procedures have different understanding of the notion – e.g. defense attorneys and parents).

7. RECOMMENDATIONS FOR IMPROVEMENTS OF THE LEGAL AND INSTITUTIONAL FRAMEWORK

When speaking about children and young people in conflict with the law we most often think about minors before the criminal court (which according to the Law on Juvenile Crime Offenders and Criminal Law Protection of Juveniles are the persons who at the time of commission of the criminal offence have attained fourteen years of age and have not attained eighteen years of age), but in fact we should think about the broader context, especially bearing in mind that all interviewees from different institutions made some remarks about children under the age of 14 who have behavioural problems and/or perpetrate acts with elements of criminal offenses or misdemeanors (often elements of violence and/or related to psychoactive substances). Also, a significant increase in acts with elements of violence and related to drugs among children and young people in conflict with the law was generally emphasized, as well as the absence of responsibility, cooperation of parents, and even parental capacities, and numerous shortcomings in responses to the problem of juvenile delinquency (which are related to normative framework but also to the functioning of the institutions and NGOs (their



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capacities, staff and skills shortage, unsustainable funding, lack of inter-sectoral cooperation, etc.) in order to achieve the best interests of the children and youth and prevent their conflict with the law and/or recidivism. In this regard, the following recommendations are made:

1. It is necessary to create a comprehensive "juvenile penal law". Insufficient attention is given to juvenile criminal justice in general and its specific characteristics. The misdemeanors committed by juveniles are extremely neglected and their dangerousness is minimized even though they could be an introduction to criminal career of the minor). There is no harmonization between criminal and misdemeanor law regarding juveniles (some provisions are even in contradiction). In this regard, the latest decisions of the Supreme Court of Serbia point to the need to create a uniform, harmonized normative framework, and a clear comprehensive approach to juvenile offenders.
2. A new law is needed to address the shortcomings of the current one (Law on Juvenile Criminal Offenders and Criminal Law Protection of Juveniles was adopted 20 years ago).
3. It is necessary to adopt appropriate bylaws (Rulebook on the Execution of Educational Measures, Rulebook on the Execution of Diversion Orders, as big gaps have existed in this field, so many measures/sanctions could not be implemented).
4. Harmonization of all relevant regulations relating to children/youth - tangent regulations governing the field of social protection, health, education - is needed.
5. Juveniles are ignored as perpetrators of misdemeanors, although statistics show an increase in the number of misdemeanors of juvenile offenders. Within the practice of the Belgrade Misdemeanor Court, misdemeanors with elements of violence showed an increase of 30% compared to the previous year, as well as traffic misdemeanors (most often driving without a driver's license. The recidivism is very frequent. It is noteworthy to say that some of the misdemeanors are very similar to some of the criminal offenses (precisely to those with elements of violence or traffic offenses). So, in some cases it is simply a question of achieving the so-called objective conditions of incrimination (whether the criminal or misdemeanor law will be applied).





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6. Of particular importance for the issue of traffic offences is the deconstruction of current attitudes towards the use of vehicles by children and minors in a way that implies misunderstanding of the risks and possible consequences. Of course, it is also necessary for adults to have an appropriate traffic culture, which is obviously not at a satisfactory level in Serbia. The same goes for promoting non-violent communication and zero tolerance for violence in general.
7. The Statistical Office of the Republic of Serbia should also keep statistics of misdemeanors (including misdemeanors of juveniles) which could be useful for research and more precise measurement of the phenomena, thus indicating significance of misdemeanors committed by juveniles.
8. Overcoming of the shortages in different systems is necessary to achieve the purpose of diversion orders or sanctions for juveniles (a larger number of engaged professionals and/or engagement of specific profiles in the social welfare and health care system, as well as in juvenile justice system).
 - Courts need psychologists, and social workers. Only the Higher Court in Belgrade has a counselor for juvenile delinquency issues (psychologist). However, the role of psychologists (in all higher courts in Serbia) could be useful to the basic courts also, in cases in which minors are injured parties, as the correlation between victimization of minors and their subsequent criminalization is well known (this kind of engagement could also justify the new workplace in systematization).
 - Residential Correctional Facility in Kruševac needs more correctional educators, assistants and security guards, as well as better organization of educational process and vocational trainings resulting in adequate diplomas and certificates.
 - Centres for social works also need more employees, as well as better organization of work and material status. Appropriate treatment programs for



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children and youth in state institutions or in licensed organizations, and day care centres are needed.

- Schools need special pedagogues.
 - Problems with implementation of some diversion orders/educational measures must be solved (e.g. engagement, without remuneration, in the work of humanitarian organisations or community work (welfare, local or environmental) can't be implemented due to unresolved problem with insurance as impediment).
- 9.** Founding of a special institution for treatment and acquiring of social skills is of great importance due to increasing number of juvenile offenders who have combined health disorders and behavioural problems and who need treatment in such a specialized institution. Such institutions could also respond to the specific needs of juvenile offenders who have problem with psycho-active substances (as previously was mentioned this problem is widespread and has multiple consequences) in conjunction with other problems (medical, familial, etc.). Namely, the actual solution – accommodation of juveniles who need medical treatment in the so-called "juvenile room" of the Special Prison Hospital is bad and in contradiction with relevant regulations and the best interest of the child).
- 10.** There is an urgent need for institutions-shelters as alternative to detention.
- 11.** In the practice so far, a lot of work has been done to connect all relevant parts of the system (centres for social work, courts, prosecutor's offices, different service providers) that are necessary for a young person in conflict with the law to receive support in accordance with legislative framework, and in the first place in accordance with the needs and rights of each young person. In spite of the existing legal provisions, the implementation of educational measures is challenging in practice because there is no sustainable support for direct service providers. Accordingly, a large part of the energy of the organizations that provide services (NGOs) is spent on searching for funds for functioning on daily basis.





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12. Inter-sectoral cooperation has not yet been established as it should be, so more efforts should be made in its establishment. All professionals express their need for gathering in joint seminars, trainings, round tables, and better connections and communication in working on juvenile cases in order to avoid “hot potato” model of work or/and dropping out of a minor through the supposedly “safety net” of support and assistance.
13. All relevant participants (and parents, too) must have the same idea of what “the best interest of the child” is. Namely, it has been noticed that defence attorneys (and parents, too) do not recognize what the best interest of the child is (e.g. defence attorneys suggest to a minor to remain silent, to withhold the defence, they demand confrontation or presentation of a testimony statement of another child (injured person) to a minor who is in the proceedings; very often they work in their own “best interest” thus increasing the costs of the proceedings, or generally – they act as in the proceedings with adult defendants); parents often minimize the offence and responsibility of the child, as well as their own responsibility, especially in the case of serious offenses and recidivism; they run away with the child before the ex-office defence attorney arrives or support child – recidivist or perpetrator of a serious offence in a defence that is obviously aimed to avoiding responsibility...).
14. Non-cooperation of parents, minimization of the child's work, lack of understanding of the "best interest of the child" are often emphasized problems, and work with them should be organized (through specialized programs and trainings with aim to develop their parental capacities), as well as their sanctioning when necessary. It should be envisaged and rightly implemented in accordance with the regulations (which should also be amended in this regard - e.g. prescribing liability for failure to supervise if child commits an offense; more appropriately applying of the existing provisions on neglect and abuse of a minor).
15. Preventive measures for all children must be comprehensive, systematic, coordinated and focused on the proper development of children, support and assistance to parents, educational institutions, institutions for children without parental care and other





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services for children and youth. They require a larger number of (qualified) professionals, but also new, appropriate programs and content for specific children's needs. The focus on the prevention of delinquent behaviour must also include significant support to parents (related to existential, health problems; successful parental skills; supportive and counseling measures). Preventive and corrective supervision by the centres for social work must always be applied when minor is in conflict with the law (or prior to conflict, if he/she has behavioural problems or indicative risk factors).

16. Children under the age of 14 must not be neglected, as their acts are also very often with elements of violence, including the possession of dangerous tools, or related to drugs. The most drastic cases receive media coverage, but the relevant institutions (such as the courts) have contacts with this category (proceedings are suspended due to the age of the child, but weapons/dangerous tools or drugs are confiscated). NGOs that provide services primarily to children in conflicts with the law (who have attained the age of 14) noticed that their beneficiaries most often had a large number of acts/reports before the age of 14. The right time to react/intervene is (was) at that moment, in an early phase. Good model would be special organization / service / program on the local level that would deal with this particular age group (e.g. GRIG used to work successfully with children under age of 14, but due to the work overload it no longer does).
17. It is necessary to establish a better cooperation between schools and centres for social work and to provide a greater offer of educational programs and workshops in schools and pre-school institutions (for the children under the age of 14). Institutions could start some of the behavioural problem prevention programs for which there is scientific evidence of effectiveness in the child population, and measure the effects. The application of measures that would have the same content as diversion orders could be prescribed for children under the age of 14 (children aged 12-13 years).





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- 18.** Specialization in working with children and youth in conflict with the law is necessary. However, the mandatory certificate (on acquired knowledge in the field of children's rights and youth delinquency) is not sufficient (although police officers who work with juveniles – perpetrators of misdemeanors do not even have this certificate), but in-depth knowledge is necessary, in order to better understand the "best interest of the child". As previously mentioned - all participants in the juvenile justice system and other services must know the same notion of the best interest of the child (in conflict with the law). Knowledge of psychology and communication skills are especially important, but trainings related to stress overcoming, prevention of burnout syndrome and maintenance of mental hygiene of professional must not be neglected.
- 19.** Continuity in training and education is essential, as well as making sure that experienced/already educated/trained police officers (or other professionals, such as social workers) do not shift position/role in the procedure. Namely, it happens very often that a police officer who has been well trained and sensitive in work with children in conflict with the law is transferred to another workplace, and someone who does not have the appropriate knowledge and sensibility comes to his/her place. This is also the case with trainings/educational workshops: there is no system; there is no monitoring of the training and participants. A formal approach has been noticed (one professional comes to the training/educational workshop; someone else comes to another one; there is no sharing of acquired knowledge within institution...). Such practice indicates lack of real interest of particular organization and willingness to improve own capacities.
- 20.** Qualified, trained professionals, but also genuinely dedicated ones should be involved in work with children and youth in conflict with the law, which must be taken into account when deciding on assignments.
- 21.** The reports of the centres for social work must be standardized - they must provide necessary data on the personality of the minor and other relevant and detailed information; reports have to be made and sent in time and be useful for the court (it happens that the misdemeanor court got proposals that can't be implemented, as they



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are not even stipulated by the law (e.g. proposal to punish the parents or transfer the case to the criminal court if the minor is recidivist). Obviously, additional education about relevant law provisions must be recommended.

22. School staff (administration/secretaries) and police officers must have adequate knowledge of law regarding the drafting of motions to institute misdemeanor proceedings, as motions are often dismissed due to grave omissions. It would also be useful to create database in order to monitor (the outcome) of the motions for the institution of misdemeanor proceedings against parents, because such decisions (due to formal deficiencies) send a certain message, i.e. it is an indicator of the poor functioning of the system.
23. It is necessary to develop problem-oriented trainings for teachers on how to work with children with specific problems.
24. It is necessary for judges to undergo additional training, in order to behave more like judges and less like "good moms", all in the interest of the juvenile perpetrators of criminal offenses and misdemeanors.
25. There is a need to strategically better shape the processes concerning school education and mental health problems and to develop a research infrastructure that could better measure the effects of these strategic efforts, so that progress can be measured not only by the number of trainings provided, but by precise data on children's mental health and well-being. There is still no national survey data on mental health and behavioural problems in children and adolescents in Serbia.
26. It is important to recognize and support young people who were in correctional institutions for juveniles as a particularly vulnerable category and provide benefits for those who employ them. This category of minors needs to be well prepared for entering the labor market (in institutions, as well as in work with post-penal service providers).
27. Specialized programs of psycho-social support and career development at the community level for children in conflict with the law are needed, as well as increase of



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the capacity of existing service providers (which always lack continued financial support) and increase of the number of service providers.

- 28.** The possibility of applying diversion orders to juvenile perpetrators of criminal offences punishable by imprisonment for up to eight years should be extended, bearing in mind that in practice juvenile perpetrators of situational offences of a property nature are often encountered, with insignificant adverse consequences, that they have not committed criminal offences before, that they express sincere remorse, and that considering other circumstances related to personal and family circumstances, it would be most appropriate to apply an educational order. On the other hand, the penal policy towards juvenile offenders of serious criminal offenses should be tightened, both in terms of imposing the institutional educational measure of referral to a correctional home and in terms of imposing juvenile imprisonment, bearing in mind that practice has shown that criminal offenses with elements of violence are becoming more frequent, some of which, in terms of the manner of execution and brutality, overshadow the acts of adult offenders. Such a solution would achieve better achievements both in the field of special and general prevention, especially having in mind the incitement of minors by adults to commit serious offenses precisely because of the milder sanctioning of minors.
- 29.** Allocation of special funds in the local communities for the inclusion of children at risk in sports, recreational, cultural, educational activities, clubs, courses in the local community – for the purpose of a well-designed and pedagogically oriented leisure time.
- 30.** Introducing a program of early detection of children at risk of behavioural disorder and early psycho-social interventions for them and their families - in primary schools, which would be carried out by two experts, one of whom would be a psychologist and the other a special pedagogue; Introducing a program for the prevention of alcohol abuse and other psycho-active substances into the school curriculum.



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31. Improving availability of programmes for the preservation of mental and general health of young people, through: programmes of education of young people, parents and teachers, through the development of mental health counseling and psychological support and assistance services outside health institutions, as well as through support for programmes of proper nutrition among young people.
32. It is necessary to form a single (unique) list of all existing services (at the local and national level) that provide support to young people in conflict with the law.

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