



NATIONAL REPORT – CROATIA

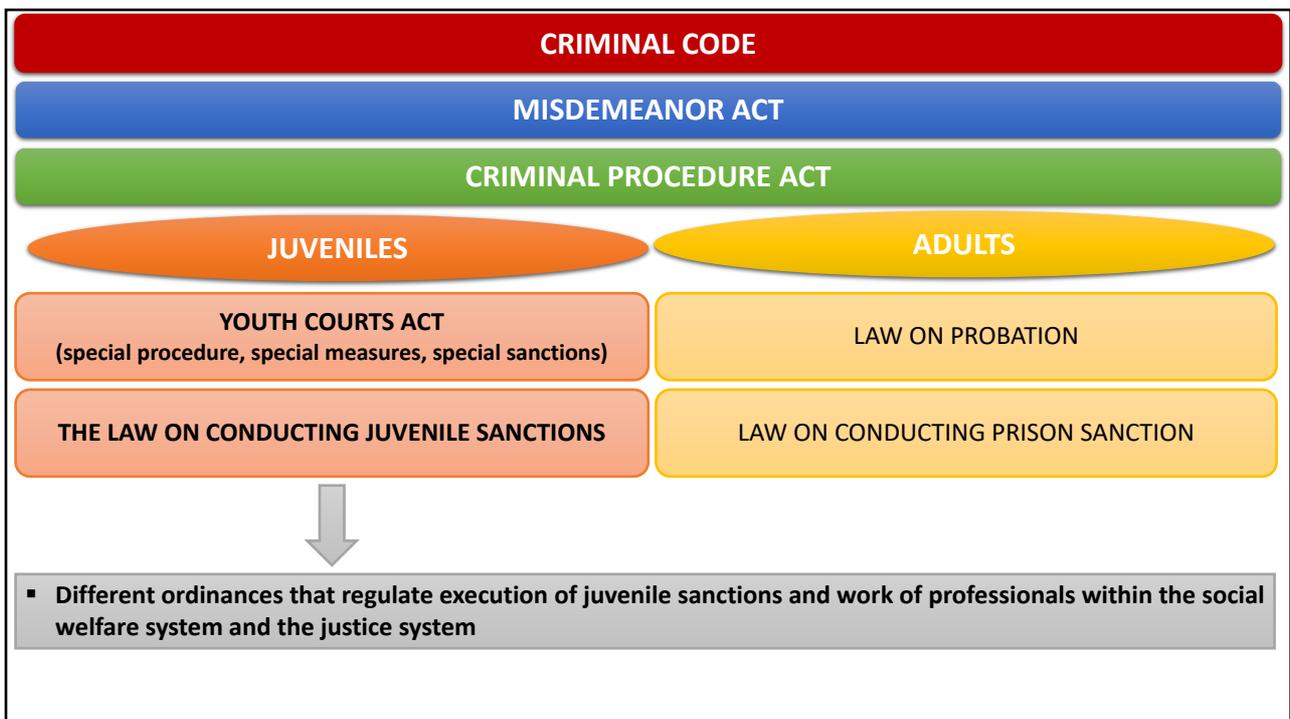
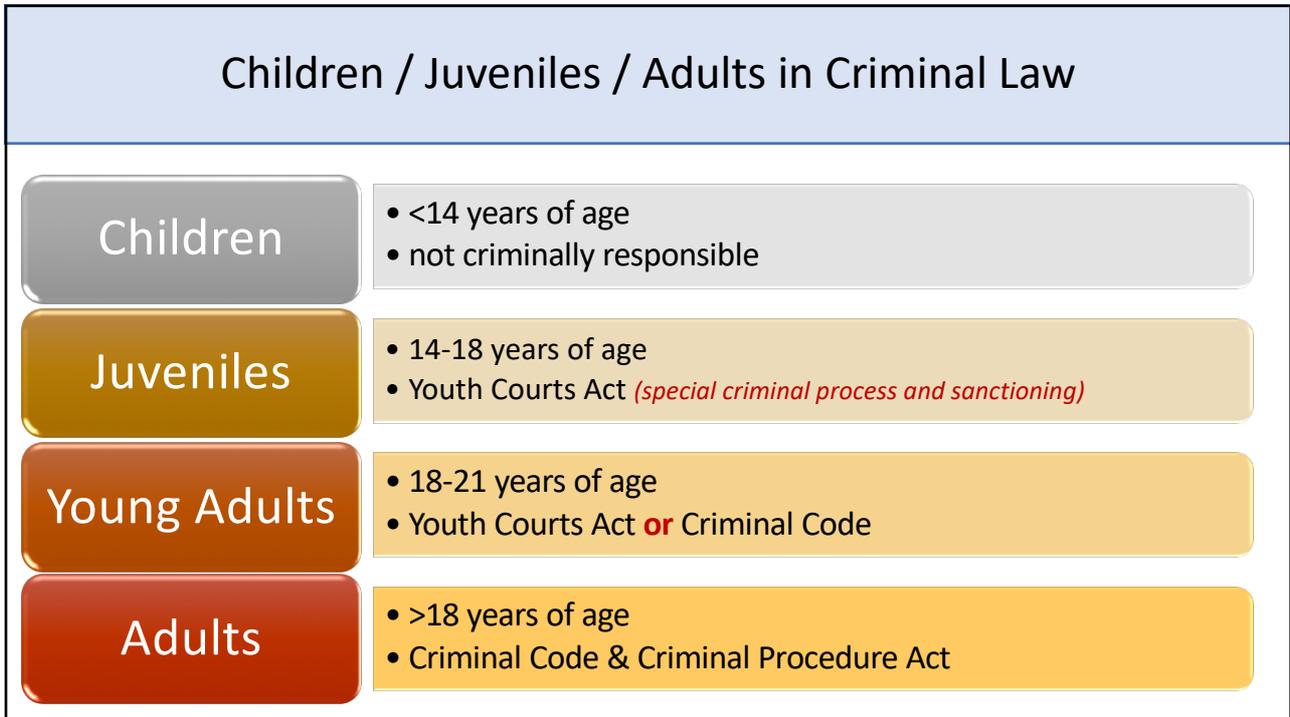
1. JUVENILE JUSTICE SYSTEM IN CROATIA 2. FOCUS GROUP RESEARCH RESULTS

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1. JUVENILE JUSTICE SYSTEM IN CROATIA

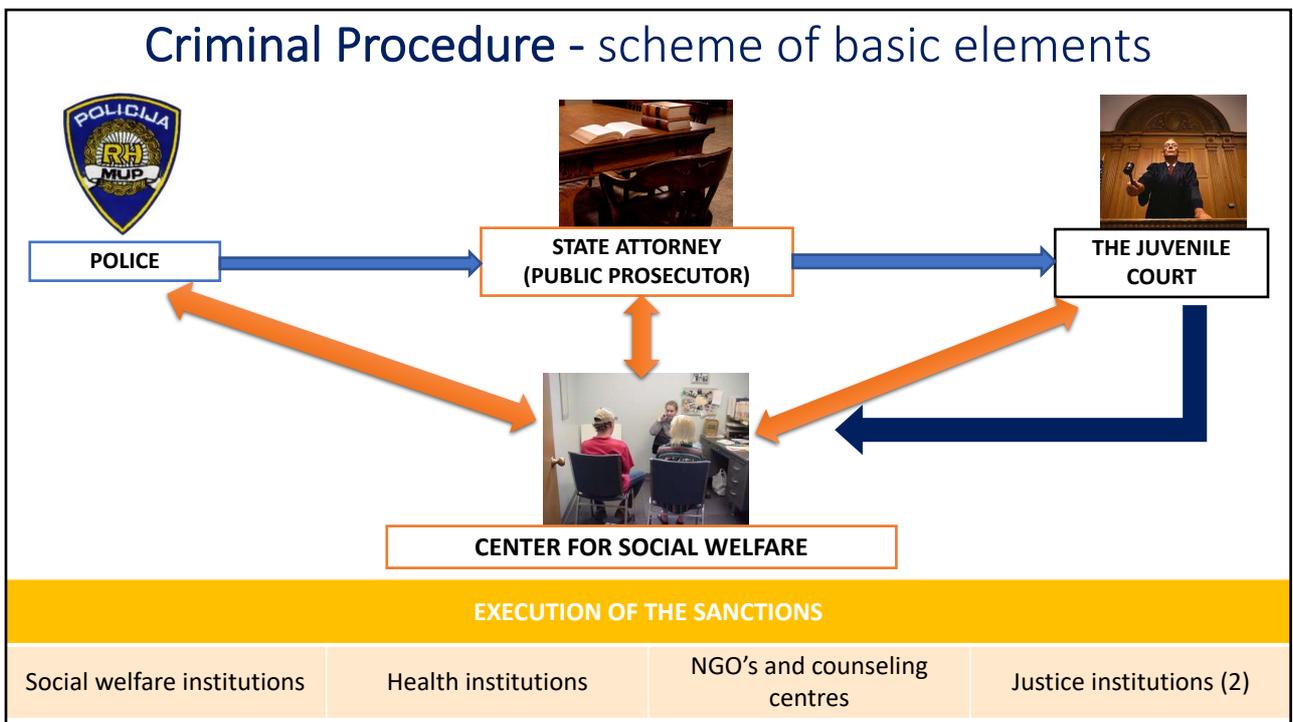
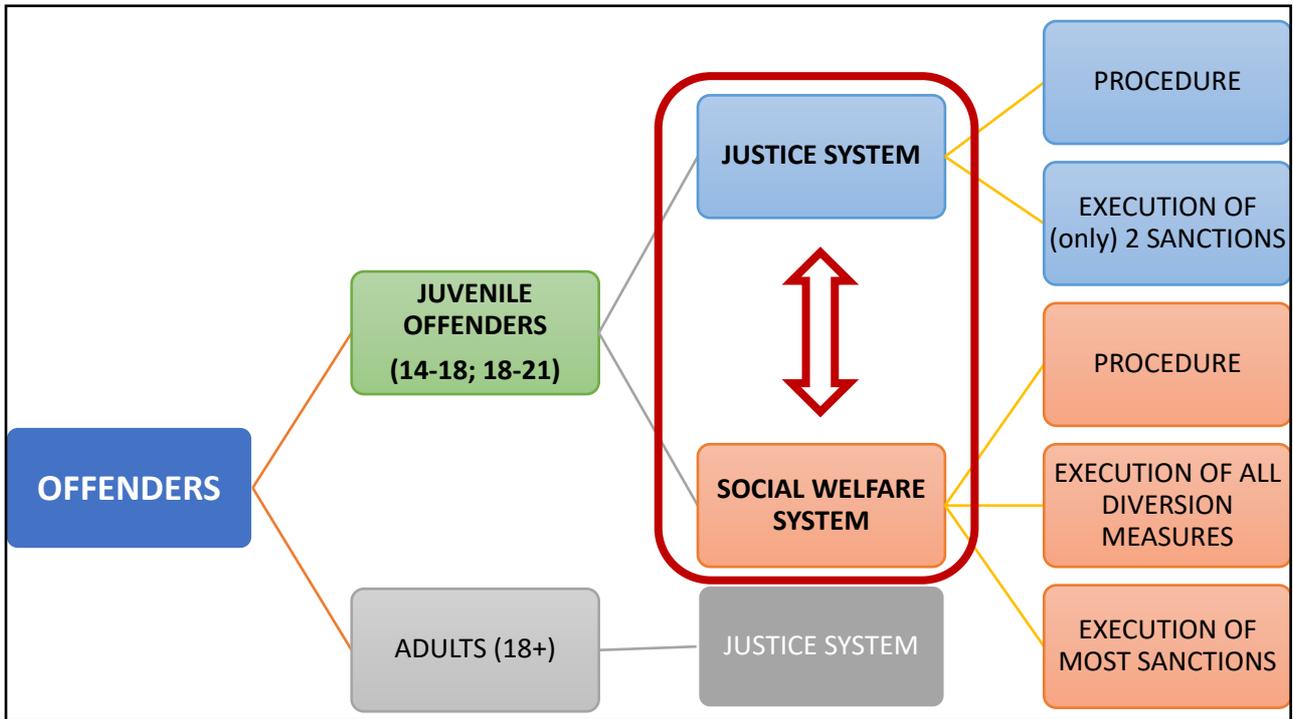


Short history about the position of juveniles within the Croatian justice system

- The earliest **specification of youths** in the legal system dates back to **1852**, when the law defined that only the children who were **10 years of age (or older) could be criminally prosecuted**.
- For younger perpetrators, the law predicted a measure of **'home punishment'** (Singer, 1998).
- Singer points out that in **1879** children could be prosecuted only if they were **older than 12 years of age**, and in **1902** the prosecution limit was set at the minimum of **14 years of age**.
- The limit has remained the same **to the present day**.

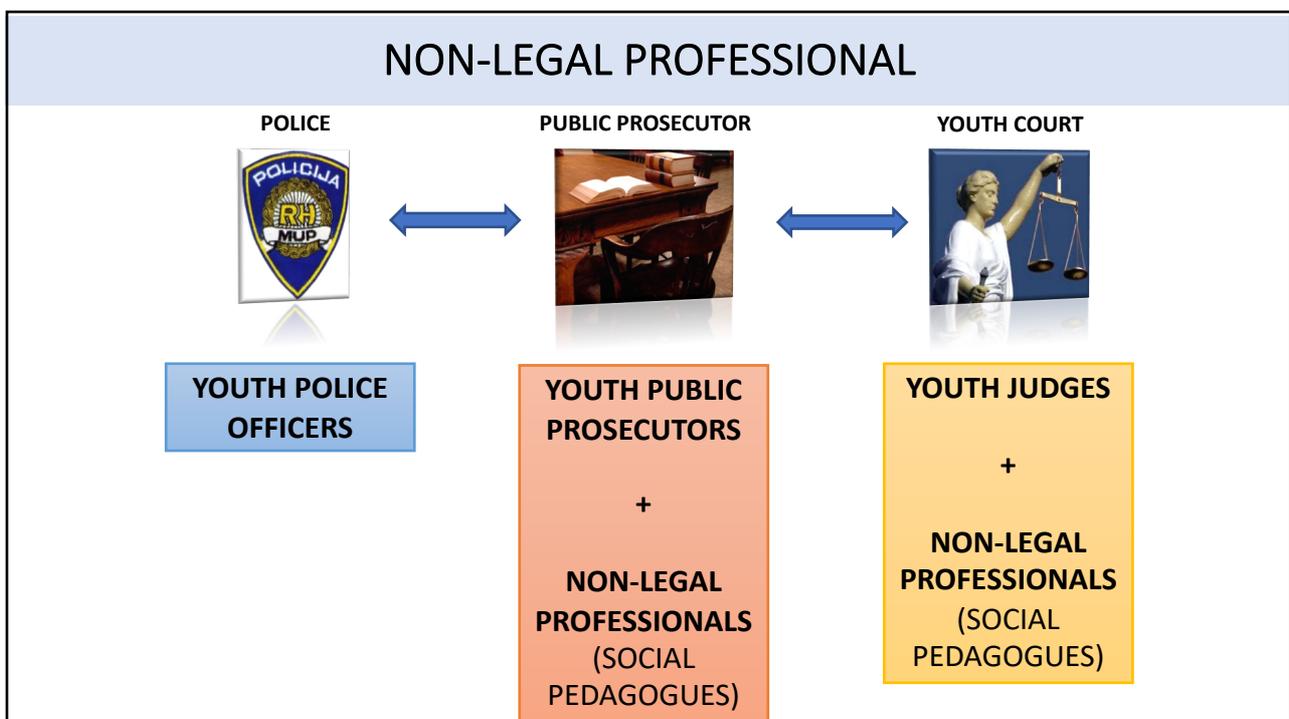
Three age groups of young offenders

1. **younger juveniles** (14 to 16 years of age)
 2. **older juveniles** (16 to 18 years of age) – **minimum age for juvenile prison!**
 3. **younger adult persons** (18 to 21 years of age)
- **children** under the age of 14 **are not criminally responsible** – if they commit an offense, the social welfare system is responsible for further legal actions within **Social Welfare Act and Family Act**



Youth Courts

- The Croatian Act provides for **special juvenile courts** that are responsible for offenses committed by juveniles.
- This legislative orientation has a long history in Croatia.
- **Since 1918**, the Croatian Act has provided for **special employees in the public prosecutor office and juvenile courts who can participate in criminal procedures against juveniles = NON-LEGAL PROFESSIONALS**



Spectrum of interventions – diversion/alternative measures



1. To apologize to the victim
2. To repair the damage
3. To be included in mediation
4. To perform Humanitarian work
5. To get treated for addiction or other medical treatment
6. To go to psychosocial counseling
7. To go to drivers' school again
8. Other obligations

CRITERIA FOR ALTERNATIVE MEASURES:

1. LIGHTER OFFENCE (<5 YEARS OF PRISON FOR ADULTS)
2. THERE IS REASONABLE DOUBT
3. **ASSESSMENT OF PURPOSE**

Spectrum of interventions – court sanctions

Community sanctions Alternative sanctions

- Court reprimand
- 16 special obligations (for example):
 - going to school
 - apology to the victim
 - humanitarian work
 - psychosocial treatment
 - addiction treatment
 - prohibition to go to some places
 - prohibition to disturb the victim...
- Juvenile probation
- Juvenile probation with daily stay in educational institution

Institutional sanctions

- Disciplinary centre
- Educational institution
- Special educational institution
- **Reformatory (Just. System)**
- **Juvenile prison (Just. System)**

<h2 style="text-align: center;">General Purpose of Criminal Sanctions</h2>	
<ul style="list-style-type: none"> • The general purpose of prescribing, pronouncing or applying criminal sanctions is that <u>all citizens honor the legal system and that no one commits a criminal offence</u>, and that <u>perpetrators of criminal offenses do not continue acting in a similar way</u> in the future • <i>elements of general and special (specific) prevention</i> 	

			<h2 style="text-align: center;">Purpose of Juvenile Sanctions</h2>

Choice of a Juvenile Sanction



- in the selection of an educational measure, the **court shall take into account** juvenile's:
 - age
 - *personality traits (risk factors)*
 - seriousness and nature of the offence
 - motives and circumstances
 - behaviour after committing the offence
 - *living conditions, family circumstances, education*
 - recidivism
 - *other important elements...*

Probation (Intensified Care and Supervision)

- **min. 6 months – max. 2 years**
- when the court assesses that the parent's influence on the upbringing, behavior and development of the juvenile's personality is not sufficient to accomplish the purpose of the educational measure
- when it is necessary to undertake educational measure of a more permanent nature under the care and supervision **of the competent professional (juvenile probation officer/measure leader)**
 = **social welfare centre**



Educational Institution

- **min. 6 months – max. 2 years**
 - when it is necessary to separate juvenile from the surroundings in which he or she lives and, with the assistance, care and supervision of youth counselors and other professionals, make sure that a more permanent influence is exerted on his or her personality, development and upbringing, particularly with regard to education and vocational training
- = social welfare institution**



Reformatory

- **min. 6 months – max. 3 years**
- when it is necessary to separate the juvenile from the surroundings and there are intensive behavior disorders present, as well as insufficient willingness to accept correctional influence
- when making this decision, the court shall pay special attention to the seriousness and nature of the offence committed and shall see whether the juvenile has a record of correctional measure or juvenile imprisonment

= *within the Justice System*



The Role of the Court

- during these measures, the court must reconsider **EVERY 6 MONTHS** if there are any grounds to suspend the execution of the measure applied or replace it by another correctional measure
- **assessment during the sanction**

Specific Quality of Juvenile Prison



the juvenile must be at least 16 years of age when committing an offense



length of juvenile prison:



min. 6 months – max. 5 years



the length shall be determined in full years and months!!!!



from 5 to 10 years (maximum) if the offence is so severe that a long-term imprisonment could be adjudicated by the Criminal Code

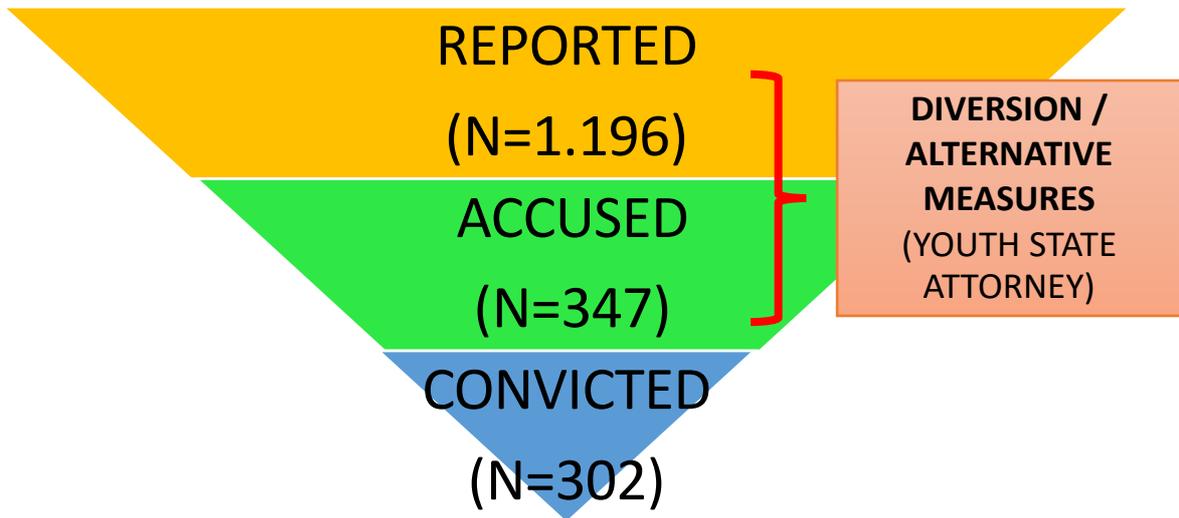
The Length of the Juvenile Prison

Criminal Code - offences – (for adult offenders)	Juvenile Prison - length -
From 5 to 20 years of prison	From 6 months to 5 years of juvenile prison
From 21 to 50 years of prison	From 5 to 10 years of juvenile prison

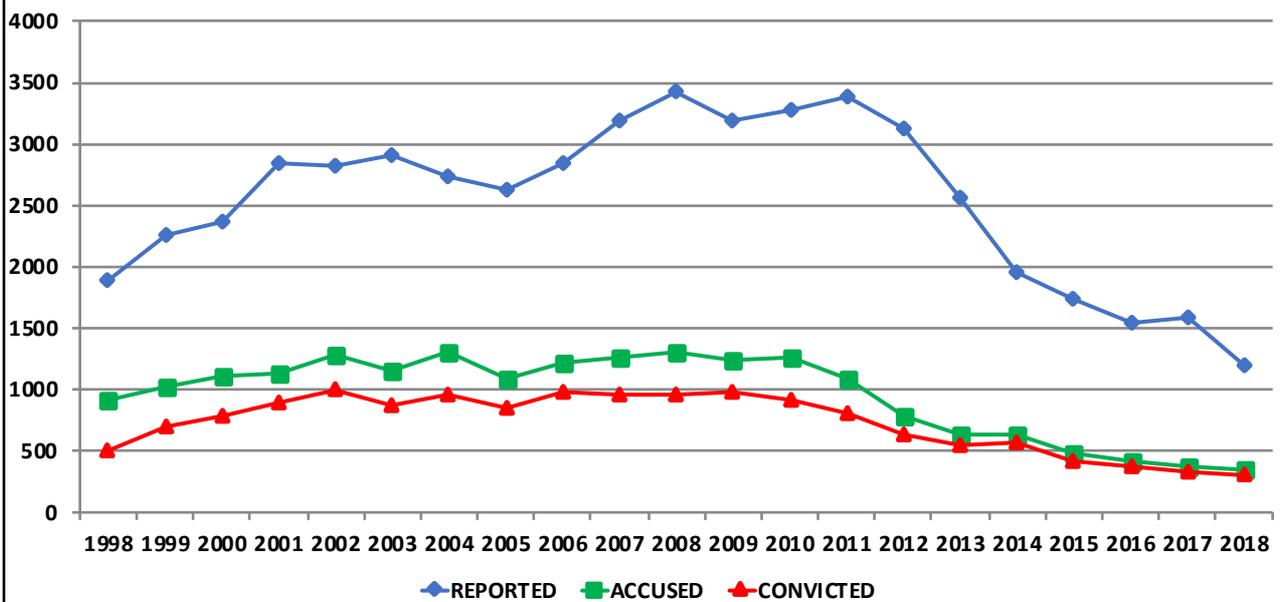


Juvenile crime
statistics

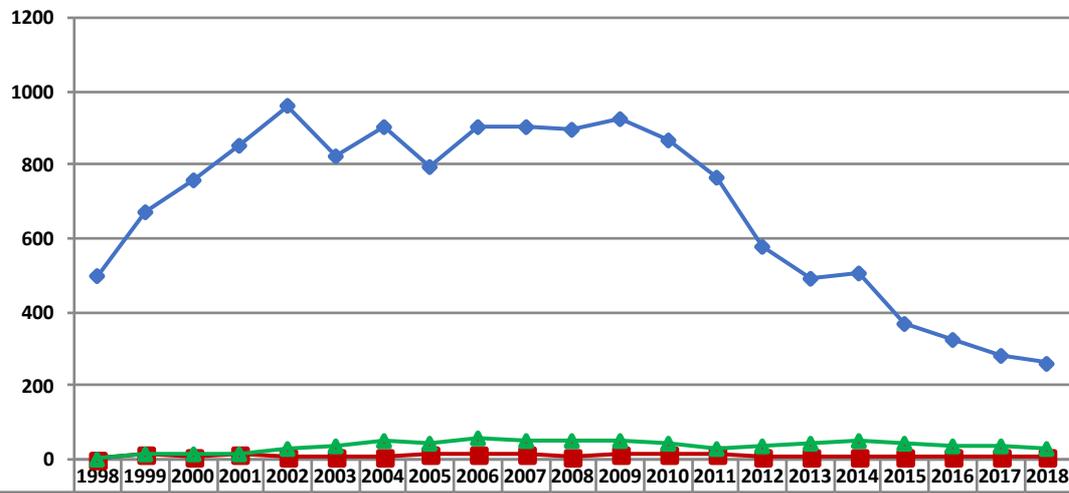
REPORTED, ACCUSED AND CONVICTED JUVENILES IN 2018.



REPORTED, ACCUSED AND CONVICTED JUVENILES FROM 1998 TO 2018



CONVICTED JUVENILE OFFENDERS BY TYPE OF SANCTION FROM 1998 TO 2018







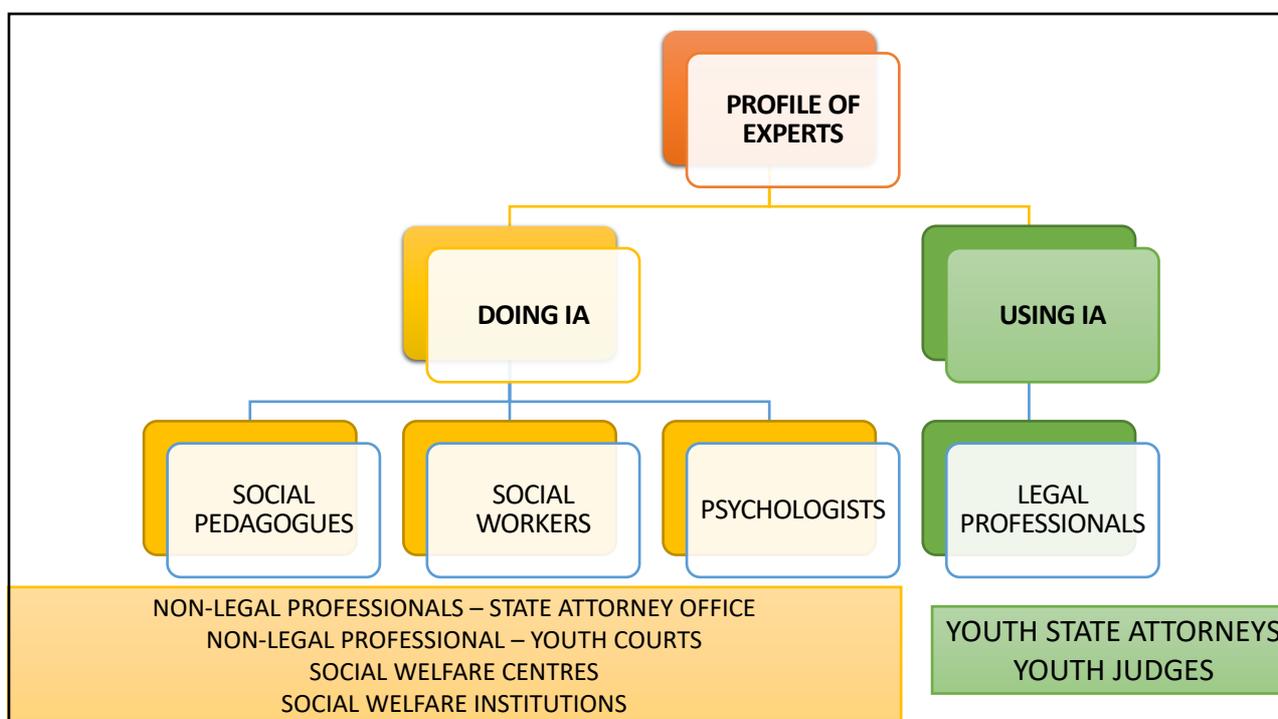
2. EXPERT'S PERSPECTIVE

Research implementation and participants

• FOCUS GROUPS

- Run in compliance with the *interview/focus groups guidelines*
- Each headed by **2 researchers – co-moderators**
- **Duration** – approx. **2h**
- In **compliance** with guidelines of codes and laws related to *ethical aspects of researches conducted in Croatia*
- **N = 29 experts** (17 doing IA; 12 using IA)

Zagreb	Rijeka	Osijek
N = 10 (5 doing IA; 5 using IA)	N = 9 (6 doing IA; 3 using IA)	N = 10 (6 doing IA; 4 using IA)



OVERVIEW OF KEY RESULTS

Basic (university) education in the area of juvenile justice and individual assessment

EXPERTS DOING IA	EXPERTS USING IA
<ul style="list-style-type: none"> ✓ <i>Very good</i> ✓ <i>Certain differences depending on the profession:</i> <ul style="list-style-type: none"> ✓ <i>social pedagogues claim to be most comprehensively educated in this field</i> 	<ul style="list-style-type: none"> ✓ <i>Insufficient</i> ✓ <i>Most of them had no opportunity to be educated in this field during their university studies</i>

Additional education in the field

EXPERTS DOING IA	EXPERTS USING IA
<ul style="list-style-type: none"> ✓ <i>Attended trainings</i> ✓ <i>Consider there is need for further improvements particularly in the field of:</i> <ul style="list-style-type: none"> ○ Standardisation of instruments and working towards uniform processes of juvenile assessment ○ <i>Family relations</i> ○ Cooperation among sectors ✓ <i>Consider necessary to train defence attorneys</i> 	<ul style="list-style-type: none"> ✓ <i>Estimate it to be insufficient</i> ✓ <i>Consider that priorities should be trainings focusing on:</i> <ul style="list-style-type: none"> ○ Specialisation of youth judges and youth state attorneys ○ Harmonization of procedures and practice of judges ○ Cooperation among sectors ✓ <i>Further investments should be made in the training of defence attorneys</i>

Current status of individual assessment

EXPERTS DOING IA	EXPERTS USING IA
<ul style="list-style-type: none"> ✓ Well implemented and for a long time in the systems of justice and social welfare that closely cooperate in juvenile cases ✓ Done for all juvenile suspects or juveniles accused of criminal offences ✓ <i>Different types of IA, at different levels and with different objectives on the needs)</i> ✓ Key institutions - Social welfare centres and social welfare educational institutions ✓ <i>They propose an obligation to be introduced that the opinion of the Social Welfare Centre contains a proposal for further procedures/sanctions</i> ✓ Challenges: <ul style="list-style-type: none"> • Insufficient number of experts doing the IA • Problem of confidentiality of data • Lack of uniformity 	<ul style="list-style-type: none"> ✓ Challenges: <ul style="list-style-type: none"> ○ Insufficient number of experts doing the individual assessment ○ <i>Some courts and/or state attorney's offices lack non-legal professionals</i> ○ Problem of confidentiality of data ○ Lack of uniformity

Difficulties and challenges

EXPERTS DOING IA	EXPERTS USING IA
<ul style="list-style-type: none"> ✓ <i>Insufficient finances</i> ✓ <i>Challenges related to pre-trial detention for juveniles</i> ✓ <i>Inertia of the system</i> ✓ <i>Problem of data confidentiality</i> ✓ <i>Uneducated defence attorneys</i> ✓ <i>Insufficient number of (specialized) experts</i> ✓ <i>Non-uniform practice</i> ✓ <i>Insufficient quality of treatment and a lack of a social and health treatment institution for juvenile offenders who in comorbidity also have mental health problems</i> 	<ul style="list-style-type: none"> ✓ <i>Marginalization of juvenile law</i> ✓ <i>Negative selection of judges and state attorneys for juveniles</i> ✓ <i>Insufficient number of specialized experts</i>

Advantages and examples of good practice

EXPERTS DOING IA	EXPERTS USING IA
<ul style="list-style-type: none"> ✓ <i>Quality legislative framework</i> ✓ <i>Available non-legal professionals in courts and state attorney's offices</i> ✓ <i>Generally high quality of opinions and proposals made on the basis of IA</i> ✓ <i>Good cooperation among sectors</i> ✓ <i>Good interdisciplinary cooperation</i> ✓ <i>Available multidisciplinary teams in social welfare centres and social welfare educational institutions/centres for providing services in the community</i> 	<ul style="list-style-type: none"> ✓ <i>Regular visits of juveniles executing their sanctions are organised</i> ✓ <i>Diagnostic departments at social welfare institutions give priority to juvenile suspects or juveniles accused of a criminal offence</i>

Conclusions and reflections

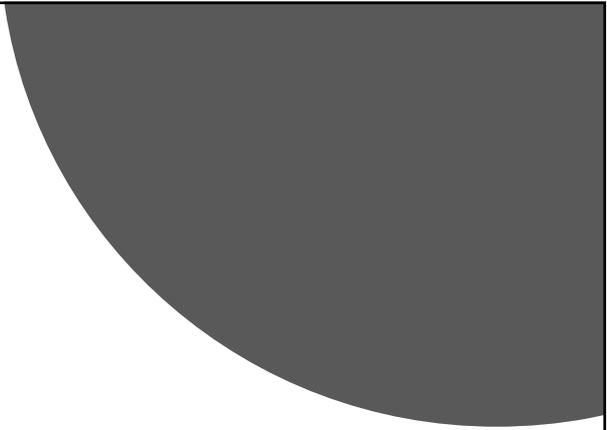
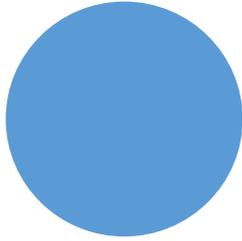
Advantages and shortcomings

ADVANTAGES

- good legal framework
- emphasis on educational measures and community measures
- variety of community sanctions
- youth police, prosecution, judges, non-legal professionals
- important role of the social welfare system
- flexibility
- IA – essential, indispensable, implemented on different levels

SHORTCOMINGS

- training of youth judges and defence attorneys
- quality of conducting / executing sanctions
- quality of the social welfare system
- lack of specialized treatment programs for different types of offenders
- slow criminal process of serious offences
- non-uniform process of IA
- lack of investment into continuous education of experts
- lack of harmonization of interventions with the needs of juveniles



Thank you for your
attention!

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