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## STRENGTHENING JUSTICE SYSTEMS FOR CHILDREN

### INTERVENTIONS WITH CHILDREN IN CONFLICT WITH THE LAW AND THEIR FAMILIES – A MULTI-SYSTEM APPROACH

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#### Introduction

Functioning of the juvenile justice system is an important area where states' commitment to the rights of the child can be best measured and evaluated. A juvenile justice system based on the rights of the child is critical to safeguard an operational justice for children system.<sup>1</sup>

A child rights approach to juvenile justice demands that formal or informal means other than the criminal justice system are used to deal with children in conflict with the law.<sup>2</sup> It requires that juvenile justice system pays special attention to children's development and evolving capacities. The promotion of reintegration and the provisions of innovative

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<sup>1</sup> M. SANTOS PAIS, 'Children's Rights, Freedom from Violence and Juvenile Justice' in: J. ZERMATTEN, P. RIVA GAPANY, P.D. JAFFE, R. WINTER, *The Essentials in Juvenile Justice* (The International Institute for the Rights of the Child) (2017), p. 330.

<sup>2</sup> G. VAN BUEREN, *Child rights in Europe, Convergence and divergence in judicial protection* (Council of Europe Publishing) (2007), p. 113.



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and effective community-based sanctions, rather than retribution, should be at the heart of juvenile justice policy.

Many States parties to the Convention on the Rights of the Child (“CRC”) have integrated relevant international principles in their national legislations and have invested significant efforts to develop policy and practice in line with these standards. Since 2006, the Republic of Serbia has a special law that deals with children in conflict with the law – the Law on Juvenile Offenders and Criminal Justice Protection of Minors<sup>3</sup> (“Juvenile Justice Law”) which has, to a huge extent, incorporated relevant international standards in this field. The greatest challenge that remains is proper application of these standards by relevant bodies that deal with children in conflict with the law in practice.

This paper will focus on implementation of diversionary measures as a mechanism of reaction to juvenile offending. In particular, the paper will show how relevant international human rights standards are integrated in domestic legislation and in practice of bodies that deal with children in conflict with the law in Serbia, which will be outlined in its first part. The second part of this paper will be dedicated to an overview of the juvenile justice reform process that has been carried out for the last seven years in the Republic of Serbia whereas the third part of the paper will offer specific

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<sup>3</sup> The Law on Juvenile Offenders and Criminal Justice Protection of Minors (Official Gazette of the Republic of Serbia, No. 85/2005).



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recommendations for future endeavours in this area through further strengthening of justice and social protection systems.

### **Juvenile Justice System in the Republic of Serbia**

There is now a wide range of international instruments offering special protection to children in juvenile justice system. Relevant international standards refer to each other and provide for their mutual reinforcement. The CRC does not regulate juvenile justice system in detail, but rather, some of its key provisions are wide in scope. This is in contrast to the soft law standards, that provide detailed guidelines and rules, but they do not have the strength of a binding instrument. Some of the rules have become binding by being directly included into the CRC, whereas others can be treated as elaborating rights contained in other instruments more in detail.<sup>4</sup>

In addition, international child rights standards related to juvenile justice have been further shaped and elaborated based on developments of national juvenile justice systems since there is no unique solution that can apply in different countries, but rather each country has to find its own modality of treatment of children in conflict with the law, depending on the differences in cultural backgrounds, traditions and customs.<sup>5</sup> The international standards are thus leaving a lot of 'free space' to States parties on how to

<sup>4</sup> G. VAN BUEREN, *The International Law on the Rights of the Child* (The Hague, Martinus Nijhoff Publishers) (1998), p. 170.

<sup>5</sup> T.LIEFAARD, 'Juvenile justice from an international children's rights perspective' in: W. VANDENHOLE, E. DESMET, D. REYNAERT and S. LEMBRECHTS (Eds.), *Routledge international handbook of children's rights studies* (Routledge) (2015), p. 236.



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deal with and interpret juvenile justice issues, and that is the main reason for a huge variety of adopted solutions.

Juvenile offenders were treated in the legal systems of Yugoslavia and Serbia under the rules of the general criminal justice legislation, even though there has always been a separate, milder system of sanctions. As a consequence of the rise of juvenile criminality in the 1990s and, above all, of the democratic changes in Serbia after 2000, the Serbian parliament adopted for the first time a *lex specialis* i.e. the above mentioned Juvenile Justice Law which has been a milestone in the reform of Serbian justice for children system and its harmonization with relevant international standards. This law introduces an independent juvenile justice system and provides for special juvenile justice benches at the higher court level and a mandatory specialisation of judges, prosecutors and police officers when dealing with juvenile offenders. The law foresees the strong involvement of the centre for social work (“CSW”) as a guardianship authority in the juvenile justice proceedings. The guardianship authority is not party to the proceedings, but the law opens in principle wide possibilities for influencing the trial, from the pre-trial proceedings to the post-penal care. For instance, the guardianship authority is entitled to put together proposals during the proceedings and to indicate facts and evidence, and it can also suggest to the judge the most appropriate measure



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to be applied. Furthermore, it is also entitled to carry out the post-penal care measures, in order to support the juvenile in his/her re-integration process.

The juvenile offending has been relatively stable in Serbia over the last decade. The reported cases have ranged between 3.434 in 2007 and 4.323 in 2011, with the total number of reported juvenile offending amount to 3.643 in 2016.<sup>6</sup> In the same period – from 2007 to 2016, there has been a consistent and marked increase in the ratio of younger juveniles committing crimes and according to the most recent data (for 2016) they present 47% of the total number of reported juvenile offending.<sup>7</sup> Number of female juvenile offenders has been stable over the years (around 6-7%), however, in 2015 the total number of female juvenile offenders increased to 9,3% and in 2016 even more – to 9,93%.<sup>8</sup>

A significant number of offences are violence related and range from physical harm to sexual abuse and other forms of violence and amount to around 19,30%.<sup>9</sup> The most

<sup>6</sup> Statistical office of the Republic of Serbia, data from 2007 to 2016.

<sup>7</sup> Ibid., data from 2016.

<sup>8</sup> Statistical office of the Republic of Serbia, data for 2015 and 2016.

<sup>9</sup> Ibid. In 2016 there were 703 violence related offences, encompassing the following: murder, art. 113, aggravated murder, art. 114, serious bodily harm, art. 121, light bodily injury, art. 122, brawling, art. 123, threat by dangerous implement in brawl or quarrel, art. 124, all from group of offences against life and limb, as well as sexual related offences such as rape, art. 178, sexual intercourse with a helpless person, art. 179, sexual intercourse with a child, art. 180, prohibited sexual acts, art. 182, showing, procuring and possession of pornographic material and juvenile pornography, art. 185 and domestic violence, art. 194 of the Criminal Code of the Republic of Serbia.



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common offences committed by juvenile offenders are thefts, making 52,5% of all criminal offences committed by juveniles in 2016.<sup>10</sup>

The most common sanction for juvenile offenders is increased supervision by parents and/or CSW. The legislation also envisages attendance at programmes organized by day care centres and a range of other newly defined alternative sanctions including mediation, community work and regular school attendance. The number of these newly defined alternative sanctions is constantly on the rise – in 2007 this number was as low as 8,8% but in 2008 it raised up to 18%, in 2013 and 2015 this number was 31% and in 2016 34,7%.

The number of juveniles sentenced to closed institutions is consistently under 5% of all convictions (4,6% in 2014, 4,3% in 2015 and 2,5% in 2016) which is in line with the legislation that envisages this type of sanction as a measure of last resort. Pre-trial detention is also rarely ordered and is practiced in less than 3% of cases with average lengths of stay ranging from a few weeks to a few months.

Efforts to improve the efficiency of judicial proceedings are still ongoing and remain a challenge. The cases involving juvenile offenders that lasted over one year has ranged from 33% to 48% over the years.

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<sup>10</sup> Ibid. In 2016 there were 1914 offences against property, out of which 1619 were various types of theft (theft, art. 203, aggravated/compound larceny, art. 204, grand larceny, art. 205, robbery, art. 206, petty theft, embezzlement and fraud, art. 210 of the Criminal Code of the Republic of Serbia.



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There is anecdotal evidence that Roma children and children without parental care are over-represented among juvenile offenders and in correctional institutions for juvenile offenders. Some professionals have expressed concern over the growing number of children with disabilities and children with mental health issues in the juvenile justice system. Hard data that would document these concerns is not available.<sup>11</sup>

### **Diversions in Serbia**

The Juvenile Justice Law represented the first concrete step towards incorporating restorative and reintegration aspects in dealing with juvenile offenders as it introduced a wide range of possibilities for informal sanctioning. It introduced the mechanism of diversions with the aim to avoid instituting criminal proceedings, reduce recidivism and provide support to child offenders in process of reintegration in the society. Application of diversions has impact on reduction of negative consequences of criminal justice proceedings, such as stigmatization of child offenders, increase of efficiency of judicial bodies through shortening of the length of judicial procedure and reduction of procedural costs while at the same time taking into account interests and needs of victims.

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<sup>11</sup> Statistical Office of the Republic of Serbia disaggregates juvenile offenders by ethnicity but these data are not reliable, whereas it does not disaggregate data by disability status.







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was not being implemented at all in certain aspects. The law itself is partly imprecise, especially regarding the distribution of competences and budgetary obligations. Although most by-laws have been adopted already, the particularly important by-law on diversion is still lacking, which makes the use of this progressive instrument more difficult. Resources for the implementation of the new measures are widely lacking, especially regarding the CSWs, which are supposed to participate in many stages of the juvenile justice proceedings but which are drastically understaffed. Capacities of juvenile justice professionals still remain to be strengthened.

In terms of application of diversions, significant limitations were observed. These measures were mainly ordered for property-related criminal offences of small value, whereas in some parts of the country they were applied sporadically or not at all. In addition, legislation limitation lies in the fact that diversions are always initiated by the public prosecutor who may file a motion to discontinue proceedings against a juvenile, which is a basis for judge's decision to sustain the prosecutor's motion and order the juvenile to comply with one or more diversions. This solution does not allow police officers to initiate diversions in the earliest phase of the proceedings even though the



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relevant international standards recommend a wide range of authorities for ordering diversions.<sup>12</sup>

Furthermore, there is no determination of primary financial responsibility for application of diversions in the law, and this omission itself is a fundamental flaw. Important elements such as who determines or approves the allowable range of costs for different types of measures, who approves specific costs for individual children's measures and who disburses payments for services provided in accordance with ordered measures are not defined by the law either. Finally, even though one of the main aspects for introducing diversion in Serbian legal system is reintegration of children in conflict with the law in their local communities, the system neither provides some concrete measures that would enable that a child is better accepted in their communities nor how diversion has some added value and a positive impact for local community.

### Reform initiatives

The deficits in implementation of the law urged UNICEF Country Office in Serbia to initiate commission of an independent study entitled „Implementation of the 2005 Juvenile Justice Law in Serbia: Assessment of Diversion, Alternative Sentences and

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<sup>12</sup> CRC Committee General Comment No. 10, para. 13: „The law has to contain specific provisions indicating in which cases diversion is possible, and the powers of the police, prosecutors and/or other agencies to make decisions in this regard should be regulated and reviewed, in particular to protect the child from discrimination“; Beijing Rules, rule 11.2: „The police, the prosecution or other agencies dealing with juvenile cases shall be empowered to dispose of such cases, at their discretion, without recourse to formal hearings, in accordance with the criteria laid down for that purpose in the respective legal system and also in accordance with the principles contained in these Rules.“



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Child Victim Protections“ („the UNICEF study“) in 2010. The main objectives of the UNICEF study were to develop a shared understanding of the barriers and challenges to juvenile justice reform and to provide high level technical input and guidance on further reforms. Apart from the above mentioned flaws, the UNICEF study pointed out that key roles and responsibilities in implementation of diversions were not addressed at all such as: who creates basic procedures for implementation of diversions, who sets service standards for providers implementing diversions, who bears authority to amend already-ordered diversions, who bears responsibility for overall monitoring of the system of diversions.<sup>13</sup> In addition, the role of CSW in proposing and implementing diversion remained unclear. All the above systematically prevent that diversions are the simplest option and „a well-established practice that can and should be used in most cases“.<sup>14</sup>

In order to tackle the above mentioned challenges, the Serbian Ministry of Justice (“MoJ”) initiated reform of the juvenile justice system in 2010, with donor support from the Norwegian Ministry of Foreign Affairs, through the project “Improving the Delivery of Justice in Serbia” (“IMG project”) that was implemented by International Management Group from 2010 to 2014.

<sup>13</sup> Cipriani, D., “Implementation of the 2005 Juvenile Justice Law in Serbia - Assessment of Diversion, Alternative Sentences, and Child Victim Protections”, UNICEF Serbia, 2010.

<sup>14</sup> CRC General Comment No. 10, para. 11.



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The IMG project was primarily designed to fill in the gaps left after the adoption of the Juvenile Justice Law and the fact that it was not followed by any procedural and practical instructions on how to implement the newly established diversions. The IMG project initiated drafting of the Bylaw on implementation of diversions and Guidelines on standards and procedures for implementing diversions. The drafting of both documents was result of a broad participatory process through focus groups consisted of a whole range of different professionals from judiciary, social protection, education, health, academia and non-governmental sectors. Even though these documents have yet to be formally enacted, they did have value in itself, as they resulted in concrete steps for all stakeholders implementing diversions for the first time systematically laid down and provided a basis for juvenile justice judges and prosecutors and CSW professionals to start applying diversions in practice.

The IMG project established a specific model of cooperation – the so-called ‘juvenile justice teams’ that were formed in four cities in Serbia in which the courts of appeal are seated which were consisted of juvenile justice judges, prosecutors and CSW representatives. In addition, the project supported a range of certified NGOs and special organizational units of CSWs that have already been recognised as service providers for children in social protection system to implement diversions. The juvenile justice teams further coordinated with a range of non-governmental organizations (“NGOs”),



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companies and public institutions, forming a network of entities where diversions could be actually implemented in local communities.

The project carried out a baseline (and later also end-line) study on implementing diversions in juvenile justice system in Serbia<sup>15</sup> which was based on extensive qualitative data collected from 10 towns, including a total of 90 respondents across all types of involved juvenile justice professionals and other stakeholders. The study showed that percentage of implemented diversions in relation to criminal charges was 1.69% in 2010, whereas this increased to 5.33% in 2013, suggesting an increase, although data was not desegregated between pilot and non-pilot towns.

In order to address lack of training of professionals for application of diversions, the IMG project initiated capacity building activities which included an accredited, two-module training organised for CSW professionals,<sup>16</sup> a multisectoral training for judges, prosecutors and CSW professionals,<sup>17</sup> and trainings and later consultations for established juvenile justice teams.

A very important aspect of the IMG project was that it supported the work of the Juvenile Justice Council that was formed based on the provisions of the Juvenile

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<sup>15</sup> Sataric, N. and Obradovic, D., "Analysis of Diversion Orders and Alternative Sanctions Application Practices in Serbia – Mapping Resources of Local Communities for Implementation of Diversion Orders and Alternative Sanctions", International Management Group, 2011.

<sup>16</sup> Training was delivered to 118 participants.

<sup>17</sup> Training was delivered to around 100 participants.



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Justice Law in 2009, as an advisory body with important potential to initiate and monitor reforms of the juvenile justice system.<sup>18</sup> The IMG project supported the various Council's activities, including its annual conferences initiated with a goal to facilitate cross-sectoral dialogue and to provide decision-makers with recommendations for future system reforms.

In terms of promotion and information sharing among wider public, the IMG project prepared a documentary entitled 'Diversionary measures – a step towards accepting responsibility', presenting the process of implementation of diversions, that is still available today on YouTube.<sup>19</sup>

The Summative evaluation to strengthen implementation of justice for children system in the Republic of Serbia (2010-2017) performed by the independent evaluation team of MAP Consulting Ltd. from Croatia in 2017, commissioned by UNICEF, assessed that the IMG project reached its goal to improve the juvenile justice system in implementing diversionary measures. Long-term usability of produced draft Bylaw on implementation of diversions and Guidelines on standards and procedures for implementing diversions was strongly confirmed, since they successfully bridged the observed lack of a formal bylaw and enabled application of diversions in practice. Capacity building activities and

<sup>18</sup> The Council was comprised of judges, prosecutors, representatives of ministries of justice, interior and social welfare and law attorneys.

<sup>19</sup> [https://www.youtube.com/watch?v=6b\\_uZYBLO0E](https://www.youtube.com/watch?v=6b_uZYBLO0E).



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strengthening the overall qualitative of work with child offenders when applying diversions found its place in accredited training organised by the RISP. Also, the IMG project significantly strengthened the work of the Juvenile Justice Council even though its members' mandates had expired in 2014.

In order to further reform the juvenile justice system, the project 'Strengthening the justice and social welfare systems to advance the protection of children in Serbia' ("IPA project"), was implemented from 2014 to 2017 by UNICEF, in partnership with the ministries in charge of justice and social welfare, and was financed through the Instrument for Pre-Accession ("IPA"). The IPA project was designed around developing a more comprehensive justice for children system.<sup>20</sup>

With regard to diversions, the IPA project continued with piloting of diversions in the same four cities where juvenile justice teams were established but focussed on developing and increasing the quality of interventions with juvenile offenders and their families. The juvenile justice teams have additionally coordinated with different entities in local communities which amounted to signing 47 local memoranda of understanding for implementation of diversions.

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<sup>20</sup> The IPA project encompassed four areas: juvenile offenders, children victims and witnesses, children in civil proceedings and free legal aid providers.



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The developed interventions are community-based and stem from a highly multi-sectoral process involving a team of juvenile justice prosecutors and judges, CSW professionals and local specialised service providers. General approach of the interventions is holistic and systemic, viewing a child as part of the system in which he/she belongs. The approach is strength-based and resilience-oriented, based on a view that each child, even one with the most complex problems and disadvantages has potential to develop positively when connected to the right combination of opportunities, supports and relationships. Based on the careful assessment of each child, carried out in partnership with the child with strong focus on his/her active participation in the whole process, his/her age and development needs, expressed behavioural problems, characteristics of family and social background, different interventions are combined in order to achieve optimal effects of diversionary measures and alternative sanctions. The interventions are aimed to support children to positively change their behaviour through improvement of their personal capacities, social competences and interpersonal relations of children in school, peer group and local community. A special focus is put on the child's family, through improvement of parental skills and strengthening mutual family relations. In addition, the interventions are based on the already available, however scattered services in the local community (e.g. drug treatment, assistance in learning, sport activities) that may correctionally impact children and family in order to





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maintain their natural environment and avoid introduction of new and much costly services.

The interventions were focused on the child's personal development through improvement of problem solving skills, communication skills, emotion and behavior control, helping the child to overcome difficulties in accepting social norms, establishing and re-establishing relationships with peers and prosocial behavior. Special focus was put on education aspect through improvement of regular school attendance, prevention of early drop out and assistance in learning. This also required cooperation with teaching staff and school psychologists. The children were also motivated to develop working habits and skills, such as time planning. This required parallel work with humanitarian organisations and companies to accept children and participate in their resocialisation. Interventions are consisted of counselling and therapeutical work with children and families, socio-educative workshops, sport, leisure and creative activities, education and professional strengthening and cooperation with family.

The intervention is consisted of preparatory phase which implies an assessment, preparation and motivation of the child, implementation phase and evaluation phase. All these phases are mutually interdependent and reinforce each another, so that successful outcome of one phase has a direct impact on the other, and on the level of intervention itself.



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Although significant discrepancies exist between data collected by different relevant sources i.e. the Republic Institute for Social Protection (“RISP”), in charge of collecting and analyzing data relevant for the social protection system, and Statistical Office of the Republic of Serbia (“SORS”), in charge of collecting and analyzing data relevant for judicial system, both datasets suggest an increase in application of diversionary measures. According to RISP official data for 2016, the total number of court referrals to diversionary schemes has increased to 28.3 per cent of the total number of reported cases of juvenile offending, with 1032 diversionary measures ordered in 2016. On the other side, according to SORS data, the total number of applied diversions in 2016 was 304, indicating that diversions were applied in only 8.3% of the reported cases. This data discrepancy calls for improvement of data collection in prosecution offices and courts and their analysis in comparison with the data in social protection sector.

The IPA project further developed Guidelines for guardianship authority report and opinion on profile of juvenile offender and proposed diversionary measure in order to address the absence of effective cooperation between professionals from judicial and social welfare sectors and to strengthen the CSW ability to better meet the needs of judiciary when making assessments and decisions in juvenile justice cases.

The capacity building for the main target groups (judges, prosecutors, CSWs and service providers) was organised by offering a set of trainings in and outside the piloted



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cities. There were 21 trainings on the role of CSW and other service providers in the implementation of diversionary measures organised during the IPA project implementation, with 512 participants, out of which 198 were from the four piloted cities and 314 from non-pilot localities. Trainings were also carried out for 83 judges and prosecutors, out of which 26 participants were from the piloted cities and 59 non-pilot localities.

Additional trainings were offered to juvenile justice teams and service providers on systemic approach in working with families of children with behavioural issues with the aim to develop tools to address antisocial youth behaviour and on engaging parents to take an active role in the process of reintegration of juvenile offenders and on modalities of cooperation with schools and local community. Evaluation of all implemented trainings indicated high levels of participants' satisfaction with the three assessed aspects of the training – content, mode of realization and quality of trainers.

The interventions with juvenile offenders have been shown in the Handbook for working with juvenile offenders that was developed jointly with service providers and experts from RISP with the aim to ensure that modelling of intervention is spread throughout the country.

In order to solve the issue of financing of diversionary measures, the IPA project commissioned an analysis of the financial implications of implementing interventions.



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The analysis has offered possible options to secure continuous funding of interventions, either through special-purpose transfers to local self-governments in securing social welfare services in local community, or through establishing a special budgetary fund by the Government which could be financed through institute of opportunity which grants prosecutors discretion not to prosecute non-opportune cases and/or asset seizing/confiscating and managing the proceeds from crime.

With the aim to communicate all activities undertaken during the IPA project and spread the practice country-wide, poster and leaflets, planner and calendar with key messages promoting the community-based interventions with children and families were developed and distributed during the project implementation. In addition, one short video and human interest story were made about a child who was ordered diversionary measure which is available online.<sup>21</sup>

According to the above mentioned evaluation performed by the MAP Consulting Ltd., undertaken reform efforts have contributed to the positive trends that are evident from the national data on juvenile offending that show the increase of cases in which diversions were applied. It concluded that the system of implementing diversions is now functional and has reached the level of routine.

<sup>21</sup> <https://www.youtube.com/watch?v=BFO7foK9IpQ> and [https://www.unicef.org/serbia/media\\_28811.html](https://www.unicef.org/serbia/media_28811.html).



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Furthermore, the Belgrade University study on outcomes for children who were ordered diversions, finalised in 2017, showed that the actual quality of interventions provided greatly benefited the children's development and contributed to changes in their behaviour. The positive results of the implemented interventions were closely tied to the support and cooperation of the broader community. It has become evident that the successful implementation of diversionary measures and alternative sanctions rests on coordinated action and harmonized reform of the justice and social welfare systems but also the enhanced cooperation with the education and health systems. The reform process accelerated its impact by connecting stakeholders with a common purpose of influencing a more child-friendly justice system.

### **Recommendations for further system improvements in the Republic of Serbia**

The next step in the reform process is to further extend the network of service providers to diversify the offer in other non-piloting towns, but also to maintain and further expand the network in piloting towns in order to provide for more service providers which would enhance frequency of ordering diversionary measures, but also raise their overall quality. In addition, there is a need for continuation of education activities for judges, prosecutors and CSW staff, and in case of non-piloted towns, the necessity to form juvenile justice teams, in order for diversions to become a widespread practice.



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There is a need for urgent amendment of the Juvenile Justice Law which should be followed by enacting missing by-laws.<sup>22</sup> These legislative changes should be used to clarify future financing of these measures. Another important step would be to invest efforts in strengthening the Juvenile Justice Council, which can be a strong actor in further system reform.<sup>23</sup>

All future activities around improvement of implementation of diversions should be better communicated in public through investing in advocacy and promotional activities and increased presence in the media of all kinds in order to address prejudices that juvenile offenders are facing in all aspects of life.

Although both projects dealt with vulnerable groups, they have not been specifically designed to focus on children belonging to certain vulnerable groups in contact with the justice system such as girls, Roma children, or children with disabilities and mental health issues, but rather to target all children in conflict with the law regardless of their background. Since it is recognized that a more specific approach when dealing with vulnerable groups is required, a specific set of programmes and adequate capacity building for the professionals working with them in the judicial, police, social welfare and other relevant systems should be developed.

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<sup>22</sup> This activity is also indicated in the Action Plan for Chapter 23 adopted by the Government of Serbia, and although planned to take place by the end of 2016, it was postponed until the second quarter of 2018.

<sup>23</sup> Nonetheless, as its existence is also indicated in the Action Plan for Chapter 23, the Council has recently been re-established.



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### Conclusions

The Republic of Serbia has made substantial efforts to make international standards in relation to juvenile justice system reality. Diversions should be the most constructive response to delinquent behavior, through a holistic intervention and support based on intensive and continuous cooperation and communication with child offenders and their families, whereby they are empowered to recognize different options for future development.

Local community needs to continue to develop different services in social protection system, in particular those that enable the most constructive intervention for each child offender, based on his/her needs. This helps to create an individualized approach, depending on the child's needs and level of expressed behavioural problems, and through combining different service modalities.

Although at this point there is no conclusive decision in which form the juvenile justice system reform processes will continue, the two major reform interventions outlined in this paper managed to secure very functional partnerships at the level of



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implementation and have resulted in a whole set of studies and guidelines which provide an extensive intellectual base and recommend the needed follow-up activities. All future reform endeavours should take into account the lessons learnt from this process and be carefully designed so as to enable reintegration and resocialisation of child offenders through diversionary measures.

Although at this point there is no conclusive decision in which form the juvenile justice system reform process will continue, the two major reform interventions outlined in this paper managed to secure very functional partnerships at the level of implementation and have resulted in an increased number and improved quality of diversions. All future reform endeavours should take into account lessons learnt from this process and be carefully designed so as to enable reintegration and resocialisation of child offenders through implementing diversions.

### ABSTRACT

A child rights approach to juvenile justice demands promotion of innovative and effective community-based measures with children in conflict with the law, such as





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diversions. In the Republic of Serbia significant legislative and policy changes have been carried out with the aim of advancing the juvenile justice system in line with relevant international standards. The main priority in the reform process has been put on the application of diversionary measures in order to allow prioritizing restorative approaches to dealing with juvenile offending and approaches focused on reduction of recidivism and re-integration of children into the local community through highly individualized intervention programmes specially tailored for each child in conflict with the law. This paper explores to what extent have implemented reform initiatives contributed to improvement of the justice for children system to be more effective and in line with relevant international standards, focusing particularly on implementation of diversions, and to offer recommendations for future reforms in this area.

*Key words: juvenile justice system reform, diversionary measures, juvenile offenders, intervention programmes.*

