

Collection of Papers
from the International Academic Conference
6th – 7th of February 2020

IMPOSITION AND ENFORCEMENT OF SENTENCE

BRATISLAVA LEGAL FORUM 2020

Zborník príspevkov
z medzinárodnej vedeckej konferencie
6. – 7. februára 2020

UKLADANIE TRESTOV A ICH VÝKON

BRATISLAVSKÉ PRÁVNICKÉ FÓRUM 2020

BRATISLAVA LEGAL FORUM
BRATISLAVSKÉ PRÁVNICKÉ FÓRUM

2020



**SYMPOSIA, COLLOQUIA, CONFERENCES
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President of the Slovak Bar Association.

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CONSEQUENCE OF IMPOSITION OF PRISON SENTENCE ON A WOMAN AS A PERPETRATOR

Elena Maksimova

Goce Delcev University Stip, Faculty of Law

Abstract: Just as it is extremely important for proper crime understanding, and also crime forecasting, to get into the motives of the ones who are committing the crime, it is no less important to recognize the consequences that follow a person after committing a crime. The threatening consequence is the most common element for initially deterring persons from committing crimes at first place. The consequence, is normally, what follows after the crime has been committed over longer periods of time. The sentence that a person gets convicted of committing a crime is just a small announcement of the big picture that is coming to life, caused by previous criminal activities. The sanction is a social reaction, and it is unrealistic to equate it completely with the consequence. The consequence is much wider than the sanction itself and affects a wider range of persons.

The consequences of committed a crime do not affect both sexes on a same way. Moreover, the prison sentence imposed on women affects them much harder than when it comes to men. Mainly, because of the social role that women have. However, there is insufficient scientific talk about women as perpetrator of crimes. Moreover, a detailed etiological study, for the reasons and consequences of female criminality is almost non-existent, or is one-sided. It is necessary, for proper understanding of criminology in general, to separate the studies for woman as perpetrator from the ones that are done for the main perpetrator (man), and in order to prevent the crime done by a woman – to find the reasons and the consequences that follow a woman when she is faced with the hardest punishment of all – the prison.

Key words: crime, female, prison sentence, consequences, etiology

1 INTRODUCTION

In order to speak about the understanding of female crime, we must thoroughly consider the reasons which would lead a woman to commit crimes at first place. So far, it is clear that external and internal factors leave different implications for man and woman, and also that not everything that is sufficient for a man to commit a crime is sufficient for the woman, and vice versa. Therefore, we would not only favor certain theories for such an explanation. We believe that a comprehensive consideration of all possible trigger factors is required, which normally results in certain consequences worth considering. Only if we adapt all, by now, known studies and theories about etiology of female crime, to the character of the woman and her predispositions for social adaptation, socialization and incrimination, we could create a picture of the movement of the woman's crime, its prognosis and development, and thus effective mechanisms for its prevention.

Research on womens pathways into crime indicates that gender matters. Steffensmeier and Allen note how the profound differences between the lives of women and men shape their patterns of criminal offending (Steffensmeier and Allen 1998). Many women on the social and economic margins struggle to survive outside legitimate enterprises, which brings them into contact with the criminal justice system. Because of their gender, women are also at greater risk for experiences such as sexual abuse, sexual assault, and domestic violence. Among women, the most common pathways to crime are based on survival (of abuse and poverty) and substance abuse. Pollock points out that women offenders have histories of sexual and/or physical abuse that appear to be major roots of subsequent delinquency, addiction, and criminality¹. From the very beginning of criminology to the present day, more or less a woman has been studied as a perpetrator of crimes. And while all this study is not deep

¹ COVINGTON, S. From prison to home: the effect of incarceration and reentry on children, families, and communities. *A Womans Journey Home: Challenges for Female Offenders and Their Children*. Center for Gender & Justice. 2001

as it is done for a male perpetrator, and is not enough for a fuller understanding, it still gives us an idea of the perception of a female criminal at a given moment. In general, all scholars go from explaining why a woman's participation in crime is significantly lower than that of a man, and much less often from explaining why she commits crimes at all. Thus, developed theories are put in place to explain the differences that contribute to its lower representation in criminal statistics. The causal-theoretical dispute about factors that contribute for a woman to commit a crime, is all about biological or sociological determinants. And if we could say for the first that they are purely endogenous factors for the emergence of crime in women, for the second set of reasons (sociological, cultural, economic), with a hesitant dose, we would say that they are, to a large extent, exogenous factors (ideological and micro group) for reasons that they make an initial change in the character and temperament of the person, which results in committing a crime. The offending behavior of the woman is also associated with the socio-cultural environments that contribute to her different behavior, and above all, an economic picture is added, eventually reaching a certain conclusion about the negative consequences that extinguishes emancipation.

As it is extremely important for understanding and forecasting crime to get into the motives and reasons for committing crimes, it is no less important to analyze the consequences that follow the person after the crime is done, and after the sentence is imposed. The threatening consequence is the most common element for initially deterring persons from committing crimes². The more the person perceives the consequence that will follow in the long run of the commitment of the crime and the more thoroughly and soberly analyzes it, the desire to commit crimes diminishes more and more. The consequence is, normally, what follows after the crime has been committed over longer period of time. The sentence that a person gets when is convicted of committing a crime is just a small announcement of the big picture that is coming to life, caused by previous criminal activities. The sanction is a social reaction, and it is unrealistic to equate it completely with the consequence. The consequence is much wider than the sanction itself and affects a wider range of persons.

When it comes to prison sentence, every single prisoners faces with various of deprivations, mainly because they find it difficult to lose autonomy over their own lives. Constant supervision, living in a dangerous environment, a dictated schedule of activities, create a feeling of lack of control over one's own life. But the consequences and effects of imprisonment vary, depending on the gender, age, race or family structure of the offender³. Staying in prison is thought to create an additional, higher, level of stress for the convict, as is the case with the incidence of suicides, self-harm, violence, homicides in a penitentiary institution, which are significantly higher than those present in the general population⁴.

And, when it comes to women prisoners in particular, they are known to be significantly more vulnerable to stressful prison conditions than men⁵. The isolation from the family, the inability to carry out the day-to-day family responsibilities that the woman had at liberty, create a sad stress and guilt for women. Traditionally, most convicts around the world are men. The penitentiary environment is adapted primarily to meet the needs of men, so insufficient account is taken of the specific needs of women inmates. Thus, they face with dual problems in prison too - those stemming from the gender, and the unadecvate conditions in prison, and on the other hand, the discrimination they suffer because of the gender, which in turn contributes to the deterioration of the prison situation and continues after their release from prison.

Back to the consequences, we could classify them in several ways. On the one hand, we would divide them into two basic groups: introverted and extroverted, in terms of where they leave their impact - how the perpetrator is affected, and the broader circle of close ones and the relationships

² WILSON, J., HERRNSTEIN, R., CRIME HUMAN NATURE: THE DEFINITIVE STUDY OF THE CAUSES OF CRIME, THE FREE PRESS, 1985;

³ SYKES, G. The Society of Captives, New Jersey: Princeton University Press, 1958

⁴ HUEY, M., Deprivation, Importation and Prison Suicide: The Combined Effects of Institutional Conditions and Inmate Composition, Doctoral Disertation in philosphy, University of Georgia, Athens, Georgia, 2008, pg.12

⁵ PERLIN, GULER AND KESSLER, cited by Mojanoski, F., Bacanovic, O., Achimovska - Maletic, I., Batic, D., Stefanovska, V., Milenkovska, M., Ilijevski, I., Jovanova, N., Dimitrovska, A., The Position of Convicts in Penitentiary Institutions in Macedonia, Research Report, University "Ss. Clement of Ohrid" - Bitola, Faculty of Security - Skopje, 2014, p.249

she establishes with the society *post festum*. Or, from another angle, we can summarize the results according to their starting points of study and divide them into three categories of view: *micro, meso and macro*.

However we make their rough division, we can conclude that there are really four categories of consequences that follow the life of a female offender after prison (or, in fact, any other sanction is been imposed and executed) in the long run:

- Socio-isolation
- Implications on a family life
- Social and professional exclusion of women and
- Recidivism

2 SOCIO-ISOLATION

Social expectations are much higher for women than the ones that society has for men. Her upbringing within the family and institutions, despite the emancipation that resembles utopia rather than reality, imposes larger socially-acceptable goals that she should meet, as well as rules to adhere to. Accordingly, it would not be surprising if we conclude that the consequences that a female offender suffers "when the bells go down", are significantly more intense as a result of the guilt she feels for betraying social expectations. The woman rarely behaves cold-hearted and insensitive when she commits crimes. In a good percentage of the offenses where woman has the main role, it is played driven by emotions and temperament. Even the murders she commits, in large part are initiated by accumulated feelings.⁶ Just as emotion has led her to commit a crime, which is regarded as the culmination of all the emotional turmoil that a woman suffers, so too do the consequences themselves come as a following stage⁷. We cannot speak of a person who commits crimes that is completely isolated from feelings, even less when it comes to a woman as a perpetrator. After the criminal procedure has been completed and after she paid her social debt, woman is confronted with her past. Not only the victims are those who need a transitional period of adaptation after a crime is committed. Often the woman who has committed the crime herself has the status of a long-term victim much before. Depending on the type of crime that is committed, the intensity of the sensation that the person has is different. Those who participated in crimes that involves human victims, more so when the victim was previously well-known to the woman perpetrator, are most vulnerable after the procedure is completed. The consequences of doing so affect them for life.

Studies⁸ have shown that the crime has a devastating effect on a person's health on a long-distance. Namely, if with the teenage years, in which a certain person engaged in crime, ends the criminal activity of the person as well, it does not cause serious health problems, despite the scale of the offenses committed so far. But if criminal activity continues in the twenties and thirties years of a person's life, health problems are exacerbated and accompanied by antisocial lifestyle and socio-isolation. Researchers have found that people who commit crimes after adolescence are four times more likely to be hospitalized, and thirteen times more likely to be registered as persons with disabilities than those who have never committed a crime. A good percentage of those who were subject of the study during this period also had early deaths. During the period when they committed crimes (20s and 30s of life) they had significantly better health than the average person, deteriorating rapidly, much faster than usual and normal⁹.

The micro-analysis mentioned above, as a standpoint from which the consequences are assessed, gives precisely the data on the consequences of a crime that affect the persons themselves. Most commonly, in terms of the access that people have to the labor market and some of the social privileges they could use. Taken together, according to the aforementioned division of

⁶ MEGUIRE, M., MORGAN, R., REINER, R., The Oxford Handbook of criminology fourth edition, Oxford University Press, 200, pg. 716

⁷ For example: WALKER, L., The Battered Woman Syndrome, third edition, Springer Publishing Company, New York, 2009, pg.42;

⁸ ALEX PIQUERO - University of Texas, Iona Shepherd - Cardiff University и David Farrington - University of Cambridge

⁹ Tickle, L., It's official: crime is bad for your health, The Guardian, 2012, [tps://www.theguardian.com/education/2012/feb/20/crime-is-bad-for-your-health](https://www.theguardian.com/education/2012/feb/20/crime-is-bad-for-your-health) (last opened 21.01.2020)

introvert and extrovert consequences in a female offender that had been put to prison, they would indicate a set of consequences that lead to the socio-isolation of the individual. Namely, according to such a division, introverts would be those who originate and remain in the psyche of the perpetrator of the crime and cause the aforementioned socio-isolation. Aimed at self-destruction through constant masochistic torture. Such consequences do not exceed a person's reasoning threshold, they remain there, and are in the long run usually (only) destructive. The more suppressed and neglected they are, the stronger intensity and boomerang effect they have when they are suddenly overpowered. They are then manifested through recidivism and committing crimes, mental illness or suicide.

Socio-isolation is not only consequence that comes after the punishment is been executed and after the "jail time" is done, but is also something that comes together with the imprisonment and that leads to the deprivations within the female prisoner, and the prisoners in general. Considering the deprivation model of prisoners in theory is the product of the work of Clemmer, Sykes, and Goffman, and explains the adaptation in general, as well as the level of adaptation of prisoners, followed by expression of aggression, anxiety, depression, stress, and self-harm or suicide¹⁰. Such deprivations are in fact frustrating and often referred to as "convict pain" and are tied to the impact it has on the prison and prison society. The first and most visible deprivation affecting all prisoners is the loss of freedom and the reduction of free movement space. There is a heightened sense of fear, loneliness and boredom among prisoners¹¹. The second deprivation that comes is the lack of goods and services, i.e. the inability to meet certain material needs, such as food, clothing, shelter, the opportunity for adequate medical treatment, luxury and possession of certain valuable material goods and so on. Then there are problems that arise as a result of a lack of regular intimacy and intimate relationships with the partner. Partner visits are brief and under strict control, which creates additional frustration for the prisoner. What mostly distinguishes women from men, both outside and inside, is motherhood. Alienation that creates a prison for a woman and her close ones, especially children, is one of the major causes of stress, and perhaps the most difficult aspect of staying in prison is that precise separation¹².

Other factors that trigger stress in women – inmate, according to a research done in the past decade in Republic N. Macedonia are¹³: the loss of freedom, the specificity of the other inmates they share with prison, the uncertainty of when they will be released, drug withdrawal (in some convicts), poor food, the dissatisfaction with the staff they are referred to, the sense of unfairness of condemnation, boredom, and poor prison conditions. As ways of dealing with stress, we have seen psychological withdrawals, depression, patience, sedation, etc., as well as planning for the future and a positive approach to life outside, albeit less frequently.

Facing with stress is especially important for achieving the purposes of jail, especially rehabilitation. Early intervention is needed to prevent a woman's atypical behavior, to show signs of stress and depression and, above all, to provide treatment appropriate to her level of stress, aggression or anxiety. Enabling a woman to adapt to the environment in which she is located is particularly important and is indicative of her successful outreach after completing her prison sentence, as well as the degree of risk of recidivism. Reducing boredom, loneliness and aggression is something that should begin with the first treatment of a woman inside the institution, which will

¹⁰ HUEY, M., Deprivation, Importation and Prison Suicide: The Combined Effects of Institutional Conditions and Inmate Composition, Doctoral Dissertation in philosophy, University of Georgia, Athens, Georgia, 2008, pg.12;

¹¹ SYKES, G. The Society of Captives, New Jersey: Princeton University Press, 1958;

¹² Mojanoski, F., Bacanovic, O., Achimovska - Maletic, I., Batic, D., Stefanovska, V., Milenkovska, M., Ilijevski, I., Jovanova, N., Dimitrovska, A., The Position of Convicts in Penitentiary Institutions in Macedonia, Research Report, University "Ss. Clement of Ohrid" - Bitola, Faculty of Security - Skopje, 2014, p.249 - 250

¹³ Research report from Mojanoski, Bacanovic, Achimovska – Maletic, Batic, Stefanovska, Milenkovska, Ilijevski, Jovanova,, Dimitrovska, from 2011 and confirmed in 2017 and 2018 with research done from the author of this text, Elena Maksimova, for the doctoral thesis "The female criminality in the period 2005-2015, with particular emphasis on the victimological aspects" defended at Faculty of Law Iustinian First at University of Ss.Cyril and Methodius in Skopje on September 4th 2018

contribute to the improvement of a woman's mental health as well as when she gets back in the society she once lived in.

3 IMPLICATIONS ON A FAMILY LIFE

The extrovert consequences are those that bring the person and his work in relation with the outside world. That is, the way his/her activities are reflected within the family, then in the circle of friends and the workplace. The manner in which the crime is committed affects the persons with whom the perpetrator was in direct contact, the persons who depended on him/her and their further relationship, as well as the new contacts he/she would later establish and the relationship they would form. In this way - the *meso* point of view is directed at the consequences of the crime committed that affects the family of the perpetrator or other smaller groups from which the perpetrator is part of. It turns out that if convicts maintain contact with these groups and family during sentence (if sentenced to prison), they would be less recidivist than those who have been rejected by the family during jail time.

Referring to the family life of the female offender and the impact that leaves her criminal behavior and imprisonment on her relationship with the family and its members, we would emphasize some important aspects. Normally, the reported criminal behavior inevitably has an impact on all family members, but the consequence is significantly different when it comes to female offender and the moment of motherhood and relationship with children. And that is one thing that significantly differs these two "types" of inmates. Often a woman who commits a crime also has this role of a mother. For example, of a total number of female inmates in Republic N. Macedonia in 2017 and 2018, 82.5% are mothers¹⁴. So, the committed crime, and imposed sentence, leaves a strong mark on the further course of their lives¹⁵ (especially if it is a prison sentence). The result here affects in two ways, firstly on the mother-perpetrator (psychic torture of the mother due to neglect provided to the children instead of the care), as well as on the children, even stronger if they are minors (through disturbed social relations, shame, sense of disgust, destructive consequences in behavior etc.).

An imprisoned woman, with a broken family relationship because of what she has done, can show bad and asocial behavior even within prison society in response to the sadness, shame and guilt caused by the loss of her mother's role, which is transmitted through the spread of negative energy, manipulation within imprisonment, breaking the rules, physical altercations, etc.¹⁶. However, the real consequences hit the woman outside the institution. Upon release from prison, a woman who has lost contact with children, while imprisoned, in one way or another is more likely to fall into recidivism. Repeating abuse of alcohol, drugs, prostitution or committing crimes is seen as comfort and compensation for the emptiness that leaves behind the loss of a mother's role. Along with it, it loses its motive for repair.

On the other hand, separation from the parent (especially from the mother) for the children due to the imposed prison sentence, causes enduring traumatic stress, coupled with the most likely, inadequate quality of care that they would later receive, and it can profoundly affect children's ability to successfully progress through the various developmental stages¹⁷. For the offender's child, the impact of parental crime and imprisonment continues throughout adolescence. Children from imprisoned parents are subjected to stress, which is really specific when it comes to parental involvement in the criminal justice system. Johnston (1992) identifies higher rates of disturbing

¹⁴ Research done from the author of this text, Elena Maksimova, for the doctoral thesis "The female criminality in the period 2005-2015, with particular emphasis on the victimological aspects" defended at Faculty of Law Justinian First at University of Ss.Cyril and Methodius in Skopje on September 4th 2018

¹⁵ COVINGTON, S., From prison to home: the effect of incarceration and reentry on children, families, and communities, *A Woman's Journey Home: Challenges for Female Offenders and Their Children*, 2001, <https://aspe.hhs.gov/basic-report/womans-journey-home-challenges-female-offenders-and-their-children>;

¹⁶ COLL, C., SURREY, J., BUCCIO-NOTARO, P., MOLLA, B., *Incarcerated mothers: Crimes and punishments*. In *Mothering against the odds*, ed. C. Coll, J. Surrey, and K. Weingarten. NY: Guilford, 1998;

¹⁷ JOHNSTON, D., *Effects of parental incarceration*. In *Children of incarcerated parents*, ed. C. Gabel and D. Johnston, New York: Lexington Books, 1995, pg. 59-88;

behaviors, including aggression, depression, anxiety, parental behaviors, substance abuse, guilt for survivors, and increased risk of child participation in the criminal justice system as an offender. It is extremely important, for every system, to improve the gender-responsive interventions against women in the justice system, as well as a range of alternative prison sentences, when it comes to a female offender, in order to better address the effects of the parental punishment towards the children. Because, the invisibility of women in the criminal justice system often, as said before, extends to their children. Johnston (1992) identified three factors--parent-child separation, enduring traumatic stress, and an inadequate quality of care--that were consistently present in the lives of children of incarcerated parents. The impact of these factors on children's ability to successfully progress through the various developmental stages can be profound. For instance, children of pregnant women in the criminal justice system experience a variety of prenatal stressors (e.g., a mothers drug or alcohol use, poor nutrition, high levels of stress associated with criminal activity and incarceration) (Johnston 1992). However, even with the negative impacts of these factors, better outcomes for these children can be obtained if mothers obtain adequate nutrition, stable lifestyles and improved medical care. Clearly, there is a need to provide a range of prenatal services to pregnant women during both their incarceration and transition back to the community (Johnston 1992). For the child of an offender, the impact of a parents crime and incarceration continues throughout adolescences. Children of incarcerated parents are subjected to stressors that are unique to their parents involvement in the criminal justice system. Johnston (1992) has identified higher rates of troubling behaviors, including aggression, depression, anxiety, parentified behaviors, substance abuse, survivor guilt, and an increased risk of a child's own involvement with the criminal justice system. It is of great importance for gender-responsive interventions for women in the system to better address the effects of a parents incarceration on the children.

4 SOCIAL AND PROFESSIONAL EXCLUSION OF WOMEN

At the *macro* level, the analysis about the consequences covers a large group of people affected by the crime, such as agencies, organizations, communities and whole nations¹⁸. And while the analysis at the *micro* and *meso* level is about the consequences more directly relevant to the individual, the macro level expands the viewing of the image significantly more and from a different angle, less emotionally affected.

Consequences have their own social elements that also elicit social re-socialization, that is, the process of integration and reintegration of the individual into the environment in which they originate. Adaptation to it is important for preventing other crimes and deterring a person from engaging in recidivism. These include integration into the educational process, the labor market, medical treatment, psychological treatment, treatment for drug addicts, and most importantly - treatment to restore the contacts with the family and community contacts¹⁹. For many years, so to speak, the woman is invisible in many spheres of the correctional system, which was originally created towards a masculine model. Prison sentence as the most severe punishment in most parts of the world also requires the need for post-penal treatment adapted to the needs of a women.

Thus the period following after the commission of the crime, within the society, is the stage of labeling and stigmatization²⁰, which escalates proportionally as smaller and less populated the place is, from where the perpetrator originated. The theory of labeling and reintegration shaming, represented by Lemert, Matsueda, Braithwaite, and others, suggests that people are stabilized in their criminal roles when labeled as such, when stigmatized, and they develop a criminal identity as a result of being excluded from the conventional roles they could have²¹. The awareness of labeling is significantly greater for woman than for men, and it is followed by the fear of disturbed relationships²². The conservative sympathetic perceptions of the surrounding are at least in favor of any perpetrator,

¹⁸ STAFF, S., The challenges of prisoner re-entry into society, 2016 <https://socialwork.simmons.edu/blog/Prisoner-Reentry/>;

¹⁹ HÃI, N., DANDURAND, Y., The Social Re-integration of Offenders, VNU Journal of Legal Studies, Vol. 29, No. 3, 24-38, 2013;

²⁰ BRAITHWAITE, J., Crime, shame and reintegration, Cambridge University Press, 1989;

²¹ GRUEVSKA-DRAKULEVSKI, A., Prison and Recidivism, Center for Regional Research and Cooperation "Studiorum", Skopje, 2016, p.69;

²² Ibid, p.93

especially a woman. Even if she had been victimized before and had committed the crime by relying on the "hopeless" state she was in. Ultimately, even when she has performed the criminal acts in state of self - defense.

Social inclusion for a woman is much more difficult, social rejection is a reality, and together with family inclusion, it makes the reintegration period almost impossible. The results of social rejection are to be expected - alcohol and drug abuse, self-harm and repetition of the criminal behavior. The one-time given stigma is considered to be much more likely to be trigger for future criminal offences or to put the person in crime in the first place, if the label was previously "wrongly glued" to someone who has not committed a crime at all²³.

Globally, for a women offenders, the biggest problem in the process of re-socialization is looking for job and finding a job. Namely, surveys in our area have shown that perpetrators of crime, especially persons who have been imprisoned, face major problems in employment or return to work after the punishment process ends. The socially negative attitude "there is no work for the honest, and now we will give preference to prisoners"²⁴ applies also for a women, but it is completely unacceptable because the work not only provides material support and existential conditions for former inmate and for the people that relies on her, but it also reduces the possibilities for repetition of the crime and recidivism.

5 RECIDIVISM

One of the reasons that particular attention is paid to recidivism is that it grows faster than general crime. So in times when there is a temporary or constant decline in crime in general, recidivism remains the same or increases²⁵. Recidivism as a sociological category means a specific relation to the frequent conflict with the laws. The person who returns as a recidivist is the bearer of a particular behavior that implies a psychological state that requires deep and comprehensive analysis²⁶.

The general rule is that this category of persons carries with them a significantly greater social danger and that they have not been affected adequately by the known methods of resocialization. It is therefore considered that they should be punished more severely than first offenders. Criminology's views are that they are psychologically labile, socially disadvantaged and with a strong aversion to work. For women offenders, the question arises - what about those who want to find a job, but because of social stigmatization, especially in small environments, they fail? Doesn't the fact of feeling a social surplus indirectly push women into recidivism?

Research has shown that in most countries around the world, almost two out of three inmates appear to be recidivists. The dose of remorse they feel about the offense is an important indicator of whether the person will appear as a recidivist on the criminal justice scene. The greater the guilt and feeling of remorse, the less likely it is to become a recidivist. But the blame for the offense and the shame is reflected differently on specific individuals. A group of US²⁷ researchers have found that when people feel guilty about certain behaviors they express it through remorse and internal tension, which motivate them to take remedial actions such as confession, remorse, apology or activity to make up for the damage. Shame, on the other hand, has a more destructive effect on the person. The painful feelings that it causes to itself lead to a person's defensive response, denial of responsibility and the need to shift the blame to another, a process that most likely leads to aggression²⁸. Such feelings are much more pronounced for a woman than for a man, so the outcome of a previously committed crime and the societal consequences of conviction for the woman offender end either with remorse and dedication to the remaining lifetime of the "correction" of wrongdoing, or feeling ashamed

²³ AKERS, 2000, cited by Gruevska-Drakulevski, A., Prison and Recidivism, Studiorum Regional Research and Cooperation Center, Skopje, 2016, p. 69

²⁴ ARNAUDOVSKI, J., GRUEVSKA-DRAKULEVSKA, A., Penology, Part Two, Faculty of Law "Justinian I" Skopje, 2013, p. 244

²⁵ GRUEVSKA-DRAKULEVSKI, A., Prison and Recidivism, Center for Regional Research and Cooperation "Studiorum", Skopje, 2016, p. 77;

²⁶ SULEJMANOV, Z., Macedonian Criminology, Graphohartia, Skopje, 2000, p. 804;

²⁷ JUNE TANGNEY, JEFFREY STUEWIG AND ANDRES MARTINEZ from George Mason University;

²⁸ TANGNEY, J., after committing a crime, guilt and shame predict re-offense, association of psychological science, 2014 <https://www.psychologicalscience.org/news/releases/after-committing-a-crime-guilt-and-shame-predict-re-offense.html> (last opened 23.01.2020)

and shifting the blame on another person, which is often of great intensity and leads to aggression and repetition of criminal offensive behavior.

Worldwide, women prisoners often appear as recidivist if their primary offenses are in the area of property offenses or offenses related to drug abuse and alcoholism, or when it comes to child neglect, at least in our country and surroundings. They almost never appear as recidivists if their first offense is from a group of violent crimes. Their age of detention is particularly important, and, more importantly, their age of jail release²⁹. The earlier a woman gets into the "criminal waters", the better she "swims" when compared with men, and is more likely to stay on that track and become a recidivist.

To sum up, when it comes to recidivists who have been sentenced to prison, it is considered that five variables play a key role if she would commit crime again:

- 1) age,
- 2) type of first committed offense,
- 3) age when she was first convicted / imprisoned,
- 4) her (positive) attitude towards getting out of prison and
- 5) being imprisoned while under some form of social supervision.

A common variable that also proved to be extraordinarily influential for women to manifest criminal behavior again is prison's **health care**.

And as much as the factors contributing to the recidivism affect both sexes the same, research has shown that for a women two factors have an additional impact, namely **unstable living conditions** and **previous victimization by a partner**³⁰.

When it comes to forecasting female recidivism and in order to predict the risk of recidivism, we can discuss and elaborate on hundreds of pages. But what is relevant for the woman is the intersection of parameters appropriate to her, which would predic what follows after the period of imprisonment. The period of **three years** after serving a prison sentence is considered as a most sensitive. The same period should be taken into consideration also when a different penalty is imposed. What investigators and predictors of female recidivism consider as relevant about the forecast is:

- age of engaging with criminal activity,
- age of completion of prison sentences,
- marital status (married, unmarried, separated, divorced or widowed),
- offspring if have – how many children / grandchildren she has and at what age they are,
- employment status,
- race,
- type of crime previously committed (violent, property offenses, etc.),
- use of narcotics or alcohol and drug addiction,
- and the type of sentence itself³¹.

Adequate disposition with such parameters captures an approximate picture of persons at risk of committing a new crime and getting into recidivism. We find that not only the facts related to the sentence are relevant, but also the manner and motives for committing the first offense, the addictions that female offender has or have caused the commission of the first offense, as well as the family status, mentioned above. Child care is a parameter that is hardly ever used in the prognosis of men's crime and the risk of recidivism. For women, however, is crucial. In particular, it has been shown that the way of raising her children has specific influence for recidivism, or to be more clear, does she raises her children in partnership or on her own. Women who are single parents have a higher risk of recidivism.

²⁹ PIPER DESCHENES, E., OWEN, B., CROW, J., Recidivism among Female Prisoners: Secondary Analysis of the 1994 BJS Recidivism Data Set, Research report submitted to the U.S. Department of Justice - Final Report, 2006, <https://www.ncjrs.gov/pdffiles1/nij/grants/216950.pdf>

³⁰ O'BRIEN, P., Making it in the free world: Women's transition from prison. Albany, NY: State University of New York Press, 2001

³¹ BONTA, J., PANG, B., WALLACE-CAPRETTA, S., Predictors of recidivism among incarcerated female offenders, The prison journal, vol.3, 1995, pg.277-294

„Many woman that fall into prison have the problem that their children kave been taken away. When they go out to the street, they don't have anything, they have nothing inside. Because, they say, I don't have my children, what will I do? I'll go back to the drug again, I will go back to prostitution again. And I'll go back to prison again. Why fight? Why fight if I have nothing?“³²

The way of dealing with the consequences is, in fact, the re-socialization in all kinds and shapes, especially for convicts who suffer deprivation from imprisonment. The way of re-socialization and social adaptation is another topic that will not go into detail here. It should be noted that, the treatment that female prisoner gets into the prison and after it, must be adapted to according to the consequences that female offender has, especially when it comes to her family relationships, mental and physical health, education and employment, trauma, addiction if any and so on. Only with a truly post-penal model and treatment for resocialization and social adaptation, it can be possible to mitigate the severity of the consequences and deter recidivism.

6 CONCLUSION

A female criminal is drastically different from a male criminal, so does the reasons that contribute towards the bad behavior, and the consequences that hit the offender after one sentence is been imposed and fulfilled. Female crime takes only 10-20% of the total³³, and female prisoners are no more than 3 - 10% of the total prison population, globally speaking. But her violent behavior in the past half century escalates rapidly. With all gender features, until the sixties of last century, women are virtually invisible both in legal documents and in society itself when serving a sentence. The growth of the prison population is recorded year after year, and although we cannot characterize it as dramatic, it still makes it the fastest growing segment of prison society³⁴, which can not be overlooked. The needs conditioned by gender differentials are what particularly sets women apart from the masses of prisoners and which requires the initial anticipated individual treatment, prior to overall individualization. Programs that provide special treatment for female than for male inmates are mandatory, as well as foreseen cognitive-behavioral programs specializing for the needs of female inmates, should be implemented everywhere in the future. Treatment programs for a female inmate should include an environment that should provide them with security, in another words to be free from all forms of violence, encourage connection with others and strengthen the inmate herself. Treatment interventions themselves should be targeted at cognitive, affective and behavioral levels³⁵. The shaping of treatment for women should also take into account the general principles of successful practice in the field of rehabilitation, with caution to the problems that may arise when applying these principles of treatment and rehabilitation to women.

Unfortunately, women today get out from prisons significantly more "damaged" than they were before committing the crime. Therefore, only a truly post-model and treatment for resocialization and social adaptation can mitigate the severity of the consequences and deter recidivism. An imprisoned woman, with a broken family relationship because of what she has done, can show bad and asocial behavior even within prison society. However, the real consequences are those that reaches a woman out of the institution, which must be addressed. The period of three years after serving a prison sentence for a crime is considered as the most sensitive. The same period should be taken into account when a different penalty is imposed. Institutions in this period should pay more attention to women offenders in general, and always do so in connection with the motives for committing the original crime. Childcare is a parameter that is hardly ever used in the prognosis and observation of a "clean field" for men's crime and the recidivism risk prognosis. For a woman, however, is crucial, especially in the way she cares for her children, in partnership or alone. Women who are single parents have a higher risk of recurrence. Leaving such knowledge to the prognosis of recidivism can greatly facilitate its future prevention and adequate response. Recognizing the centrality of womens roles as mothers provides an opportunity for the criminal justice, medical, mental health,

³² COLL, C., SURREY, J., BUCCIO-NOTARO, P., AND MOLLA, B. 1998. Incarcerated mothers: Crimes and punishments. In *Mothering against the odds*, ed. C. Coll, J. Surrey, and K. Weingarten. NY: Guilford.p.266

³³ SULEJMANOV, Z., *Macedonian Criminology*, Graphohartia, Skopje, 2000, pg.438

³⁴ ZAITZOW, B. THOMAS, J. *Women in Prison: Gender and social control*. Lynne Reinner Publishers, Inc., London, 2003

³⁵ <http://www.institut-alternativa.com.mk/index.php/psihoterapija/skoli-i-pravci/kognitivna;>

legal, and social service agencies to develop this role as an integral part of program and treatment interventions for women. If women are to be successfully reintegrated back into the community after serving their sentences, there must be a continuum of care that can connect them to a community following their release. In addition, the planning process must begin as soon as the woman begins serving her sentence, not conducted in just the final 30 to 60 days. There is often no pre-release planning of any kind in prisons and jails. Women reentering the community after incarceration require transitional services from the institution to help them reestablish themselves and their families. They also need transitional services from community corrections and supervision to assist them as they begin living on their own again.

Unlike men, women in prisons are noticed that have very different attitudes regarding interpersonal relationships, house rules, penalties or rewards. They are more actively involved in socialization within the institution (although there is also a trend of alienation of a certain percentage of prisoners) followed by a high dose of emotion and open communication. The interaction they have with others in prison is seen as much more stable than that of the male prisoner, so it is perceived as a "pseudo-family" relationship. This confirms the idea that the management of the penitentiary for women should be less authoritative, since there is significantly less violence, prison gang activity, less magical or inter-ethnic tensions and so. Officers in these institutions are expected to hear much more humor, patience in explaining certain rules and expectations, awareness of women's emotional dynamics, willingness to respond fairly and consistently. However, a key element in the success of a women's program is the individualization, comprehensiveness of the approach and respect for the inmate's interest³⁶. In order to minimize the consequences for a female convict in her "after life", and also in life of all the people who are in need of her care, the penitentiary system must take into account the separate needs that woman, as a gender, has, inside a prison and in general. Right recognition of the etiology of female criminality, both factors and consequences, is first and crucial step into crime prediction and prevention.

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³⁶ ŠUČUR, Z. ŽAKMAN-BAN, V. *Characteristics of life and treatment of women in prison*. Hrčak - portal of scientific journals of the Republic of Croatia, 2004, p.1061

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Contact information:

Elena Maksimova (Assistant professor, PhD)

elena.ivanova@ugd.edu.mk

Goce Delchev University, Faculty of law

Krste Petkov Misirkov 10 A

2000 Shtip

Republic of North Macedonia