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Youth **before** the Law

Challenges and Solutions of
Juvenile Justice in Montenegro



Podgorica, 2025



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Youth before the law –

Challenges and Solutions of Juvenile Justice in Montenegro

Publisher:

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Editor:

Miloš Knežević

Lead Author:

Lara Dedić

Redaction:

Miloš Knežević

Marlena Ivanović

Design and Production:

Centre for Civic Education (CCE)

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Introduction

The legal framework for juvenile justice in Montenegro is based on the Law on the Treatment of Juveniles in Criminal Proceedings¹, which has been in force since September 2012. This law prescribes special measures and procedures for handling juveniles in criminal cases, aiming to ensure their protection, respect for children's rights, and rehabilitation rather than punishment. At the same time, it represents a special legal act focused on regulating the status, responsibility, and protection of juveniles in criminal proceedings. The law significantly incorporates a wide range of international standards, particularly the United Nations Convention on the Rights of the Child, as well as European instruments that emphasize that juveniles in criminal proceedings must not be treated as adult offenders, but instead be subject to a special, protective, and educational regime.

In the context of Montenegro's accession to the European Union, special attention has been paid to aligning this law with international and European standards, particularly regarding procedural safeguards for children as suspects, witnesses, or victims (e.g. the strengthening children's rights, establishing special procedures, and ensuring child-friendly spaces for hearings).

However, the implementation of this law faces serious challenges. Its enforcement is often limited by the lack of specialised programmes, institutions, and infrastructural capacities (e.g. the absence of an open-type correctional facility). Findings also indicate that the rights of the child are not always consistently respected in practice: detention is sometimes applied even when not strictly necessary, children under the age of 14 are not always interviewed in an appropriate manner, and the repeated application of the same educational measures for recidivists undermines the law's purpose.

Additionally, other relevant regulations include the *Law on Misdemeanors*, which provides for educational measures for juveniles (e.g. reprimand, increased supervision, placement in educational institutions), which are applied by the court in misdemeanour proceedings, as well as the Criminal Code of Montenegro.

The analysis of the treatment of juveniles in criminal proceedings is part of the project *HEART: Supporting the Empowerment and Resilience of Youth Today*, implemented by Centre for Civic Education (CCE) in partnership with the Regional Academy for Democratic Development (ADD), with the support of the EU Delegation to Montenegro and co-financing from the Ministry of Public Administration.

¹ Law on the Treatment of Juveniles in Criminal Proceedings, Official Gazette of Montenegro No. 64/2011 and 1/2018

Legislative framework and assessment of state of affairs with an overview of practice in Montenegro

The Law on the Treatment of Juveniles defines its scope and basic principles, emphasising that juveniles must be treated with full respect for their human rights and dignity, taking into account their age, level of maturity, and the circumstances under which the offence was committed². The best interests of the juvenile are prioritised, while criminal liability should be aimed at rehabilitation, resocialisation, and prevention, rather than repression and punishment.

In terms of age, the Law distinguishes three categories of persons:

- a child under the age of 14;
- a younger juvenile aged 14 to 16;
- an older juvenile aged 16 to 18.³

The distinction among these three categories is significant primarily for determining the existence or non-existence of criminal liability, as well as the type of penalty that may be applied to a juvenile.

Children under the age of 14 are completely exempt from criminal liability, based on the assessment that at that age they lack developed awareness of the unlawfulness of their actions⁴. However, although the Montenegrin Law excludes criminal liability for persons under 14 years of age, this does not mean that the perpetrators of such acts would remain entirely without consequences for their actions. In such cases, responsibility may be transferred from the child to their parents, who may be held accountable on child's behalf. Existing practice indicates that parents have most frequently been held responsible on behalf of their child for the criminal offence of child neglect.

Juveniles are further divided into younger juveniles, aged 14 to 16, and older juveniles, aged 16 to 18. It is particularly important to note that the Law also extends its application to young adults, aged 18 to 21, if it is assessed that their developmental characteristics justify the application of educational measures instead of standard penalties.⁵ This provision reflects a modern understanding of the psychosocial development of young people.

The key difference between juvenile offenders and adult offenders lies in the fact that the Law on the Treatment of Juveniles provides the possibility of imposing one of the alternative measures or a criminal sanction.

Given that alternative measures occupy a central place when it comes to juvenile offenders, they will be addressed in more detail in a separate subsequent section, while this part will focus on criminal sanctions as forms of punishment that may be imposed on juveniles.

² Law on the Treatment of Juveniles in Criminal Proceedings, Official Gazette of Montenegro No. 64/2011 and 1/2018

³ *Ibidem*, Article 3

⁴ *Ibidem*, Article 2

⁵ *Ibidem*, Article 41

1.1 Criminal sanctions

In situations where alternative measures are insufficient or when the offense in question is of a more serious nature, the Law prescribes the possibility of imposing criminal sanctions, namely:

- educational measures
- juvenile imprisonment, and
- security measures.⁶

1.1.1 Educational measures

In modern legal systems, the approach to juvenile delinquency increasingly relies on the principles of protection, prevention, and resocialisation, and less on strict punishment. In that spirit, the legal system of Montenegro has developed a framework that allows for the use of educational measures as a key mechanism for responding to offences and criminal acts committed by juveniles. These measures are not merely a legal alternative to imprisonment, but also a reflection of international standards that require juveniles to be treated in accordance with their developmental potential, interests, and rights.

Educational measures may be milder – in the form of measures of warning and guidance (judicial reprimand and special obligations) and measures of increased supervision (*increased* supervision by the legal guardian, increased supervision in another family, increased supervision by the guardianship authority, and increased supervision with daytime stay in an appropriate institution or organisation for the education and upbringing of juveniles), or more stricter – institutional measures (placement in a non-institutional educational facility, placement in an institutional facility, and placement in a specialised institution).⁷

When deciding on the type of educational measure, the court will take into account the age, maturity of the juvenile, and the motives for committing the criminal act, the juvenile's behaviour after the offence was committed, in particular whether the juvenile has prevented or attempted to prevent harmful consequences, the attitude towards the victim, as well as all other circumstances that may influence the choice of the educational measure that will best fulfil its purpose.⁸

A judicial reprimand shall be imposed on a juvenile if it is established that, based on the juvenile's attitude toward the committed offense and demonstrated willingness not to reoffend, the purpose of the educational measure can be achieved.⁹

Special obligations that the court may impose on a juvenile represent the most flexible form of educational measures. Their purpose is to influence the behaviour of the juvenile offender through requirements and prohibitions, without institutionalisation or deprivation of liberty. The law lists a number of such obligations – ranging from apologising to the victim and compensating damages through work, to regularly attending school or work, acquiring vocational training, paying a certain sum to a humanitarian organization, fund, or public institution; engaging in sports activities, performing community service or humanitarian work; undergoing appropriate testing or treatment procedures for addiction to alcohol or drugs; participating in individual or group therapy in an appropriate health institution, counselling centre, or other organisation; refraining from leaving the place of residence; or avoiding visits to certain places or contact with specific persons.¹⁰

⁶ *Ibid.*, Article 14

⁷ *Ibid.*, Article 16

⁸ *Ibid.*, Article 17

⁹ *Ibid.*, Article 18

¹⁰ *Ibid.*, Article 19

The introduction of such obligations into the legal system is part of the restorative justice approach, which prioritises repairing harm and guiding juveniles towards a constructive life path. It is particularly significant that, when it comes to apology and compensation, the consent of both the juvenile and the victim is required, thereby introducing an element of agreement and reconciliation rather than imposed repression.

Enhanced supervision measures have various modalities, depending on who is the subject of supervision and the family circumstances of the juvenile. When the legal guardian has failed to provide adequate care, the court may require them to perform this function with increased responsibility, with the support of the guardianship authority and professional services.¹¹ The goal is to return the responsibility for upbringing and supervision to the natural family environment, but under court and institutional oversight. When the legal guardian is not capable of providing supervision, placement in another family willing to take on that role is possible.¹² In this way, the law recognises the importance of the family environment and the continuity of emotional relationships, while also addressing the need to protect the juvenile from dysfunctional or harmful parenting.

If that is also not possible, the law provides for enhanced supervision by the guardianship authority.¹³ In such a case, the juvenile remains within their own family, but is placed under external supervision through professionally engaged persons who monitor their education, socialisation, and treatment. A specific form of this measure is day attendance in an institution or organisation for education, meaning that the juvenile spends part of the day in a controlled and educational setting, while continuing to live with their parents.¹⁴ This combination seeks to balance the preservation of family ties with the need for professional and intensive behavioural intervention.

The law allows for special obligations to be imposed in addition to enhanced supervision measures, but no more than two, and with a clear instruction to the juvenile and their legal guardian that failure to comply will result in a stricter measure. In this way, a system of progressive response is developed: from lighter obligations to stricter measures, depending on the juvenile's behaviour and cooperation.

When enhanced supervision is not sufficient, the court may refer the juvenile to a non-institutional educational establishment¹⁵. This involves removal from their current environment, but placement in an establishment that does not have the characteristics of a prison, and instead offers continuous support and supervision by professional staff. The legislator's intention is to remove the juvenile from a destructive environment and place them in an educational setting that promotes resocialisation, with regular court reviews every three months. A more severe measure is placement in an institutional establishment, where increased supervision and specific educational programmes are applied.¹⁶ This measure is imposed only after the court assesses the seriousness of the offence, the juvenile's past life, and any previous sanctions. In doing so, the element of proportionality and individualisation is introduced, and the institutional measure is applied only in the most serious cases and for the most problematic juveniles.

Conditional release represents an additional corrective mechanism within the system. A juvenile may be released from an institution if they have shown progress in education and it is expected that they will not reoffend.¹⁷ The court may then combine the release with enhanced supervision measures and special obligations, allowing for a controlled return to the community. If, however, the release proves unsuccessful, the court may revoke it, with the time spent at liberty not being counted towards the duration of the measure. This solution emphasises prevention while ensuring that the juvenile does not avoid responsibility.

¹¹ *Ibid.*, Article 20

¹² *Ibid.*, Article 21

¹³ *Ibid.*, Article 22

¹⁴ *Ibid.*, Article 23

¹⁵ *Ibid.*, Article 25

¹⁶ *Ibid.*, Article 26

¹⁷ *Ibidem*, Article 27

For juveniles with psychological difficulties, the law provides the possibility of placement in a specialised institution.¹⁸ This measure combines elements of treatment and education, acknowledging that certain offences stem from health-related problems rather than solely from deliberate decisions. The court is obliged to periodically review the need for the juvenile's stay in such an institution, with the maximum duration limited to 21, or in some cases 23 years of age. This reflects the effort to balance the protection of society with the individual need for therapy and rehabilitation.

The law also allows for the suspension or substitution of an imposed measure if new circumstances arise, as well as reconsideration of the measure if its execution has not commenced for an extended period.¹⁹ These provisions introduce flexibility and dynamism into the system, preventing the mechanical execution of outdated or unsuitable measures.

Finally, in cases involving concurrent criminal offences, the court is guided by the principle of the unity of sanction.²⁰ A juvenile is generally issued only one measure, determined by taking into account all offences. This avoids the accumulation of penalties and additional stigmatisation, while highlighting the notion that the purpose of the measure is rehabilitation and reintegration, not mere accumulation of repression.

The Law on the Treatment of Juveniles and the Law on Misdemeanours define educational measures as mechanisms aimed at preventing repeat offences and criminal acts, and supporting the development of the juvenile offender. However, although the legislative framework appears modern and aligned with international instruments, such as the Convention on the Rights of the Child and the Beijing Rules, its practical implementation in Montenegro faces a number of challenges. The first and most serious problem is the lack of specialised institutions for the enforcement of educational measures. In certain cases, due to the absence of alternative capacities, juveniles are placed in institutions for adults or even in prisons, which undermines the purpose of the measure and violates the basic rights of the child. Reports from non-governmental organisations, the Protector of Human Rights and Freedoms, and the media have repeatedly highlighted that juveniles are often institutionally neglected and lack systematic support for their rehabilitation. Nonetheless, court practice shows that educational measures are imposed significantly more often than juvenile prison sentences, which is a positive trend. This indicates that courts are aware of the importance of these measures and use them as the primary response to juvenile delinquency.

An additional advantage of educational measures is their adaptability. The measures may be replaced, suspended, or extended depending on the juvenile's behaviour and changes in circumstances, enabling a flexible and individualised approach. For example, a juvenile may be ordered to perform community service, undergo psychological treatment, continue schooling, or participate in sports or educational activities all with the aim of positively influencing their development and behaviour. In this way, efforts are made to prevent reoffending and to guide the juvenile towards socially acceptable forms of behaviour.

However, the key obstacle remains in implementation. Without specialised institutions, trained staff, available programmes, and systemic cooperation between courts, centres for social work, schools, and families, educational measures often remain formalities without real substance. Furthermore, there is no sufficiently developed system for evaluating and monitoring the long-term effects of imposed measures, which further complicates the assessment of their effectiveness. In this regard, Montenegro would need to make additional efforts to enable the full realisation of the normatively established objectives. This includes the construction or adaptation of specialised institutions for juveniles, training of judges and professionals in the child protection system, development and implementation of rehabilitation programmes, as well as improvement of inter-institutional coordination. Only within such a framework

¹⁸ *Ibidem*, Article 28

¹⁹ *Ibidem*, Article 29

²⁰ *Ibidem*, Article 30

can educational measures fully achieve their purpose not to be a punishment, but a new opportunity.

Precisely because of this key obstacle, the absence of specialised institutions, court practice has so far shown that referral of juveniles to an institutional educational establishment is, in essence, equivalent to juvenile prison, which by law cannot be imposed on younger juveniles. Thus, in case no. Km. 19/2023, conducted before the Basic Court in Podgorica, the court referred the juvenile I.D., who was 14 years old at the time of the offence, to an institutional educational establishment. Considering that in this case the juvenile had previously exhibited deviant behaviour and had already been referred to the non-institutional establishment “Ljubović” Public Institution, from which he had repeatedly escaped, it is clear that the court, in this specific case, had to refer him to an institutional educational establishment. However, as Montenegro does not have a specialised institution for the enforcement of this measure, in this case the juvenile, who was 14 years old at the time of the offence, was referred by the court to a special department of the Administration for the Execution of Criminal Sanctions (AECS). Such referral of younger juveniles to a facility intended for serving juvenile prison sentences, which can only be imposed on older juveniles, highlights shortcomings in the implementation of the Law.

Therefore, although there is a clear tendency of the courts to impose juvenile prison sentences only in the most serious cases, as long as a special correctional educational facility is not provided and adequate conditions for the execution of referral to an institutional establishment are not ensured, such an educational measure will, in practice, be a prison sentence for juveniles.

1.1.2 Juvenile prison

A special form of criminal sanctions is juvenile prison, but its application is strictly limited to older juveniles and only in cases of the most serious criminal offences, where the prescribed sentence is more than five years of imprisonment.²¹ A juvenile prison sentence may not be shorter than six months or longer than five years.²² Exceptionally, for criminal offences where the minimum prescribed sentence is ten years of imprisonment, a juvenile prison sentence of up to ten years may be imposed. This confirms that imprisonment for juveniles may only be imposed as a measure of last resort and to the minimum extent necessary, when due to the high degree of guilt, educational neglect, the circumstances under which the offence was committed, and the nature and severity of the offence, it is clearly unjustified to impose an educational measure. In addition, the law also provides for security measures, such as compulsory psychiatric treatment or treatment for addiction, which are applied when it is assessed that the criminal offence resulted from specific health or social problems of the juvenile.²³

The juvenile prison sentence is served in a juvenile unit, where convicted persons are accommodated together, with separation by gender and, as a rule, individual accommodation at night. Juveniles are provided with education, vocational training and work, and employed professionals are required to have knowledge in pedagogy, psychology and penology. The sentence may be served until the age of 23, and exceptionally until the age of 24, for the purpose of completing education or training.²⁴

The law guarantees a wide range of rights: adequate food, clothing, health care, at least three hours of outdoor time, the right to family visits, correspondence, religious freedom, participation in cultural and sports activities, as well as the right to marital or partner visits. Leave (up to 14 days, twice a year) is provided, along with additional privileges for those who demonstrate exemplary behaviour and commitment. Conditional release is decided by the first-instance court based on a report on the juvenile's conduct, and the decision is made 30 days before the expiration of two-thirds of

²¹ *Ibidem*, Article 32

²² *Ibidem*, Article 33

²³ *Ibidem*, Article 39

²⁴ *Ibidem*, Article 33

the sentence.²⁵ The court may revoke the release, in which case general rules for the execution of sentences apply.

A juvenile may be subjected to disciplinary measures (warning, deprivation of privileges, isolation in a separate room), with strict time limits and mandatory medical and professional supervision for isolation. The use of force is permitted only in exceptional cases, in situations of self-defence, prevention of escape, violence or serious harm, and only to the minimum extent necessary. Life and work in the unit are regulated by house rules, and the provisions on rights, discipline and use of force also apply to juveniles who have been imposed an institutional measure of referral to an establishment of the institutional type.

1.1.3 Security measures

Article 39 of the Law on the Treatment of Juveniles prescribes the conditions and duration of security measures that may be imposed on juveniles in criminal proceedings. These measures include compulsory psychiatric treatment (in an institution or at liberty), compulsory treatment for drug addicts and alcoholics, confiscation of items, and expulsion of foreigners.²⁶ The measures may be imposed alongside educational measures or a juvenile prison sentence, while treatment for drug addicts and alcoholics cannot be combined with warning and guidance measures. Psychiatric measures may also be imposed independently, without the imposition of other sanctions. The duration of the measures is linked to the existence of the reasons for which they were imposed, but in principle must not exceed the duration of the imposed educational measure or sentence. However, exceptionally, compulsory psychiatric treatment in an institution may last longer than the juvenile prison sentence if required by the condition of the juvenile.

1.2 Special rights of juveniles as participants in criminal proceedings

The law pays special attention to the procedural guarantees of juveniles in criminal proceedings. In all proceedings against juveniles, defence is mandatory, and a juvenile must have legal counsel from the first questioning.²⁷ A court hearing cannot be held in their absence, and the identity of the juvenile is protected and must not be made public.²⁸ Authorities have a specific obligation to act urgently, as delays in the proceedings may cause further harm to the development of the juvenile. The law also provides for the specialisation of judges, prosecutors and other services working with juveniles, in order to ensure a professional and sensitive approach. In this way, the law not only regulates the criminal law status of the juvenile, but also sets institutional foundations for their adequate protection.

When it comes to provisions that relate exclusively to juveniles in criminal proceedings, it is important to note that, unlike the general rule that the competence of authorities in adult cases is determined based on the place where the criminal offence was committed, in proceedings against juveniles, the competent authority is always the one in the place of residence of the juvenile offender.²⁹

It is also important to highlight the provisions that allow for the application of educational measures to young adults. This demonstrates the flexibility of the legislator and the understanding that formal adulthood does not necessarily imply complete social and psychological maturity. In this way, the risk of social stigmatisation of young people who have only recently entered adulthood and committed criminal acts due to immaturity or unstable living conditions is reduced.

²⁵ *Ibidem*, Article 36

²⁶ *Ibidem*, Article 39

²⁷ *Ibidem*, Article 50

²⁸ *Ibidem*, Article 48

²⁹ *Ibidem*, Article 43

Article 46 of the Law regulates the specialisation of holders of judicial functions and the role of expert services in proceedings involving juveniles.³⁰ It is prescribed that public prosecutors and judges handling cases against juvenile offenders must possess specific knowledge in the field of child rights and the specific rules for dealing with juveniles.

To provide professional support, expert services are established at the Higher Courts and the Supreme State Prosecutor's Office to assist courts and prosecutors. These services employ professionals of various profiles (social workers, psychologists, pedagogues, etc.), whose task is to provide expert opinions and information in accordance with the law. In the performance of their duties, they cooperate with institutions for social and child protection as well as educational institutions, which are obliged to provide the necessary reports and opinions upon request. The involvement of social workers in criminal proceedings is present throughout the entire process, including the preliminary inquiry, preparatory proceedings, the criminal procedure and its conclusion, the execution of educational orders and the monitoring of the execution of criminal sanctions. In addition to participating within the expert service of the court, social workers may also appear as representatives of the guardianship authority. As members of the expert service, they are involved both in alternative measures and in criminal sanctions.

The rules of procedure for juveniles include the involvement of the guardianship authority. When it is established in the proceedings that the person was under 14 years of age at the time the offence was committed, the criminal complaint will be dismissed or the proceedings terminated, and information about the offence and the perpetrator will be forwarded to the guardianship authority for the purpose of taking protective measures within its competence³¹. The guardianship authority has the right to be informed about the proceedings, to present facts and evidence, and to propose changes. It is the duty of the juvenile prosecutor who initiates the proceedings to inform the guardianship authority, and if this is not done, the court shall do so during the further course of the proceedings.

Special protection applies to juveniles as victims or witnesses. The law ensures the protection of identity and privacy, sensitive treatment and questioning in secure rooms with technical support.³² The questioning is, as a rule, carried out by a prosecutor and judge of the same gender, in the presence of the legal guardian and expert personnel. Children under the age of 14 may not be confronted with the accused, while older juveniles are protected in cases of psychological vulnerability.³³ The appointment of an attorney as legal representative is also provided in the interest of protecting the juvenile.³⁴

All these provisions are based on the fundamental principle that juveniles must not be viewed solely as perpetrators of criminal acts, but primarily as young persons in development who have the potential to change their life path. The law seeks to ensure a balance between the protection of society from crime and the protection of the rights of the child. In this way, the purpose achieved goes beyond mere repression: resocialisation, the return of the juvenile to the community, and the development of a healthy and responsible member of society.

1.2 Course of the proceedings

The provisions of Articles 64 to 78 of the Law on the Treatment of Juveniles regulate in detail the phases of preliminary inquiry and preparatory proceedings for juveniles, with strict respect for the rights of the child and specific guarantees of procedural protection.

30 *Ibidem*, Article 46

31 *Ibidem*, Article 47

32 *Ibidem*, Article 93

33 *Ibidem*, Article 94

34 *Ibidem*, Article 95

1.3.1 Proceedings before the police and the prosecutor's office

In the preliminary inquiry, the police officer and the juvenile public prosecutor collect information and question the juvenile in the presence of defence counsel, a legal representative, or the guardianship authority, thereby ensuring the protection of the juvenile's interests.³⁵ The prosecutor is authorised to dismiss the complaint if there is no legal basis, but also for reasons of fairness – when the juvenile shows genuine remorse and compensates for the damage. At this stage, a warning may be issued, a settlement with the victim may be conducted, and educational orders may be applied through the institute of conditional opportunity, all with the aim of avoiding formal proceedings.

In the preparatory proceedings, the prosecutor issues an order to initiate the procedure and determines procedural actions, while the juvenile judge is exclusively competent for the most sensitive evidentiary actions, such as searches and temporary seizure of objects.³⁶ In addition to evidence of the offence, it is mandatory to establish the age, maturity, personality, and social circumstances of the juvenile, with the opinion of the guardianship authority and expert services being obtained. Throughout the proceedings, the protection of the juvenile's personality is ensured, with the possibility of their questioning in the presence of a psychologist or pedagogue.

The prosecutor may terminate the proceedings or waive prosecution if they assess that it is not purposeful, especially when the juvenile engages in the execution of an educational order.³⁷ The proceedings are also terminated in cases where the elements of a criminal offence are lacking, when the statute of limitations has expired, amnesty has been granted, or there is a lack of evidence. If grounds exist, the prosecutor submits a motion for the imposition of a criminal sanction, which must include information about the juvenile's identity, living conditions, and assessment of their maturity.

These provisions also indicate that the purpose of proceedings against juveniles is primarily educational in nature, with an emphasis on the individualisation of measures and the avoidance of unnecessary prosecution, in accordance with the principle of the best interests of the child.

1.3.2 Proceedings before the courts

The motion of the public prosecutor for the imposition of a criminal sanction is subject to review by the juvenile judge, and in case of disagreement, the decision is made by a panel of the Higher Court³⁸. The court may return the motion, terminate the proceedings, or order their continuation. The main hearing must be scheduled within a short period, and its organisation ensures the presence of the juvenile, defence counsel, prosecutor, and expert services. The public is always excluded, and the court may remove the juvenile himself in order to protect their personality. The court is not bound by the prosecutor's motion and may impose an educational measure or juvenile prison, taking into account the principle of appropriateness and the educational purpose of the sanction. Appeals against judgments and decisions are allowed and have a suspensive effect. The second-instance court may impose a more severe sentence, but in cases of juvenile prison or institutional measures, a hearing is mandatory.³⁹ Extraordinary legal remedies are also provided for, namely the request for protection of legality and retrial, in accordance with the rules of the Criminal Procedure Code.

³⁵ *Ibidem*, Article 64

³⁶ *Ibidem*, Article 70

³⁷ *Ibidem*, Article 76

³⁸ *Ibidem*, Article 79 in relation with Article 80

³⁹ *Ibidem*, Article 88

1.3.3 Supervision of the execution of criminal sanctions

The court is obliged to supervise the execution of educational measures and juvenile prison sentences, with institutions and guardianship authorities required to submit regular reports.⁴⁰ The court is obliged to supervise the execution of educational measures and juvenile prison sentences, with institutions and guardianship authorities required to submit regular reports. There is a possibility of modifying or suspending a measure, as well as conditional release. Educational measures and juvenile prison sentences do not entail legal consequences in terms of a criminal record. Records of alternative measures are kept by the expert service, while records of criminal sanctions are maintained by the Ministry of Justice, with strict restrictions on access to data.

Data on educational measures are deleted after two years or, at the latest, by the age of 23, while convictions for juvenile prison sentences are deleted after three years, provided that the juvenile does not commit another criminal offence.⁴¹ Deletion of a conviction is not possible while a security measure is in force, nor in the case of more serious new convictions.

It is also significant that there is a legal obligation for guardianship authorities and competent institutions to ensure the continuity of care for juveniles after the execution of institutional measures and juvenile prison sentences, in order to ensure their successful reintegration into society.⁴² During the duration of the measures, the guardianship authority is required to maintain constant contact with the juvenile, their family, and the institution in which they reside, in order to prepare them for returning to the social environment and participation in community life. At least three months before the planned release, the institution is obliged to inform the legal representative, relatives, and guardianship authority, as well as to propose measures for the reception of the juvenile. Upon return, the guardianship authority must provide the necessary assistance, with special attention given to juveniles without parents or those with unstable family and material circumstances. Care for these juveniles includes accommodation, food, clothing, medical treatment, assistance in stabilising family circumstances, completion of vocational training, and securing employment. This confirms that the purpose of criminal sanctions against juveniles is not only repressive but also rehabilitative and socially integrative, in accordance with the principle of the best interests of the child.

1.4. Lessons from the practice of neighbouring countries

The Montenegrin Law on Juveniles is considered good and aligned with modern practice, as it follows international standards on the protection of the rights of the child contained in the UN Convention on the Rights of the Child, the Beijing Rules (1985), the Riyadh Guidelines (1990), and the Tokyo Rules on Alternative Measures (1990). The Law provides that juveniles shall be dealt with exclusively by specialised judges, prosecutors, and police officers who possess specific knowledge in the field of child rights and developmental psychology. This ensures that proceedings are not merely formal and legalistic, but also developmentally sensitive. Educational measures are prioritised, while the juvenile prison sentence is envisaged only as a measure of last resort, with a special enforcement regime focused on education, training, and socialisation. This is in accordance with the principle that the purpose of proceedings involving juveniles is rehabilitation rather than repression.

In Serbia, this is regulated almost identically as in Montenegro.

On the other hand, in Croatia there is a special State Attorney's Office for Youth and juvenile courts (special departments/judges within municipal and county courts, but with clear competence solely for juveniles). This ensures

⁴⁰ *Ibidem*, Article 98

⁴¹ *Ibidem*, Article 104

⁴² *Ibidem*, Article 180

consistent practice, as juvenile cases are handled exclusively by judges with continuous experience in that field. In Montenegro, although there are specialised judges and panels, they operate within regular courts, so practice may vary depending on the number of cases and workload with other criminal proceedings. Juvenile courts in Croatia regularly cooperate with expert teams (psychologists, social workers, pedagogues) who are institutionally connected to the work of these courts, which strengthens the integration of professional expertise in decision-making.

In Montenegro, expert services exist within higher courts and prosecutor's offices, but they do not have the same institutional status as a permanent part of juvenile courts. The specialised courts in Croatia allow juvenile proceedings to be conducted in an environment separate from the "classical" criminal justice system, which reduces stigmatisation and provides the juvenile with a sense that the process is directed towards their well-being rather than repression. In Montenegro, since proceedings are conducted before regular courts, juveniles still face the environment of the "classical" penal system. Judges and prosecutors for juveniles in Croatia receive continuous education and work exclusively on juvenile cases. This results in high expertise and experience. In Montenegro, specialisation is achieved through training and appointment, but judges simultaneously handle other criminal cases, and thus do not have an exclusive focus on juveniles.

Special juvenile courts represent a solution closer to the models of developed European systems (e.g. Germany, Austria, France), where the emphasis is on a separate jurisdiction for children and youth. This also strengthens the international perception of compliance with child rights standards, and in that direction the Montenegrin judicial system should be improved. The Croatian model is more favourable as it provides institutional clarity, greater professional focus, better protection of the rights of juveniles, and reduced stigmatisation. The Montenegrin model, although normatively sound, remains within the regular court system and depends on the individual specialisation of judges, which may affect the consistency of practice and the perception of child protection.

Furthermore, the multidisciplinary approach is institutionally stronger in Croatia, Slovenia, and Bosnia and Herzegovina, since psychologists, social workers, and pedagogues participate in all stages of the proceedings. In Montenegro, expert services exist, but their involvement is not always mandatory.

Regarding the execution of sanctions, Croatia and Slovenia have developed social mechanisms for post-penal assistance, while Montenegro, although legally providing for guardianship authority care after enforcement, in practice shows weaker capacities in this area.

In the area of alternative measures, both Serbia and Croatia have developed institutes of deferred prosecution, mediation, and wide application of educational orders, while Montenegro has prescribed alternative measures in line with the practice but their implementation is still not sufficiently consistent. In terms of the protection of juvenile victims and witnesses, Croatia, Slovenia, and Bosnia and Herzegovina have developed specialised child-friendly interview rooms and clear prohibitions on confronting children with defendants, while Montenegro legally provides for such solutions but applies them only partially due to limited capacities.

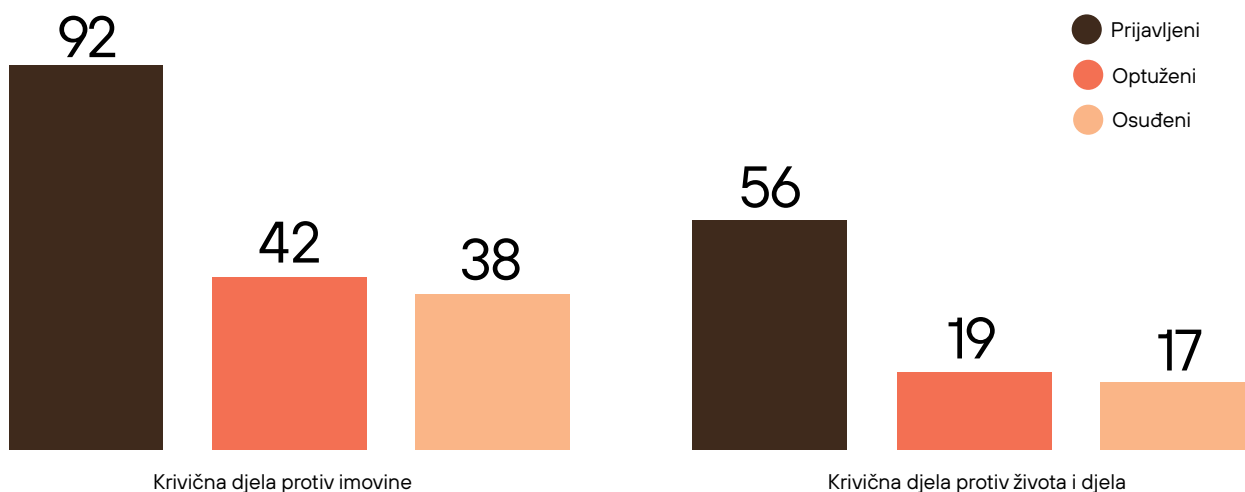
It is important to emphasise that Montenegro must particularly work, in the area of full implementation of the Law on the Treatment of Juveniles and alignment with European standards, on the establishment of a correctional and disciplinary centre. In practice, juveniles who are sentenced to institutional measures or juvenile prison are accommodated in special departments within existing prisons or adult institutions, under an adjusted regime. This is inconsistent with the legal provision requiring special institutions intended exclusively for juveniles, which is also not in line with child rights protection standards. Moreover, although expert services and post-penal care obligations exist, their capacities and implementation remain limited.

1.5. Overview of court practice in Montenegro in the period 2022–2024

GODINA	PRIJAVLJENI			OPTUŽENI			OSUĐENI		
	ukupno	ženski	muški	ukupno	ženski	muški	ukupno	ženski	muški
2022.	209	12	197	119	6	113	113	6	107
2023.	196	9	187	128	11	117	123	10	113
2024.	260	24	236	106	4	102	97	3	94

Table 1: Number of reported, indicted and convicted persons for 2022, 2023 and 2024⁴³

According to the data of the Statistical Office of Montenegro – Monstat for 2024, a total of 260 juvenile offenders were reported, of whom 24 were female and 236 were male. This figure is significantly higher compared to 2023, when a total of 196 juveniles were reported, of whom 9 were female and 187 were male. In 2022, the number of reported juveniles was 209, of whom 12 were female and 197 were male. However, the figures for the last three years indicate a lower proportion of cases in which the responsibility of juvenile offenders (shown as convicted in Table 1) was established, compared to the total number of reported cases.



Graph 1: Reported, accused and convicted juvenile offenders in the structure of criminal offences in 2024⁴⁴

In the structure of criminal offences committed by juveniles in 2024, the most frequent were criminal offences against property:

- the number of reported juveniles for criminal offences against property was 92, i.e. 35.4% of the total number of reported juveniles,

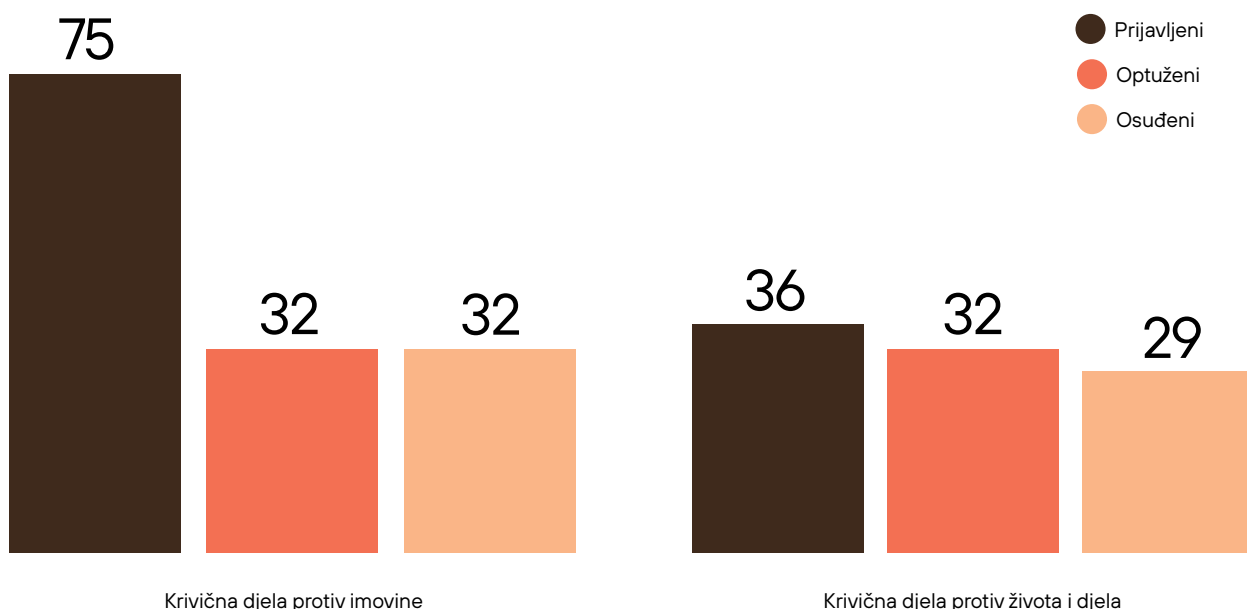
⁴³ Monstat, Department of Statistics, Education and Judiciary, available at: <https://www.monstat.org/>

⁴⁴ Press Release 78/2025 *Juvenile Offenders in 2024*, Statistical Office – Monstat, from 20 May 2025

- the number of accused juveniles for criminal offences against property was 42, i.e. 39.6% of the total number of accused juveniles,
- the number of convicted juveniles for criminal offences against property was 38, i.e. 39.2% of the total number of convicted juveniles.⁴⁵

When it comes to the most serious criminal offences (criminal offences against life and body) in 2024, the structure is as follows:

- the number of reported juveniles for criminal offences against life and body – 56, or 21.5% of the total number of reported juveniles,
- the number of accused juveniles for criminal offences against life and body – 19, or 17.9% of the total number of accused juveniles,
- the number of convicted juveniles for criminal offences against life and body – 17, or 17.5% of the total number of convicted juveniles.⁴⁶



Graph 2: Reported, accused and convicted juvenile offenders in the structure of criminal offences in 2023⁴⁷

In the structure of criminal offences committed by juveniles in 2023, the most frequent were criminal offences against property:

- the number of reported juveniles for criminal offences against property – 75, i.e. 38.3% of the total number of reported juveniles,

⁴⁵ Press Release 78/2025 *Juvenile Offenders in 2024*, Statistical Office – Monstat, from 20 May 2025

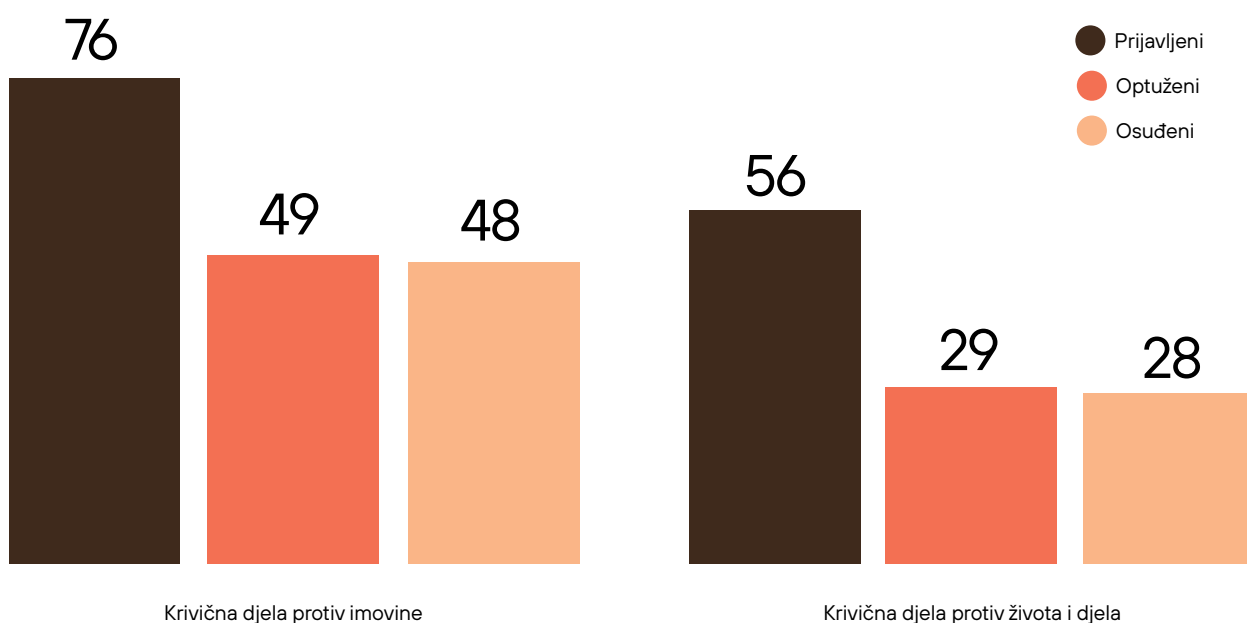
⁴⁶ *Ibidem*.

⁴⁷ Press Release 69/2024 *Juvenile Offenders in 2023*, Statistical Office – Monstat, from 20 May 2025

- the number of accused juveniles for criminal offences against property – 32, i.e. 25% of the total number of accused juveniles,
- the number of convicted juveniles for criminal offences against property – 32, which represents 26% of the total number of convicted juveniles.⁴⁸

In relation to the most serious criminal offences (criminal offences against life and body), the structure is as follows:

- the number of reported juveniles for criminal offences against life and body – 36, or 18.4% of the total number of reported juveniles,
- the number of accused juveniles for criminal offences against life and body – 32, or 25% of the total number of accused juveniles,
- the number of convicted juveniles for criminal offences against life and body – 29, or 23.6% of the total number of convicted juveniles.⁴⁹



Graph 3: Reported, accused and convicted juvenile offenders in the structure of criminal offences in 2022⁵⁰

In the structure of criminal offences committed by juveniles in 2022, the most frequent were criminal offences against property:

- the number of reported juveniles for criminal offences against property – 76, i.e. 36.4% of the total number of reported juveniles,
- the number of accused juveniles for criminal offences against property – 49, i.e. 41.2% of the total

48 Press Release 69/2024 *Juvenile Offenders in 2023*, Statistical Office – Monstat, from 20 May 2025

49 *Ibidem*.

50 Press Release 68/2023 *Juvenile Offenders in 2022*, Statistical Office – Monstat, from 18 May 2023

number of accused juveniles,

- the number of convicted juveniles for criminal offences against property – 48, i.e. 42.5% of the total number of convicted juveniles.⁵¹

When it comes to the most serious criminal offences (criminal offences against life and body) in 2022, the structure is as follows:

- the number of reported juveniles for criminal offences against life and body – 56, or 26.8% of the total number of reported juveniles,
- the number of accused juveniles for criminal offences against life and body – 29, or 24.4% of the total number of accused juveniles,
- the number of convicted juveniles for criminal offences against life and body – 28, or 24.8% of the total number of convicted juveniles.⁵²

⁵¹ Press Release 68/2023 *Juvenile Offenders in 2022*, Statistical Office – Monstat, from 18 May 2023

⁵² *Ibidem*.

Imposition and implementation of alternative measures for juveniles

Alternative measures occupy a central place in the Montenegrin legal system when it comes to juvenile offenders. Their basic purpose is to avoid conducting formal criminal proceedings and to provide the juvenile with an opportunity to accept responsibility and correct their behaviour in order to prevent the commission of criminal offences in the future.

Alternative measures are a warning and an educational order.⁵³

The law stipulates that a *warning* may be imposed or determined for a juvenile offender for criminal offences punishable by a fine or imprisonment of up to three years if:

- there is evidence giving rise to reasonable suspicion that the juvenile committed the criminal offence;
- the juvenile gives consent with the approval of their legal representative;
- no educational order or criminal sanction has been previously applied to the juvenile.⁵⁴

The warning is imposed by the juvenile public prosecutor or determined by an authorised police officer with specific knowledge in the field of the protection of the rights of juveniles, with the written approval of the public prosecutor, taking particular account of the juvenile's attitude towards the criminal offence and the victim.

Furthermore, the law stipulates that for a criminal offence punishable by a fine or imprisonment of up to ten years, one or more *educational orders* may be imposed on a juvenile offender if:

- there is evidence giving rise to reasonable suspicion that the juvenile committed the criminal offence;
- the juvenile gives consent with the approval of their legal representative.⁵⁵

The educational order is imposed by the competent juvenile public prosecutor, taking particular account of the juvenile's attitude towards the criminal offence and the victim.

Educational orders include:

- settlement with the victim;
- regular school attendance or regular attendance at work;
- participation in certain sports activities;
- performance of community or humanitarian work;

⁵³ Law on the Treatment of Juveniles in Criminal Proceedings, *Official Gazette of Montenegro* Nos. 64/2011 and 1/2018, Article 9

⁵⁴ *Ibidem*, Article 10

⁵⁵ *Ibidem*, Article 11

- payment of a sum of money to a humanitarian organisation, fund or public institution;
- undergoing appropriate examination and treatment for addiction caused by the use of alcohol or drugs;
- participation in individual or group treatment in an appropriate health institution, counselling centre or other suitable organisation;
- attendance of vocational training courses or preparation and taking of examinations;
- abstaining from visiting certain places or contacting certain persons.⁵⁶

The main purpose of these measures is to achieve reconciliation between society and the juvenile, to repair the harm caused, and to help the young offender return to a proper path of development. The application of these measures is not marginal – more than a thousand cases have been recorded.

Structurally, the system allows different institutions (the police, the prosecution, and the court) to implement appropriate measures depending on the seriousness of the offence and the circumstances, thereby ensuring an individualised, child-friendly response to offences.

According to available data from the Expert Service for the Support of Juveniles at the Supreme State Prosecutor's Office of Montenegro,⁵⁷ out of 50 juveniles registered in the Expert Service during 2023, assessments were conducted for 31 juveniles and 34 measures were recommended (18 alternative and 16 educational measures). For 14 juveniles, the assessment continues in 2024, while 4 juveniles were at an unknown address. Data for 2022 and 2024 were not publicly available at the time of the completion of this analysis⁵⁸. Nevertheless, the available data indicate a growing trend in the application of alternative measures, which is consistent with international and European recommendations on reducing the institutionalisation of children and promoting restorative mechanisms.

In modern approaches to juvenile justice, the traditional punitive model is increasingly being abandoned, and greater importance is placed on alternative measures that offer opportunities for prevention, rehabilitation, and reintegration of young people into society, which is also the spirit of the Law on the Treatment of Juveniles. These measures are not only a reaction to a criminal offence but also a proactive tool for preventing reoffending and building a healthier relationship between the juvenile and society. Their application is beneficial on multiple levels – legal, social, psychological, and institutional – making them a valuable instrument for the legal protection of children and the preservation of social values through their educational and rehabilitation character.

Unlike criminal sanctions, which often have a limited effect on behavioural change, alternative measures are designed to develop a sense of responsibility in juveniles and awareness of the consequences of their own actions. Childhood and adolescence are characterised by emotional instability, impulsiveness, and an underdeveloped ability to assess risk. In this context, punishment can have a counterproductive effect, while educational measures such as community service, public apology, or counselling with professionals provide juveniles with the opportunity to learn, mature, and change their behaviour in a safe and supportive environment.

Additionally, alternative measures contribute to the prevention of recidivism, that is, reducing the likelihood that a juvenile will reoffend, which is also the goal of applying mediation programmes, educational orders, and warnings. Emphasis is also placed on their rapid implementation, direct connection with the committed offence, and alignment with the specific needs of the child and their family.

⁵⁶ *Ibidem*, Article 12

⁵⁷ Annual Report of the Professional Service for Juvenile Support for 2023, page 2, available at: <https://wp.amplitudo.me/vrhovno-drzavno-tuzilastvo/vdt-strucna-sluzba/vdt-strucna-sluzba-izvjestaji-o-radu/>

⁵⁸ August – September 2025

Another important advantage of alternative measures lies in the fact that they avoid court proceedings, which are often lengthy, stressful, and traumatic for the child. Court procedures, the publicity of the process, and contact with the justice system can have long-term negative effects on the child's psychological development. Alternative measures allow cases to be resolved more quickly, discreetly, and in a way that is understandable and acceptable to the child. This also reduces the risk of stigmatisation and marginalisation, while the child retains a sense of personal dignity and belonging to the community.

In the context of restorative justice, alternative measures also enable the active involvement of the victim in the process through mediation and settlement. This practice allows the juvenile offender to respond directly to the victim through an apology, compensation, or another symbolic act, thereby restoring trust and repairing damaged relationships. At the same time, the victim is given the opportunity to express their feelings, set boundaries, and receive acknowledgement for the harm suffered, which contributes to the emotional closure of the conflict.

From an institutional standpoint, alternative measures represent a relief for the judicial system, as they enable the resolution of a large number of cases without court involvement. This frees up resources that can be directed towards more serious cases, while providing juveniles with a faster and more effective response. Therefore, it is justified to advocate for the more frequent imposition of alternative measures in relation to criminal sanctions for offences committed by juveniles, while taking into account the gravity of the offence and other important circumstances of each specific case.

Alternative measures in Montenegro are harmonised with international standards, including the Convention on the Rights of the Child, the Beijing Rules, and the Council of Europe Guidelines on Child-friendly Justice. In this way, Montenegro demonstrates its commitment to fulfilling international obligations in this field, as well as to developing a humane, sustainable, and child-oriented justice system.

In general, alternative measures represent a modern response to juvenile delinquency – a response that simultaneously protects the child, the victim, and society. They enable justice to be not only achieved but also educational, humane, and constructive, thus creating space for the personal development of young people and the building of a healthier social order.

In this context, the future development of juvenile justice in Montenegro should move towards:

- further education of professionals (judges, prosecutors, police officers, mediators);
- increasing the availability of programmes for parents and families (e.g. counselling, education, therapeutic programmes);
- strengthening the capacities of social work centres and services for the execution of educational measures through additional resources and specialised training;
- introducing a regular system of evaluation and research on the effects of alternative measures, with the aim of continuously improving practice;
- strengthening intersectoral cooperation and establishing local services to support alternative measures.

Only through such an approach is it possible to ensure that alternative measures do not remain a mere legal provision, but become an effective tool for the rehabilitation of young people and the protection of social values.

Multisectoral meetings and recommendations

The Centre for Civic Education (CCE) organised, within the framework of the project “HEART: Supporting the Empowerment and Resilience of Youth Today”, during March 2025, three regional meetings dedicated to the topic of the treatment of juveniles in criminal proceedings through the consideration of the situation in the field of prevention, prosecution, and resocialisation. The meetings brought together representatives of the judiciary, prosecution, police, social work centres, pedagogical-psychological services, and other relevant institutions. The aim was, through dialogue and exchange of experiences, to identify the key challenges in the implementation of the legal framework, as well as to define recommendations for the improvement of institutional practice and intersectoral cooperation. Additional significance lies in the review of the situation in all three regions of Montenegro, which enables a broader view of the weaknesses and potentials of the system.

Central region

At the meeting in Podgorica, several key problems that institutions face in the central region were identified. These included:

- *lack of adequate institutional-type establishments* – juveniles are still being referred to the AECS, due to which they are often in contact with adult offenders, which carries high risks for their resocialisation. The absence of establishments for female juveniles was particularly emphasised;
- *inefficiency in the implementation of educational measures and orders* – courts often impose measures that later cannot be realised due to the lack of agreements with relevant institutions or the unwillingness of establishments to assume obligations. Some cases are concluded formally, without real rehabilitative effect;
- *overcrowding and inadequate conditions in existing centres* – it was pointed out that the Centre for Children and Youth “Ljubović”, although a key institution, does not have the capacity to meet the needs, including juvenile prison, day-care centres, and support for victims of trafficking. Different categories of beneficiaries are often mixed in the same premises, which produces negative consequences;
- *weak cooperation between institutions* – cooperation mechanisms between courts, social work centres, and educational institutions are insufficiently developed, resulting in a slow and partial system response;
- *decline in the authority of the school and the family* – schools are losing their educational role, while parents often do not take responsibility for the behaviour of their children, and in practice it often happens that parents avoid imposing sanctions and shift the burden of responsibility onto schools or institutions;
- *lack of preventive programmes and services* – although there are individual initiatives, early prevention is systematically neglected, especially in preschool age and primary education;
- *new forms of delinquency* – institutions are not sufficiently prepared to respond to the increasingly frequent cases of sexual and digital violence, while existing mechanisms mainly cover traditional property and violent crimes;

- *lack of professional staff* – schools and centres still lack social workers and special education experts, which prevents comprehensive work on resocialisation and prevention.

In accordance with the above, the following concrete measures were proposed to improve the institutional response to juvenile delinquency:

- establishment of specialised institutional-type facilities for juveniles, including separate pavilions for female juveniles and safe houses for victims;
- creation of a network of agreements with institutions for the implementation of educational orders and measures, including community service through cooperation with local enterprises and the NGO sector;
- strengthening of social work centres through staff reinforcement and the establishment of specialised counselling services for parents and children;
- development of preventive programmes in education, including the establishment of day-care centres for children with behavioural problems and additional training for teaching staff;
- introduction of an electronic social record, modelled on the electronic school register, to improve the monitoring of juvenile behaviour and enable more efficient information exchange among institutions;
- greater involvement of parents in the implementation of measures and the development of a system of sanctions for parents who refuse to cooperate;
- delegating certain tasks to the non-governmental sector, especially when it comes to working with victims and implementing alternative sanctions, while providing state funding;
- adaptation of the system to new forms of crime, particularly in the sphere of digital and sexual violence, with specialised programmes for juvenile offenders and support for victims.

The conclusion of the meeting in the central region indicates that institutional weaknesses and the lack of systemic prevention are among the main causes of the increase in juvenile delinquency. The participants agreed that it is necessary to simultaneously strengthen infrastructure and human capacities, develop programmes of early intervention and resocialisation, and create space for greater involvement of the non-governmental sector through specialised support services. The importance of continuous and high-quality cooperation among all competent institutions was particularly emphasised, as a sustainable protection model cannot be built without it. Only through coordinated and responsible action by all stakeholders is it possible to create a system that provides young people with an opportunity for healthy development and reintegration, and brings society greater safety and a long-term reduction in recidivism.

Northern region

At the meeting in Bijelo Polje, based on the presented research data and their own professional experience, the participants identified the following obstacles for institution:

- *lack of specialised institutional-type facilities* – juveniles are referred to inadequate institutions, such as pre-trial detention or adult pavilions within the AECS, which in the long term undermines the purpose of resocialisation, and there is no facility intended for female juveniles;
- *overload of social work centres* – in smaller municipalities in the north, a small number of social workers handle a large number of cases, resulting in situations where measures such as intensified parental supervision are implemented only partially, more often with the juvenile than with the parents, thereby reducing their effectiveness;
- *insufficient support from school pedagogical and psychological services* – although schools are the first to identify problematic behaviour, response and proactive action are often lacking, while social

work centres become involved only at later stages, when the problem has already escalated;

- *inadequate approach to the prevention of peer violence* – the introduction of assistants for peer violence and the engagement of security guards in schools has been assessed as ineffective, since these individuals are often not adequately qualified nor possess the necessary competencies;
- *high age limit for criminal responsibility* – under the current legislation, the limit is set at 14 years, which many participants assessed as too high in relation to the actual psychophysical development of young people and the emergence of serious forms of antisocial behaviour at an earlier age;
- *insufficient involvement of parents* – in practice, it has been shown that parents often avoid cooperation, which calls into question the purpose of the imposed measures, while family responsibility remains insufficiently regulated and sanctioned.

Based on the identified challenges, a number of proposals were offered that could contribute to better functioning of the system in this area, including the following measures:

- establishment of specialised institutional-type facilities for juveniles, with separate capacities for female juveniles, in order to ensure the adequate execution of sanctions and measures;
- increase in the number of professional staff in social work centres, particularly special education experts, psychologists, and social workers, to reduce the workload of existing staff and enable the quality implementation of measures;
- mandatory involvement of parents in the resocialisation process, with the possibility of introducing financial or other sanctions for non-compliance with obligations;
- specialisation of professional services so that specific staff members within the centres are responsible exclusively for the implementation of intensified supervision measures, thereby contributing to their substantive enforcement;
- consideration of a more flexible approach to the age limit for criminal responsibility, including the possibility of lowering it from 14 to 12 years in specific cases, with mandatory application of milder measures for the youngest;
- reform of the education system through strengthening pedagogical and psychological services, mandatory presence of special education experts, and additional training for teachers in pedagogy, prevention, and methodologies of working with children;
- introduction of early intervention protocols in cases where parents refuse cooperation or where a child shows antisocial forms of behaviour at an early age.

The conclusion of the meeting in the northern region shows that, although institutions in this part of Montenegro demonstrate greater willingness to cooperate than in other regions, the key problems remain the lack of specialised facilities, staff overload, and a fragmented approach to the resocialisation of juveniles. The participants agreed that without strengthening social work centres, mandatory parental involvement, and reform of the education system with stronger pedagogical and psychological services, the imposed measures will not have a substantive effect. It was emphasised that prevention and resocialisation must be set as priorities, alongside the improvement of the legislative framework and institutional capacities, so that the system ceases to function in a fragmented manner and begins to provide a unified, effective, and sustainable response to juvenile delinquency.

3.3. Southern region

The meeting for the southern region was held in Budva, where the participants identified obstacles in practice similar to those in other regions, along with certain specific challenges characteristic of the coastal

area. More precisely, the discussion highlighted a number of difficulties that burden institutions and hinder the effective implementation of measures for juveniles:

- *non-compliance with and delays in the execution of educational orders* – in some municipalities, such as Tivat and Kotor, juveniles sentenced to perform community or humanitarian work often do not begin the measure on time; in practice, due to postponements, execution frequently occurs only once the juveniles reach adulthood, thereby undermining the educational purpose of the measure;
- *overload of social work centres* – professional staff in the centres report being responsible for a large number of cases and lacking the capacity, due to administrative workload, to devote sufficient attention to individual cases or to monitor the implementation of measures;
- *lack of cooperation and service networks* – in some coastal municipalities there are no formal agreements with the expert services of courts, nor are there alternative community services that would enable the involvement of juveniles in socially useful activities;
- *unclear division of responsibilities among institutions* – expert services of courts and prosecution offices often have overlapping duties with social work centres, which leads to inefficiency in monitoring the implementation of orders;
- *difficulties in enforcing educational measures of intensified supervision* – due to a lack of staff, parental or guardian supervision is often not carried out substantively, remaining merely “on paper”;
- *inadequate role of school security guards* – many are neither properly trained nor licensed to work with children, and doubts have been raised about their professional suitability, further eroding trust in the protection system and underscoring the need for careful selection and qualification requirements for school security staff;
- *negative influence of media and the digital sphere* – juveniles are simultaneously perpetrators and victims in the digital space, and media labelling without court verdicts adds further stigma, which has also been observed in organisations where juveniles are referred to perform community or humanitarian work. Hence, it was emphasised that persons responsible for supervising juveniles in such organisations should be trained in appropriate pedagogical approaches;
- *insufficiently developed local services* – the lack of day-care and therapeutic centres, as well as programmes connecting juveniles with the community and NGOs, prevents long-term resocialisation work;
- *low parental involvement* – parents often do not participate in the implementation of measures, while institutions lack mechanisms to compel their cooperation.

Participants also proposed a series of measures that could improve the system in the southern region:

- *development of a network of alternative services at the local level* – involving minors in socially beneficial activities through cooperation with schools, sports clubs, the Red Cross, and non-governmental organisations;
- *introduction of the position of a family associate* – a professional who would monitor minors engaged in community service or those under the educational measure of enhanced supervision by parents or guardians, connecting institutions to ensure consistent implementation of measures. However, concerns were expressed about the possibility of the family associate truly serving as a link between schools, social work centres, and professional services, and it was concluded that the system itself must be connected and develop mechanisms for effective cooperation;
- *strengthening the capacities of social work centres* – employing additional professional staff to reduce the workload of existing employees and enable better case monitoring;
- *reform of educational orders* – improving the implementation of community service and humanitarian

activities as effective alternatives to criminal proceedings, with mandatory supervision and mentorship to ensure minors understand the purpose of the measure;

- *training and licensing of school security staff* – defining clear criteria and controls for their work, with an emphasis on the pedagogical and preventive dimensions of their role;
- *education of teaching and professional staff* – *enhancing the pedagogical and methodological competencies of those employed in education, as well as cooperation with experts outside formal systems*;
- *greater visibility and role of professional services* – clearly defining their responsibilities and strengthening their role in monitoring the implementation of orders and measures;
- *cooperation with non-governmental organisations* – recognising the importance of the NGO sector in creating innovative and flexible resocialisation programmes, particularly through examples of good practice in which minors are involved in group and educational activities without stigmatisation.

The conclusion of the meeting in the southern region highlights that a combination of structural weaknesses and local specificities – from delays in implementing educational orders and the overload of social work centres to the lack of alternative services and unclear institutional responsibilities – reduces the efficiency of the system. The key challenges remain the insufficiently developed local services, weak parental involvement, and lack of resources. As priority measures, participants emphasised the development of day-care and therapeutic centres, engagement of family associates, licensing of school security staff, and strengthening intersectoral cooperation through the involvement of schools, social services, courts, and the NGO sector. The need for a balanced approach was also underlined – namely, that along with the rights of minors, equal emphasis should be placed on their responsibilities, in order to ensure a preventive effect and genuine resocialisation.

Key lessons from multisectoral meetings

Although certain challenges vary across regions, the three meetings organized by the CCE revealed clear systemic weaknesses: the absence of specialized institutions for juveniles, the overburdening of social work centers, underdeveloped prevention programs, and limited parental involvement in the resocialization process. Participants emphasized that many of the measures imposed are either not implemented or remain merely formal, while the system continues to prioritize repression over prevention and support.

At the national level, the following priorities were identified: building new specialized institutions; strengthening social work centers through additional professional staff; ensuring the mandatory involvement of parents in the resocialization process; developing a network of alternative services and day-care centers at the local level; and systematically involving the NGO sector in implementing alternative sanctions and prevention programs. A special emphasis was placed on the need for institutions to address emerging forms of delinquency, such as digital violence and sexual offenses, and to develop digital tools that enable better coordination and case monitoring.

The conclusions from all meetings confirm that the key to success lies in shifting the focus toward prevention and resocialization. Once a juvenile appears before a court or prosecutor, harm has already occurred and is difficult to repair. Therefore, schools and families must serve as the first lines of protection, while the state and local communities should ensure the necessary resources, services, and institutional support. Only such an integrated approach can sustainably reduce juvenile delinquency and create a society that gives young people a real opportunity for healthy development and reintegration.

Peer violence and juvenile delinquency through public perception

Methodological notes and research focus

The research conducted by the Centre for Civic Education (CCE) in June 2024 included two categories of respondents – the general adult population and secondary school students. In both cases, a three-stage stratified random sampling method was applied. The research mapped perceptions, experiences, and reporting patterns related to peer violence and juvenile delinquency, as well as attitudes towards sanctions and assessments of the roles of institutions, media, and social networks. Part of the findings is presented in this publication, as a contribution to understanding of the broader picture of juvenile delinquency.

Findings show that the issue extends beyond isolated incidents, but represents a structural pattern of how violence emerges and intensifies through peer relations and the digital environment, in conditions where family and school resources are limited in their ability to respond effectively. The results therefore serve as an evidence base for designing measures that simultaneously strengthen disciplinary frameworks and available support services, while also aligning public policies with educational and reparative principles in juvenile justice procedures.

Prevalence of violent behaviour

Within the general population, peer violence is perceived as a widespread problem – 65.7% of respondents believe it is either occasionally (46.3%) or frequently (19.4%) present; 29.8% consider it rare, and only 4.5% believe that peer violence does not exist in their environment. Similarly, for juvenile delinquency, 43.4% of respondents report that it is occasionally present, 12.3% frequently, 34.5% rarely, and only 9.8% state that it is absent.

Findings among secondary school students are consistent – almost 60% report the presence of peer violence in their school or environment, either occasionally (42.1%) or frequently (16.1%), while 30.8% consider it rare, and 11% deny its existence. One-third of young people (33.5%) say they have never witnessed an incident, 11.9% witness violent behaviour daily, 13.6% weekly, 14.4% monthly, and 13.3% several times a year.

A “normalisation” of violence at the level of everyday life is evident (the response “occasionally” emerges as the dominant category). Among adults, this may reflect the collective memory of the community and the media framework, while among young people it may indicate situational exposure in classrooms, school corridors, and their immediate surroundings.

Forms of violent behaviour

Adults perceive psychological (27.8%) and physical (25.9%) violence as the most common forms, followed by digital (17.8%) and social (17.7%), and finally sexual violence (10.8%). Among secondary school students, psychological violence also ranks first (30.9%), followed by physical (21.2%), social (20.5%), digital (19.3%), and sexual (8.1%).

This suggests that psychological violence – which includes belittling, mocking, labelling, and similar behaviours – is the most recognisable form of violent behaviour. However, it is often an initial form that spills over into physical or digital violence. On the other hand, digital violence occurs with a frequency comparable to social and physical violence, reflecting the merging of *offline and online* environments, as conflicts that begin in person often continue on social media, and vice versa.

Personal experience with peer violence

Within the general population, 18.3% of respondents reported having personally experienced violence, while 44.2% said they knew someone who had experienced violence, and 10.1% admitted to having perpetrated violence at some point. Among those who experienced violence, the most common form was psychological (33.8%), followed by physical (27.5%), social (17.8%), sexual (12.3%) and digital (8.6%). Among those who knew a person who had experienced violence, the pattern was very similar (physical 34.8%, psychological 31.5%, social 13.6%, sexual 11.3%, digital 8.8%).

Among youth, one in five secondary school students (21.6%) report personal experience of violence, and half (53.4%) know someone who has experienced it. The most common form was psychological (34.9%), followed by social (22.4%) and digital (17.0%), with physical (15.8%) and sexual (9.9%) violence also present. A similar distribution appears when they refer to knowing someone who has experienced violence (psychological 33.2%, physical 24.4%, social 20.8%, digital 15.8%, sexual 5.9%).

It is evident that personal victimisation carries a sense of emotional vulnerability and affects one's reputation within the environment, often leading to suppression or sharing of experiences only within a close circle, while other people's experiences are more easily retold, discussed, and shared. This is reinforced by typical bystander roles – distancing, rationalisation, and shifting responsibility – which can make the broader narrative louder than direct experiences, while the threshold for intervention remains higher than it should be.

Factors influencing deviant behaviour and types of peer violence

Adults see the main factors of deviant behavior as social (24.9%) and family (23.8%), followed by educational (18.9%), economic (12.7%), geographical (10.1%) and health-related (9%) factors. High school students more often emphasize family upbringing (24.2%), the influence of the internet and social media (21.8%), and the overall state of society (19.9%), followed by educational institutions and competent authorities (both 12.8%) and the media (6.9%).

At the level of specific causes for such behaviour, youth most often cite peer influence (14.6%), family problems (10.0%), substance abuse (9.6%), unsupervised internet access (9.4%), mental/emotional problems (8.1%), the need for acceptance or validation within a group (7.5%), socio-economic circumstances (6.8%), previous victimisation (6.4%), discrimination or social exclusion (5.9%), lack of positive role models (5.9%), lack of communication or support within the family/school (5.7%), and lack of extracurricular activities (4.1%).

Reporting violence: channels, barriers and trust levels

Among secondary school students with experience of violence, 64.2% reported it, while 35.8% did not. Most often, violence was reported to a family member (34.9%), someone at school (28.1%), a trusted friend (16.5%), the police (15.7%), or a non-governmental organisation (4.8%). Among those who witnessed incidents, 57.7% reported them, while 42.3% did not. The dominant reasons cited by young people for not reporting violence were a lack of trust that the situation would change (38.7%), the belief that it was not their problem (32.4%), fear of conflict with the perpetrator (17.3%), and fear of being stigmatised or labelled as “snitches” (11.6%).

Within the adult population, 10.1% admitted to having committed violence at some point, of whom 54.3% were sanctioned by institutions, while 45.7% were not. The majority stated that they would not repeat such behaviour (84%), while 16% said they would.

The reporting pattern among young people shows a hierarchy of trust: family is the first channel, school is the second, while the police and NGOs are rarely chosen initially. This indicates that young people rely on close and easily accessible actors from whom they expect a prompt reaction with a lower reputational risk.

Attitudes towards sanctions and institutional performance

Adults predominantly consider current sanctions in the area of juvenile delinquency as too lenient – 39.4% describe them as mild and 21.5% as very mild. Meanwhile, 20.5% consider them adequate, 11.1% strict, and 1.8% very strict. When projecting desired policies, 77.1% of respondents support stricter (45.9%) or much stricter (31.2%) penalties, while only 4% would opt for milder ones.

Opinions on the effectiveness of alternative sanctions are divided – 30.5% view them as more effective, and 36.4% as less effective. The majority believe current policies/programmes are ineffective, and the attitude of state authorities towards the problem is marked as bad/very bad by 50.8%, compared to good/very good by 37.1%.

Sense of safety in school and institutional trust

Most young people perceive their schools as safe environments – 85.6% feel safe (of which always 30.3%, and mostly 55.3%), while 8.8% do not feel safe. At the same time, every fifth (20.9%) states that in their school or immediate environment they know of a case of juvenile delinquency.

A tendency toward stricter solutions is evident: 27.6% support tougher school sanctions, and 30.1% expect harsher penalties from institutions. Simultaneously, a significant part of secondary school students also demand prevention and support – 15.1% through preventive workshops, and 14.6% through greater availability of school psychologists/pedagogues – indicating that, alongside discipline, they also value tangible forms of support within schools.

Concluding remarks

The Law on the Treatment of Juveniles in Criminal Proceedings in Montenegro represents an important step towards establishing a legal system that recognizes the specific needs of children in conflict with the law. Its alignment with international standards demonstrates the formal commitment of the state to the principles of protection, resocialisation, and the rights of the child. However, practice shows that even the most modern normative frameworks lose significance if they are not supported by adequate institutional and human capacities.

The main challenge remains the lack of specialised institutions and professional staff capable of ensuring consistent and efficient application of educational measures, particularly in cases involving juveniles who commit more serious criminal offenses. Instead of focusing on rehabilitation and reintegration, practice still often resorts to solutions contrary to the spirit of the law and the fundamental principles of child protection. It is especially concerning that the prison system is frequently used as a first or common option rather than as a last resort, while there are still no separate facilities for juvenile and adult offenders.

A comparative overview shows that Montenegro shares similarities with the countries of the region regarding the legal framework, but lags behind in implementation. Croatia stands out for the development of specialised courts and a stronger focus on alternative measures, while Serbia, despite challenges, is actively developing approaches based on restorative justice and diversion procedures. Bosnia and Herzegovina, although it has formally established a system, faces challenges of inconsistent application and insufficient resources.

Montenegro is therefore at a crossroads between declarative commitment and the real need for reforms that would ensure the consistent and humane application of the law. The future development of juvenile justice must be directed towards the building of functional and specialised institutions; providing continuous education for professionals; developing and broadly applying alternative measures and programmes of restorative justice; as well as strengthening intersectoral cooperation while engaging local services and the NGO sector.

Only through such measures can a real balance be achieved between the protection of society and the rights of juveniles, enabling their full reintegration and development of potential to contribute to their communities as equal and responsible members of society.

