

# 6TH INTERNATIONAL STUDENT CONFERENCE ON LOCAL SAFETY AND SECURITY



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**arrs**

SLOVENIAN RESEARCH AGENCY

## PREVENTION OF JUVENILE DELINQUENCY IN MONTENEGRO

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# What is Juvenile Delinquency?



- Violation of legal norms, execution of criminal acts by minors
- Violation of moral norms, antisocial behavior
- Etiological factors of juvenile delinquency:
  1. *exogenous* - external (family, school, housing, peer group, media...)
  2. *endogenous* - internal (emotions, character, temperament, intelligence)

## Montenegrin Legislation

- No criminal proceedings can be conducted against a person who, at the time of the commission of an illegal act specified in the law as a criminal offense, has not reached the age of **14**, nor can the sanctions and measures prescribed by this law be applied.<sup>1</sup>
- A **minor** is a person who has reached the age of **14** at the time of the commission of the criminal act, but has not yet reached the age of **18**.
- A **younger minor** is a person who has reached the age of **14** at the time of the commission of the criminal act, but has not yet reached the age of **16**.
- An **older minor** is a person who has reached the age of **16** at the time of the commission of the criminal act, but has not yet reached the age of **18**....<sup>2</sup>

According to the law on treatment of minors in criminal proceedings, minors may be sentenced to educational measures, juvenile prison and security measures. A minor cannot be given a suspended sentence or a court warning<sup>3</sup>

# International Instruments of Importance for Montenegrin Legislation

- The United Nations Convention on the Rights of the Child (1989)
- Riyadh Guidelines (1990)
- Beijing rules (1985)
- UN guidelines for the prevention of juvenile delinquency



# The United Nations Convention on the Rights of the Child



For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier<sup>1</sup>

.....

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.<sup>2</sup>

1 UNCRC, article 1

2 UNCRC, article 19

## *FAMILY*

PRESERVING THE INTEGRITY OF  
THE TRADITIONAL FAMILY

RAISING CHILDREN IN A STABLE  
AND WELL-MAINTAINED FAMILY  
ENVIRONMENT

DEVELOPMENT OF PROGRAMS  
THAT GIVE FAMILIES THE  
OPPORTUNITY TO GET TO KNOW  
THE ROLE AND OBLIGATIONS OF  
PARENTS IN DETAIL

## *EDUCATIONAL SYSTEM*

IMPLEMENTATION OF EDUCATIONAL  
PROGRAMS AIMED AT PREVENTING  
THE ABUSE OF ALCOHOL, DRUGS AND  
OTHER SUBSTANCES BY MINORS

## *MASS MEDIA*

SHOULD BE WARNED TO  
MINIMIZE THE DISPLAY OF  
PORNOGRAPHY, VIOLENCE AND  
DRUGS

SHOULD BE ENCOURAGED TO  
PORTRAY AND CONDEMN IN A  
NEGATIVE WAY ALL THE CAUSES  
THAT INFLUENCE THE  
DEVELOPMENT OF DEVIANT  
BEHAVIOR

# RIYADH GUIDELINES

- They emphasize preventive measures that facilitate the process of socialization and integration of children and young people
- They pay special attention to the general prevention of juvenile delinquency

# BEIJING RULES

*The UN Standard Minimum Rules for the Administration of Juvenile Justice*

## RULE IV

- **In those legal systems recognizing the concept of the age of criminal responsibility for juveniles, the beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity.**

## RULE V

- **The juvenile justice system shall emphasize the well-being of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence.**

In Montenegro, persons over the age of 14 are subject to criminal liability. Bearing in mind that we are witnessing an increasing number of criminal acts, and even the most serious ones (such as murder), committed by persons who are not criminally responsible, we should think about possibly lowering that limit.

# STATISTICS



- According to data from the Ministry of Internal Affairs, 418 criminal offenses committed by 391 minors were registered in 2019, of which:
  - older minors – 229
  - younger minors – 131
  - under the age of 14 – 31
- Offenses against:
  - property – 261
  - life and body – 59
  - public order and peace – 43
  - freedom and rights of man and citizen – 7
  - people's health – 14
  - marriage and family – 4
  - sexual freedom - 5



# INSTITUTIONAL PREVENTION

## CENTER FOR SOCIAL WORK OF MONTENEGRO

HOLDER OF ALL  
PROFESSIONAL  
WORK IN THE FIELD  
OF JUVENILE  
DELINQUENCY

DEALS WITH THE  
PROBLEMS OF  
CHILDREN WITH  
ANTISOCIAL  
BEHAVIOR

PROVIDES  
PROTECTION TO  
CHILDREN WITH  
INADEQUATE  
PARENTAL CARE



PARTICIPATES IN  
DECIDING WITH THE  
PROSECUTOR WHETHER  
TO INITIATE THE  
PROCEDURE OR REJECT  
THE REPORT

AUTHORIZED TO SEND  
A CHILD WITH  
DEMONSTRATED  
ANTISOCIAL BEHAVIOR  
TO AN EDUCATIONAL  
INSTITUTION

TAKES A NUMBER OF  
MEASURES THAT ARE  
IN THE INTEREST OF  
THE CHILD

# INSTITUTIONAL PREVENTION

## CENTER FOR CHILDREN AND YOUNG PEOPLE

CARE, UPBRINGING  
EDUCATION,  
PROFESSIONAL  
TRAINING, PROVISION  
OF HEALTH CARE TO  
CHILDREN AND YOUTH  
WITH DISORDERS IN  
SOCIAL BEHAVIOR

SOCIAL AND CHILD  
PROTECTION  
INSTITUTION THAT  
DEALS WITH THE  
INSTITUTIONAL  
PROTECTION OF  
CHILDREN IN  
CONFLICT WITH THE  
LAW



TAKING APPROPRIATE  
MEASURES IN ORDER  
TO PREVENT THE  
COMMISSION OF  
CRIMINAL ACTS AND  
VIOLATIONS OF  
GENERALLY ACCEPTED  
SOCIAL NORMS.

PROFESSIONAL  
STAFF PAYS  
ATTENTION TO THE  
ESTABLISHMENT  
AND NURTURING OF  
FAMILY  
RELATIONSHIPS OF  
RESIDENTS

# JUVENILE JUSTICE

*The purpose of criminal sanctions is to ensure proper development by providing protection and assistance to minor perpetrators of criminal offenses through supervision, general and professional training and developing personal responsibility, with the aim that they do not commit criminal offenses in the future*

- **Punitive approach (retributive):**<sup>1</sup>
  - individuals consciously choose illegal behavior
  - they are responsible for their behavior regardless of age
  - The result - a punishment that corresponds to the gravity of the crime committed, represents a mean of intimidation
- **Rehabilitation approach:**<sup>2</sup>
  - Delinquent behavior is the result of a juvenile's reasoning inability
  - It assumes limited liability for such conduct
  - Goal – prevention of future delinquent behavior and provision of assistance for correction of existing unacceptable behavior

1, 2 Children's rights in conflict with the law, Ministry of justice of Montenegro, Commission for the Application of Alternative Sanctions, UNICEF, Podgorica 2007.

# RESTORATIVE JUSTICE



- The system is aimed at repairing the damage caused to people and interpersonal relationships and not at punishing the minor offender
- The emphasis is on the needs of people, human values and their personality and not on the actual punishment of the juvenile offender
- **4 fundamental principles**
  - Restoring the balance disturbed by the crime
  - Settlement of damage to the injured party
  - Creating conditions for the juvenile offender to understand and take responsibility for the act
  - Help in changing and improving the future behavior of minors

# Conculsion

- THE FACT IS THAT JUVENILE CRIME IS A SERIOUS SOCIAL PROBLEM WHICH, HOWEVER, CAN BE PREVENTED TO A SIGNIFICANT EXTENT WITH PREVENTIVE MEASURES
- DOMESTIC LEGISLATION OF MONTENEGRO, RELYING ON EUROPEAN AND INTERNATIONAL LEGAL ACTS, CONSISTENTLY PERSISTS IN THEIR SUCCESSFUL APPLICATION IN PRACTICE
- ALTHOUGH PREVENTIVE MEASURES ARE PRIMARY, IN THE FIGHT AGAINST JUVENILE CRIME WE ALSO HAVE REPRESSIVE MEASURES IN THE FORM OF VARIOUS PENALTIES.

# Literature:

- The United Nations Convention on the Rights of the Child (1989)
- THE LAW ON THE TREATMENT OF MINORS IN CRIMINAL PROCEEDINGS ("Official Gazette of Montenegro", no. 064/11 of 29.12.2011, 001/18 of 04.01.2018)
- Guidelines for the Prevention of Juvenile Delinquency, Riyadh Guidelines (1990)
- The UN Standard Minimum Rules for the Administration of Juvenile Justice, Beijing rules (1985)
- Children's rights in conflict with the law, Ministry of justice of Montenegro, 2020.  
Commission for the Application of Alternative Sanctions, UNICEF, Podgorica 2007.

THANK YOU FOR YOUR ATTENTION

