

## ASSESSING LEGISLATIVE COMPLIANCE OF JUVENILE JUSTICE IN THE CEE REGION WITH INTERNATIONAL STANDARDS

*Abstract: The article explores the extent to which juvenile justice systems in the countries of Central and Eastern European countries comply with international standards. It reviews key international instruments, emphasizing principles such as the best interests of the child, rehabilitation over punishment, and the use of detention only as a last resort. While all of the analyzed countries have made significant legislative progress by incorporating child-centered principles into their legal frameworks, the article identifies major gaps in implementation. These include outdated facilities, insufficient training for professionals, weak cooperation between justice and welfare sectors, limited use of diversion and restorative justice, and a tendency to rely on incarceration. Finally, the given article concludes that to ensure real compliance with international standards, CEE countries must move beyond legal reform and invest in institutional support, professional education, and community-based alternatives. In that aspect, effective juvenile justice must recognize that young offenders are still children in need of protection, guidance, and opportunities for reintegration.*

**Keywords: Juvenile justice, International standards, Central and Eastern Europe, Children's rights.**

### 1. INTRODUCTION

The way societies treat children in conflict with the law reflects broader values of justice, human rights, and social responsibility. Juvenile justice is not only a legal matter but also a moral and developmental issue, requiring a delicate balance between accountability and the best interests of the child. In recent years, we have seen a critical need to align national juvenile justice systems with internationally

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\* Ph.D. Candidate, Ferenc Deák Doctoral School of the University of Miskolc and Scientific Researcher at Central European Academy, Budapest, ORCID: <https://orcid.org/0000-0003-2725-488X>, [gasparic.asea@gmail.com](mailto:gasparic.asea@gmail.com).

recognized standards. This alignment is crucial not only for protecting the rights and welfare of young offenders but also for ensuring that they receive fair treatment, effective rehabilitation, and support for social reintegration. International instruments, such as the United Nations Convention on the Rights of the Child (hereinafter: CRC),<sup>1</sup> the UN Standard Minimum Rules for the Administration of Juvenile Justice,<sup>2</sup> United Nations Rules on the Protection of Juveniles Deprived of their Liberty,<sup>3</sup> and the UN Guidelines for the Prevention of Juvenile Delinquency,<sup>4</sup> provide a comprehensive framework that national legislation should reflect and implement in practice. These international instruments collectively define a rights-based framework that prioritizes child-friendly procedures, alternatives to detention, and the principle of reintegration. Their value lies not only in their legal authority but also in their practical applicability as benchmarks for measuring state compliance and reform outcomes.<sup>5</sup>

In the Central and Eastern European (hereinafter: CEE) region, this alignment process is particularly complex. The legacy of former socialist legal traditions, coupled with ongoing political and socio-economic transitions, continues to shape national juvenile justice systems in diverse ways. Although many countries in the region have initiated legal reforms and formally adopted international obligations, practical implementation often remains inconsistent and fragmented. As a result, legislative frameworks often represent a mix of outdated practices and modern reforms. The challenge, therefore, is not merely legal harmonization but ensuring that domestic systems integrate the substance of international norms into everyday practice.<sup>6</sup>

This article aims to critically assess the degree of legislative compliance of juvenile justice systems in CEE countries with key international norms. Through a structured analysis, it explores both normative alignment and practical challenges in the application of juvenile justice standards. The methodology includes a comparative review of selected national legal frameworks—namely those of Croatia, Serbia, Slovenia, Hungary, Poland, Slovakia, and the Czech Republic—measured against internationally recognized instruments and guidelines.

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1 UN General Assembly, Convention on the Rights of the Child, United Nations, Treaty Series, vol. 1577, 3, 20 November 1989.

2 UN General Assembly, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules): resolution / adopted by the General Assembly, A/RES/40/33, 29 November 1985.

3 UN General Assembly, United Nations Rules for the Protection of Juveniles Deprived of Their Liberty : resolution / adopted by the General Assembly, (Havana Rules), A/RES/45/113, 2 April 1991.

4 UN General Assembly, United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) : resolution / adopted by the General Assembly, A/RES/45/112, 28 March 1991.

5 U. Kilkelly, “Youth Justice and Children’s Rights: Measuring Compliance with International Standards”, *Youth Justice*, 3/2008, 88.

6 *Ibid.*, 190.

Ultimately, the goal is to contribute to the discourse on building a more effective, humane, and child-centered juvenile justice system in the CEE region as one that genuinely supports the rehabilitation and reintegration of young individuals while respecting their fundamental rights and dignity. By identifying both progress and persistent gaps, the article aims to inform future legal reforms and highlight the crucial role of international cooperation and support.

## 2. INTERNATIONAL STANDARDS IN JUVENILE JUSTICE

The CRC, adopted in 1989, has significantly influenced the framework for juvenile justice around the world. The CRC establishes clear guidelines for the treatment of children in conflict with the law, ensuring that their unique needs and vulnerabilities are addressed throughout legal proceedings. The best interest of the child as the key standard that must be the primary consideration in all procedures concerning children. It is incorporated in Article 3 of the CRC, whereas it requires that every decision affecting a child focuses on their welfare, personal development, and future prospects. Another important aspect is the principle of non-discrimination.<sup>7</sup> This provision insists that all children receive equal protection under the law, irrespective of race, gender, socioeconomic background, or any other status, thereby ensuring that every child has access to fair and unbiased justice. Furthermore, the CRC also emphasizes the need for age-appropriate<sup>8</sup> procedures in juvenile justice. It acknowledges that children are not miniature adults<sup>9</sup> and, therefore, should be processed through systems that consider their developmental stage. This provision includes tailoring judicial proceedings and sanctions to be suitable for young offenders.<sup>10</sup>

Several years before the CRC, the UN Standard Minimum Rules for the Administration of Juvenile Justice (hereinafter: The Beijing Rules), adopted in 1985, set international guidelines for juvenile justice, prioritizing the best interests of the child while aligning with human rights standards. Their core aim is to support the rehabilitation and reintegration of juvenile offenders rather than focusing solely on punishment. Although some provisions apply to the broader justice system, the rules are specifically tailored to address the unique needs of minors, emphasizing their protection, education, and personal development. Rule 4 encourages states to establish a minimum age of criminal responsibility (hereinafter: MACR), ensuring that young children are not subjected to the

7 Article 2 of the CRC.

8 *Ibid.*, Article 40 section 3a; on this topic see in: A. Gasparic, "The Minimum Age of Criminal Responsibility across Central Eastern European Countries", *J. Crimin. & Crim. L.*, 62, 2024, 45–67.

9 A. Carić, "Mlađe osobe u kaznenom pravu (počinitelji i žrtve)", *Pravni fakultet Sveučilišta u Zagrebu*, Zagreb, 2002, 1; V. Kambovski, *Penal treatment of juvenile offender's in Comparative analysis of juvenile justice legislation*, UNICEF, Skopje, 2002, 4.

10 Article 32c of the CRC.

justice system. It underscores the importance of individualized treatment, where legal responses consider both the offender's personal circumstances and the severity of the offense. The rules further stress that juveniles should be treated with dignity and respect, with access to education, vocational training, and psychological support to aid their reintegration into society. Moreover, recognizing that some juveniles may end up in detention, the rules also address institutional treatment. In that regard, Rule 26 highlights that the primary goal of juvenile institutions should be to provide care, protection, education, and vocational skills to help young offenders become productive members of society. Accordingly, it recommends specialized training for personnel working with juveniles or involved in crime prevention. Lastly, the Beijing Rules encourage alternatives to formal trials where appropriate whereas Rule 11 grants discretion to police, prosecutors, and other authorities to resolve cases without formal hearings, particularly in first-time offenses or cases influenced by external factors like peer pressure. Even in more serious cases, diversion remains an option based on individual circumstances, reinforcing the principle that juvenile justice should focus on rehabilitation rather than strict punitive measures.

In that context, the following document brought by the United Nations Rules referred to the Protection of Juveniles Deprived of their Liberty (hereinafter: Havana Rules) set essential standards for protecting the rights and well-being of juveniles in institutional settings. They emphasize humane treatment, rehabilitation, and dignity, ensuring that imprisonment is used only as a last resort and for the shortest time necessary.<sup>11</sup> When incarceration is unavoidable, the rules stress safe and humane conditions, proper medical care, and separation from adults, except in cases involving family members. Additionally, they highlight the importance of reintegration programs, offering support to help juveniles successfully transition back into society.<sup>12</sup> Like other key international frameworks, the Havana Rules prioritize rehabilitation and reintegration, reinforcing that juvenile justice should focus on the child's long-term well-being rather than punishment.

Finally, the UN Guidelines for the Prevention of Juvenile Delinquency (hereinafter: Riyadh Guidelines) provide a key international framework for preventing juvenile delinquency by focusing on youth well-being and addressing its root causes. Instead of punitive measures, the guidelines emphasize prevention through family support, education, and community engagement.<sup>13</sup> Moreover, Guideline 12 also mentions education systems as crucial highlighting the need for accessible non-formal education to prevent school dropouts—one of the main risk factors for delinquency. Beyond schools, community services help create a supportive

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11 Article 1 of Havana Rules.

12 *Ibid.*, Section IV, Rule 80.

13 For example, Section IV, part A refers to the fact that families play a central role in shaping youth behavior, with the guidelines promoting positive parenting programs to prevent neglect and abuse.

environment, especially for at-risk youth.<sup>14</sup> A comprehensive prevention strategy should also consider social factors such as healthcare, housing, and education,<sup>15</sup> while avoiding stigmatization, which can reinforce delinquent behavior.<sup>16</sup>

In the sphere of the Council of Europe, they have established a comprehensive framework for juvenile justice based on human rights principles, primarily originating from the European Convention on Human Rights<sup>17</sup> (hereinafter: ECHR) and further elaborated through recommendations and strategic documents. These standards aim to protect the rights of minors, ensure fair treatment, and promote rehabilitation over punitive measures. The ECHR, as a binding legal instrument, guarantees fundamental rights that extend to juveniles in conflict with the law. Key provisions include the right to a fair trial<sup>18</sup> which ensures that children are treated appropriately within the justice system, and the prohibition of inhumane or degrading treatment<sup>19</sup> safeguarding juveniles from abusive practices. Beyond the ECHR, the Council of Europe has issued numerous recommendations emphasizing child-friendly justice, the use of alternative measures to detention, and the importance of reintegration. In that regard, the Recommendation CM/Rec(2008)11 on European Rules for Juvenile Offenders Subject to Sanctions or Measures promotes diversion from the criminal justice system and alternatives to detention.<sup>20</sup> Moreover, Directive 2016/800/EU on procedural safeguards for children who are suspects or accused persons in criminal proceedings<sup>21</sup> sets out specific procedural safeguards for children who are suspects or accused in criminal proceedings, acknowledging their vulnerability and developmental needs. Additionally, even though they are not binding, the Guidelines on Child-Friendly Justice<sup>22</sup> highlight that all judicial proceedings involving minors should be adapted to their needs, ensuring a child-sensitive approach in legal procedures. Overall, the Council's approach to juvenile justice aligns with international standards, advocating for a balanced system that upholds children's rights, minimizes the use of detention, and fosters rehabilitation and reintegration into society.

14 Guideline 18 of Riyadh Guidelines.

15 *Ibid.*, Guideline 19.

16 *Ibid.*, Guideline 56.

17 Council of Europe, European Convention on Human Rights: treaty / adopted by the Council of Europe, E.T.S. No. 5, 4 November 1950.

18 *Ibid.*, Article 6.

19 *Ibid.*, Article 3.

20 Council of Europe: Committee of Ministers, Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures, CM/Rec(2008)11, 5 November 2008.

21 European Parliament and Council. (2016). Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. *Official Journal of the European Union*, L132, 1–20.

22 Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice: recommendation / adopted by the Committee of Ministers, CM/Rec(2010)4, 17 November 2010.

### 3. LEGAL FRAMEWORK IN CEE REGION

The regulation of juvenile criminal justice in the CEE region is based on the principle that minors who come into conflict with the law should be treated differently from adults, with a strong focus on education, rehabilitation, and social reintegration. This chapter presents a comparative analysis of the juvenile justice systems in seven CEE countries exploring the legal frameworks, institutional structures, and key procedural guarantees applicable to minors in conflict with the law.

Although the countries covered vary in their legal traditions, socio-political histories, and institutional capacities, they commonly recognize the need for child-centered justice systems that promote the best interests of the child. Each national system provides its own definition of juveniles, sets different minimum ages of criminal responsibility (hereinafter: MACR), and prescribes a unique range of educational, corrective, and punitive measures.

#### 3.1. Croatia

Juvenile criminal law in Croatia is governed by a comprehensive legal framework that prioritizes the education, rehabilitation, and reintegration of minors who come into conflict with the law. The Croatian juvenile justice system is primarily regulated by the Juvenile Courts Act,<sup>23</sup> which prescribes the treatment of offenders aged between fourteen and eighteen and young adults between eighteen and twenty-one years.<sup>24</sup> Children under the age of 14 are not considered criminally responsible and, thus, cannot be subjected to criminal sanctions, while offenders between the ages of 14 and 18 are classified as “juveniles” and are subject to special rules.<sup>25</sup> Moreover, the court may, in certain circumstances, apply juvenile sanctions to young adults,<sup>26</sup> especially if their mental and emotional development is deemed similar to that of a juvenile.

Juvenile cases are adjudicated by specialized judges or panels within juvenile departments of county and municipal courts.<sup>27</sup> Since juvenile offenders are still children and as such need protection, these panels must include professionals trained in juvenile justice and consider the minor’s age, maturity, and social background in every stage of the process.

When talking about sanctions that can be imposed on juveniles, they aim to prevent recidivism, encourage personal development, and support reintegration rather than to punish. In that sense, the Juvenile Courts Act recognizes

23 Juvenile Courts Act, Official Gazette NN 84/11, 143/12, 148/13, 56/15, 126/19.

24 *Ibid.*, Article 2.

25 *Ibid.*, Article 5.

26 Article 7 (2) of Criminal Code Official Gazette NN 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24.

27 Articles 35 – 47 of Juvenile Courts Act.

several types of punishment. Firstly, educational measures<sup>28</sup> are rehabilitative and adaptable to individual needs. They range from the weakest intensity to the strongest intensity and as such include court admonition as a formal warning issued by the court, special obligations, increased care and supervision, daily stay in educational institutions, referral to a disciplinary centre, referral to correctional institutions, referral to reformatory institution and referral to special institution.<sup>29</sup> Furthermore, juvenile imprisonment (*maloljetnički zatvor*) is a last resort applicable only to older juveniles (16-18) and only when educational measures are not adequate.<sup>30</sup> Under Article 25, the maximum duration is 5 years for most criminal offences and 10 years for particularly serious. Moreover, the Juvenile Courts Act acknowledges reparative measures such as offering an apology to the victim, providing restitution, engaging in community or humanitarian or community work, and fulfilling other special obligations that may be imposed on the juvenile.<sup>31</sup> In addition to the sanctions mentioned, the Croatian juvenile justice system allows the Public Prosecutor to refrain from initiating criminal proceedings as a discretionary decision in cases specified under the Law.<sup>32</sup>

When talking about the procedure before the court regarding juvenile offender, the law is guided by the principles of confidentiality, speed, individual assessment, and minimum intervention. In that sense, it is explicitly prescribed that hearings must be closed to protect privacy,<sup>33</sup> mandatory presence of defense counsel from the first action taken<sup>34</sup> and shorter deadlines and simplified procedures.<sup>35</sup> Moreover, when appropriate, the Public Prosecutors may refrain from prosecution and refer the juvenile to educational or rehabilitative programs, subject to approval by the court.<sup>36</sup> This practice is aimed at preventing formal criminalization of minor offenses and giving juveniles a chance for reform without stigmatization.

Regarding the accommodating a juvenile into an institution, Juvenile Courts Act prescribes that during the pre-trial time, a juvenile will be put into the appropriate closed detention institution, but only as an *ultima ratio* measure.<sup>37</sup> When a juvenile is sentenced to an educational measure, such as placement in an educational institution (*odgojni zavod*), this is regulated under the Juvenile Courts Act. In that sense, the placement in an educational institution, intended for juveniles requiring intensive supervision, structured rehabilitation, and long-term behavioral interventions provides structured routines, schooling, vocational

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28 *Ibid.*, Article 7.

29 Usually for offenders of reduced intelligent capacities.

30 Article 24 of Juvenile Courts Act.

31 *Ibid.*, Article 10.

32 *Ibid.*, Article 71.

33 *Ibid.*, Article 60.

34 *Ibid.*, Article 54.

35 *Ibid.*, Article 59.

36 *Ibid.*, Article 71-72.

37 *Ibid.*, Article 66.

training, and psychological support.<sup>38</sup> Its aim is primarily rehabilitative, focusing on social reintegration through pedagogical methods and therapeutic care. Moreover, when talking about correctional placement (*maloljetnički zatvor*), besides the Juveniles Court Acts, they are regulated under the Execution of Prison Sentence Act.<sup>39</sup> This law establishes the organizational structure, execution procedures, and rights of individuals serving prison sentences, including juveniles. Thus, juveniles sentenced to imprisonment are placed in specialized juvenile correctional facilities or in designated juvenile departments within general penitentiary institutions.<sup>40</sup> In that sense, juvenile offenders must be separated from adult prisoners and placed in conditions appropriate to their age, developmental needs, and rehabilitation aims.

### 3.2. Serbia

The Serbian Law on Juvenile Offenders and Criminal Legal Protection of Juveniles<sup>41</sup> provides a comprehensive legal framework for addressing juvenile criminal behavior, emphasizing education, rehabilitation, and proportionality over punishment. Firstly, the Serbian juvenile criminal justice system has established specialized juvenile justice mechanisms. Specific legal rules apply to juvenile offenders, including tailored criminal procedures, material law provisions, and institutions tasked with their enforcement, distinct from adult criminal justice.<sup>42</sup> In that sense, the provisions of the given law also apply to adult offenders when they are tried for criminal offenses they have committed as minors under the conditions stipulated by this law.<sup>43</sup> The MACR is set at 14 years, meaning that children under 14 are exempt from criminal liability.<sup>44</sup> Furthermore, a juvenile is defined as a person who is between 14 and 18 years old at the time of the offense.<sup>45</sup> However, Article 41 allows for the possible application of juvenile procedures to young adults under 21 in certain cases.

When it comes to measures and sanctions, the Serbian juvenile criminal system prioritizes educational interventions. This law differs in educational orders (*vaspitni nalozi*)<sup>46</sup> and educational measures (*vaspitne mere*)<sup>47</sup> represent two different mechanisms aimed at guiding the rehabilitation and reintegration of juvenile

38 *Ibid.*, Article 16.

39 Execution of Prison Sentence Act, Official Gazette NN 14/21, 155/23.

40 *Ibid.*, Article 22 (3); Article 101 of Juvenile Courts Act.

41 Law on juvenile offenders and criminal protection of minor persons, Official Gazette NN 86/205.

42 *Ibid.*, Article 1

43 *Ibidem.*

44 *Ibid.*, Article 2.

45 *Ibid.*, Article 3.

46 *Ibid.*, Article 7.

47 *Ibid.*, Article 11.



offenders. Although both serve the common purpose of influencing the behavior and development of minors who have committed criminal offenses, they differ significantly in their legal nature, the stage of the proceedings in which they are applied, their duration, and their legal consequences. In that sense, an educational order is a non-penal, alternative legal measure applied before the initiation of formal court proceedings.

On the other hand, an educational measure is a formal judicial sanction imposed by a juvenile court through a verdict, after the minor has been found responsible for a criminal offense. Unlike educational orders, these measures are part of a formal criminal procedure, and while they are not considered punitive in the traditional sense, they do indicate that the juvenile has been found responsible for a criminal act.

When we talk about the criminal procedure for juveniles, it includes several guarantees and adjustments. Throughout the entire proceedings, the juvenile has the right to legal counsel.<sup>48</sup> Such proceedings are considered urgent,<sup>49</sup> meaning that all participants involved are required to act in a manner that ensures the case is resolved as swiftly as possible.<sup>50</sup>

Finally, in terms of institutional placement, the court shall impose the measure of placement in an educational institution when it is necessary to remove the juvenile from their current environment and provide them with assistance and continuous supervision by qualified professionals.<sup>51</sup> Furthermore, in regard to juvenile prison, it can be imposed for a criminal offense punishable by twenty years of imprisonment or a more severe penalty, or in the case of concurrence of at least two criminal offenses each punishable by more than ten years of imprisonment.<sup>52</sup>

### 3.3. Slovenia

Juvenile criminal law in Slovenia is regulated through several legal instruments primarily the Criminal Code<sup>53</sup> and the Criminal Procedure Act.<sup>54</sup> The Criminal Code from 1995<sup>55</sup> included the section "Educational Measures and

48 Article 49 of the Law on juvenile offenders and criminal protection of minor persons.

49 *Ibid.*, Article 56.

50 *Ibidem*.

51 *Ibid.*, Article 20; The juvenile remains in the educational institution for a minimum of six months and a maximum of two years. The court is required to review the case every six months to determine whether there are grounds for terminating the measure or replacing it with another educational measure.

52 *Ibid.*, Article 29; imprisonment may be imposed for a duration of up to ten years.

53 Slovenian Criminal Code, Official Gazette 54/15, 6/16 – 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22.

54 Slovenian Criminal Procedure Act, Official Gazette 176/21 – 96/22, 2/23, 89/23, 53/24.

55 Slovenian Criminal Code 1995 (KZ-1), Official Gazette 63/94, 70/94, 23/99, 40/04, 55/08, 5/09 – 63/94, 70/94, 23/99, 44/04, 95/04, 39/09, 91/11.

Penalties for Juveniles” and it stayed until 2004. In 2008, when the new Criminal Code was written, the section about juveniles was abolished, since the politicians decided that the new law about juveniles must be prepared. However, so far, Slovenia still does not have a special juvenile law where the provisions of the previous Act from 1995 are in use. In that sense, the following articles analyzed will be regarding the Criminal Code from 1995.

According to Article 71 the MACR under Slovenian legislation is 14 years, of age.<sup>56</sup> Thus, on a child under the age of 14 only educational measures can be imposed, but not criminal sanctions.<sup>57</sup> In that context, The purpose of educational measures and punishments for minors is to ensure the upbringing, re-education and proper development of minors through protection and assistance, supervision over them, their professional training and development of personal responsibility.<sup>58</sup>

Juveniles are tried under special procedures established in Chapter 27 of the Criminal Procedural Act<sup>59</sup> which include safeguards aimed at protecting the rights and development of the juvenile offender who have not yet reached the age of 21. The proceedings are conducted by panels composed of judges with experience in juvenile matters and lay judges who are educators or individuals familiar with child development.<sup>60</sup> Moreover, juvenile offenders are entitled to a mandatory defence counsel from the beginning of preliminary proceedings if the alleged offence carries a sentence of more than three years imprisonment, or in other cases at the discretion of the judge.<sup>61</sup>

When talking about sanctions, the law differentiates educational measures (*vzgojni ukrepi*) and criminal sanctions. According to Article 74, the possible educational measures imposed are reprimand, instructions and prohibitions,<sup>62</sup> supervision by the social welfare authority, placement in an educational institution, placement in a re-education home and placement in a training institution.<sup>63</sup> As it is stated by the law itself, these measures aim at the upbringing and personal development of the minor and are tailored by the court according to the minor's age, maturity, and social environment.<sup>64</sup> Moreover, criminal sanctions can be exceptionally imposed on older minors (16 to 18) only if educational measures are deemed insufficient.<sup>65</sup> Those are juvenile imprisonment (*mladoletniški zapor*) for serious crimes punishable by 5+ years imprisonment<sup>66</sup> and fine, but only if

56 *Ibid.*, Article 71.

57 *Ibid.*, Article 72.

58 *Ibid.*, Article 73.

59 Articles 451–490 of the Slovenian Criminal Procedure Act.

60 *Ibid.*, Article 462.

61 *Ibid.*, Article 454.

62 Such as community service, schooling obligations, or apology to victims.

63 For minors with developmental difficulties.

64 Article 75 of Slovenian Criminal Code.

65 *Ibid.*, Article 72 (3).

66 *Ibid.*, Article 89.

the minor is financially capable.<sup>67</sup> Apart from above mentioned consequences, Slovenian juvenile justice recognizes alternative sanctions<sup>68</sup> such as work in benefit of humanitarian organisations or the local community, restitution to the victim by personal work and attendance of counselling, therapy or training programmes. These measures combine restorative and rehabilitative aims and may be enforced with supervision.

Criminal proceedings involving minors are exclusively initiated by the public prosecutor.<sup>69</sup> In that case, the social welfare authority is involved in all phases of the process and has the right to participate and make submissions.<sup>70</sup> Considering the vulnerable status of a juvenile offender, key procedural protections include confidentiality in trials closed to the public,<sup>71</sup> expediency<sup>72</sup> and detention, including pre-trial, separate from adults.<sup>73</sup>

Regarding the institutionalization of juvenile offenders sentenced to educational measures, it can be carried out in educational institutions or residential groups,<sup>74</sup> re-education homes for more serious behavioral correction<sup>75</sup> and training institutions for minors with mental or physical disabilities.<sup>76</sup> In that regard, courts conduct periodic reviews of progress, and conditional release is possible after one year.<sup>77</sup> Slovenia's juvenile criminal law emphasizes education, personal development, and reintegration rather than punishment while the legislation allows the court to individualize sanctions according to the needs and development of the minor.

### 3.4. Hungary

Juvenile criminal law in Hungary is not governed by a single unified act but is rather dispersed across several legal sources. The main pieces of legislation regulating this area include the Act C of 2012 on the Criminal Code,<sup>78</sup> the Act XC of 2017 on the Code of Criminal Procedure,<sup>79</sup> and the Act CCXL of 2013 on the Execution of Punishments, Measures, Certain Coercive Measures and Petty Offence Confinement.<sup>80</sup> Under Hungarian law, a juvenile is defined as a person

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67 *Ibid.*, Article 88.

68 *Ibid.*, Article 77.

69 Article 465 of Slovenian Criminal Procedure Act.

70 *Ibid.*, Article 458.

71 *Ibid.*, Article 489.

72 *Ibid.*, Article 461.

73 *Ibid.*, Article 473.

74 Article 79 of Slovenian Criminal Code.

75 *Ibid.*, Article 80.

76 *Ibid.*, Article 81.

77 *Ibid.*, Article 82.

78 Act C of 2012 on the Criminal Code.

79 Act XC of 2017 on Criminal Procedures.

80 Act CCXL of 2013 on the Execution of Punishments, Measures, Certain Coercive Measures and Petty Offence Confinement.

who is between the ages of 12 and 18 at the time of committing a criminal offense.<sup>81</sup> In that regard, the MACR is 12 years, but criminal liability for those under 14 years only applies if the child had sufficient maturity to understand the consequences of their actions.<sup>82</sup> The primary objective of sanctions and procedures involving juveniles is to support their development and, later, reintegration.<sup>83</sup> Juvenile criminal proceedings must be carried out with due consideration for the psychological, emotional, and social circumstances of the juvenile. In that context, courts dealing with juvenile cases include a professional judge and two lay judges who must have relevant educational, psychological, or child welfare experience.<sup>84</sup> Furthermore, juvenile criminal proceedings must involve a mandatory defense counsel from the first questioning.<sup>85</sup>

When talking about possible sanctions imposed on juveniles, the law includes both educational measures and criminal penalties.<sup>86</sup> Educational measures include placement in a juvenile correctional institution (*jávitóintézet*)<sup>87</sup> and probation under supervision.<sup>88</sup> In addition to that, reprimand or warning could also be implicitly considered as an educational measure.<sup>89</sup> Furthermore, Criminal Code states criminal penalties, such as imprisonment,<sup>90</sup> custodial arrest<sup>91</sup> fines, but applicable only if the juvenile has independent income or assets,<sup>92</sup> supervised community work, for those over 16<sup>93</sup> and conditional in connection with any crime.<sup>94</sup>

The juvenile criminal procedure is tailored to the specific needs of minors. The court must aim for the education and reintegration of the child, rather than mere retribution.<sup>95</sup> In that context, law prescribes mandatory presence of defense counsel during key procedural moments.<sup>96</sup> Furthermore, probation officers must prepare a detailed social environment assessment that includes family background, school performance, and risk of reoffending.<sup>97</sup> Finally, pre-trial detention is permitted only in exceptional cases and must be executed

81 Act C of 2012, Section 105(1).

82 Act XC of 2017, Section 686.

83 Act C of 2012, Section 106(1).

84 Act XC of 2017, Section 680(5).

85 *Ibid.*, Section 682.

86 Educational measures, especially for those under 14, are prioritized over punitive responses.

87 Act C of 2012, Section 120-122.

88 *Ibid.*, Section 119.

89 This could be concluded from Act C of 2012, Section 106(1), which emphasizes education and guidance over punishment.

90 Act C of 2012, Sections 109(2)-(3).

91 *Ibid.*, Section 111.

92 *Ibid.*, Section 113.

93 *Ibid.*, Section 112.

94 *Ibid.*, Section 116.

95 Act XC of 2017, Section 677.

96 *Ibid.*, Section 682(2).

97 *Ibid.*, Section 684.

separately from adults.<sup>98</sup> Hungarian law strictly regulates the detention of juveniles as separated from adults.

When serving the sentence, depending on the nature of it, it can be carried out in either a low-security facility (*fogház*) or medium-security prison (*börtön*) for juveniles.<sup>99</sup> Nevertheless, Hungarian law recognizes juvenile correctional institutions (*javítóintézet*) that is used for educational and rehabilitation purposes, with mandatory separation between younger and older juveniles.<sup>100</sup> In regard to the pre-trial detention of juveniles under 14 it can only be executed in correctional institutions, while for juvenile offenders between 14 and 18, detention may execute in penitentiaries or correctional institutions depending on the case.<sup>101</sup> Although punitive measures exist in. Hunarian juvenile criminal law system, they are carefully regulated and generally applied only when no educational measure would be effective.

### 3.5. Poland

Poland's juvenile justice system is a complex framework designed to address offenses committed by individuals under the age of 18. This system is regulated by several legislative instruments including the Act on Proceedings in Juvenile Cases<sup>102</sup> serves as the cornerstone of juvenile justice in Poland. It outlines the procedures for addressing cases involving juveniles, focusing on educational and corrective measures rather than punitive sanctions. This Act applies to individuals under 18 years of age who exhibit signs of demoralization or have committed punishable acts. Penal Code of 6 June 1997<sup>103</sup> defines the general principles of criminal responsibility, including specific provisions related to juveniles. Additionally, juvenile legislation includes Act on the Support and Rehabilitation of Juveniles<sup>104</sup>

In Poland, the general MACR is set at 17 years. This means that individuals who have reached this age are subject to the regular criminal justice system.<sup>105</sup> In this regard, the law provides that when a juvenile commits a criminal offense after reaching the age of 17 but before turning 18, the court may, instead of imposing a criminal penalty, apply educational, therapeutic, or corrective measures designated for juveniles, provided that the circumstances of the offense, the offender's developmental maturity, personal characteristics, and overall social situation justify such an approach.<sup>106</sup> Nevertheless, there are notable exceptions

98 *Ibid.*, Section 688.

99 Act C of 2012, Section 110.

100 *Ibid.*, Section 120.

101 Act XC of 2017, Section 688(3).

102 Act on Proceedings in Juvenile Cases of 26 October 1982.

103 Polish Penal Code of 6 June 1997.

104 Act on the Support and Rehabilitation of Juveniles from 9 June 2022.

105 Article 10 of Polish Penal Code.

106 *Ibid.*, Article 10 (4).

in regard to juveniles aged 15 and above. Under Article 10 of the Penal Code, offenders who are at least 15 years old may be held criminally responsible for particularly serious offenses, such as homicide, grievous bodily harm, rape, or armed robbery. In such cases, and considering the circumstances and the juvenile's personal characteristics, the court may decide to apply the provisions of the Penal Code instead of the Act on Proceedings in Juvenile Cases. Furthermore, children under 13 years are considered incapable of committing a criminal offense. Instead of criminal proceedings, they may be subjected to educational or protective measures aimed at addressing behavioral issues and preventing future delinquency.<sup>107</sup> Unlike to other countries, this two- tiered approach reflects a balance between holding juveniles accountable for serious offenses and recognizing their developmental immaturity. In regard to the specialized judicial system, juvenile cases are adjudicated by family courts,<sup>108</sup> which operate under civil procedures distinct from the criminal justice system. In that sense, rights of a juvenile offender include the right to defense, including the right to use the assistance of a defender and the right to refuse to submit explanations or answer individual questions.<sup>109</sup>

When we talk about measures and sanctions applicable to juveniles, Polish juvenile justice system offers measures aimed to rehabilitate and re-educate young offenders. In imposing a penalty on a minor or a juvenile, the court shall first and foremost aim to educate the perpetrator.<sup>110</sup> Firstly, educational measures are designed to correct behavior and support the juvenile's development. They include warning, supervision by parents or guardians, placement under the care of a probation officer, obligations to retribute harm caused (such as apologies or restitution), and participation in educational programs or workshops.<sup>111</sup> Furthermore, therapeutic measures, including a placement to sociotherapy centres, are used for juveniles with psychological or substance abuse issues.<sup>112</sup> In that occasion, the court may mandate participation in therapy or rehabilitation programs aimed at addressing underlying problems contributing to delinquent behavior. Finally, correctional measures understand closed facilities which may be imposed in cases of serious or repeated offenses, especially if other educational measures have proven to be ineffective.<sup>113</sup> In regard to the imposed measures, the family court may change or repeal educational measures if needed.<sup>114</sup>

As so far shown through the legislative, juvenile proceedings differ significantly from adult criminal procedures. They can only be initiated by law enforcement,

107 Article 1 (2) of Act on Proceedings in Juvenile Cases of 26 October 1982.

108 *Ibid.*, Article 15 (1).

109 *Ibid.*, Article 18.

110 Article 54 (1) of Penal Code; even more in the following paragraph, Polish Penal Code explicitly states: *"The penalty of the deprivation of liberty for life shall not be imposed on the perpetrator who was under 18 at the time of the commission of the offence."*

111 Article 6 of Act on Proceedings in Juvenile Cases of 26 October 1982.

112 *Ibid.*, Article 12.

113 *Ibid.*, Article 10.

114 *Ibid.*, Article 79.

social services, schools, or family members.<sup>115</sup> The procedure is not adversarial, but inquisitorial in a sense that the court or a designated judge collects comprehensive background information about the juvenile, including psychological, educational, and family assessments.<sup>116</sup> The whole procedure is conducted in closed sessions to protect the identity and privacy of the minor.<sup>117</sup>

### 3.6. Slovakia

Slovakian legal regulation regarding juvenile offenders is regulated by the Criminal Code<sup>118</sup> in a separate chapter and the Code of Criminal Procedure.<sup>119</sup> Under Slovak law, a juvenile is defined as a person between 14 and 18 years of age at the time of committing the offense.<sup>120</sup> However, juveniles under the age of 15 are not criminally liable if they lack the intellectual and moral maturity necessary to understand the illegality of their actions or control them.<sup>121</sup> Additionally, law prescribes that offenses of minor seriousness committed by juveniles do not constitute criminal acts.<sup>122</sup> Although Slovakia does not have separate juvenile courts, the judicial process is tailored to address the special needs of the given group of offenders. Cases involving juveniles are adjudicated by general criminal courts under special procedural regulated in the Division II of Code of Criminal Procedure.

Slovak law provides a diversified catalogue of sanctions for juveniles, which may be punitive, educational, or protective. In that context, the purpose of sanctions and educational measures for juveniles is to promote their moral, mental, and social development, prevent further unlawful behavior, protect society, but at the same time facilitate their reintegration into the family and social environment.<sup>123</sup> According to Article 109 of the Criminal Code, punitive punishments prescribed include community service, monetary fines in a case if the juvenile has sufficient financial means, forfeiture of items, disqualification from specific rights or duties, prohibition from attending public events, deportation,<sup>124</sup> house arrest and imprisonment. When imposing an appropriate sentence, the court should take into account all circumstances and determine the proportional sentence. In that regard, prison sentence can be imposed only if another punishment would clearly not be sufficient to achieve the intended rehabilitative purpose with a

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115 *Ibid.*, Article 4.

116 *Ibid.*, Article 32b (2).

117 *Ibid.*, Article 15 (2).

118 Slovakian Criminal Code, Official Gazette 300/2005.

119 Slovak Code of Criminal Procedure, Official Gazette 301/2005.

120 Article 94 (1) of Slovak Criminal Code.

121 *Ibidem*.

122 *Ibidem*.

123 *Ibid.*, Article 97.

124 This is only applicable to non-citizens.

special restrictions prescribed under Article 118 of the Criminal Code. Besides punitive sanctions, the law recognizes educational measures that include probation supervision, mandatory residence with a parent or guardian, victim compensation, psychological or social counseling, participation in social rehabilitation or training programs and participation in community service.<sup>125</sup> They may be imposed either by the court or, during the preliminary stage, by the public prosecutor.<sup>126</sup> As the law favours educational measures as an effective promotion of positive behavioural change, it also allows for reprimand with a warning, as a formal and serious admonishment of the juvenile in the presence of a legal guardian.<sup>127</sup>

Finally, the Criminal Code offers protective education, as a form of measure for a juvenile whe one's home environment is not suitable for their proper upbringing.<sup>128</sup> Normally protective education can last until the age of 18<sup>129</sup> and they are carried out in a special educational facility or it may also be executed in a professional foster family.<sup>130</sup>

Chapter 7 of the Code of Criminal Procedure regulates special provisions for proceedings against juveniles. Once a juvenile is officially accused, the law mandates that they must be represented by legal counsel throughout the proceedings.<sup>131</sup> In regard to pre-trial detention, a juvenile may be detained only if the purpose of custody cannot be achieved by less restrictive means.<sup>132</sup> Moreover, during court proceedings, additional protective steps are prescribed to secure the best interest of a child as a participant in before the court.<sup>133</sup> Furthermore, provisions mandate that judicial authorities take into account special circumstances regarding juveniles, such as closing Court hearings for the public<sup>134</sup> or allowing child protection authority to act in a procedure by submitting motions and questioning witnesses.<sup>135</sup>

In regard to the correctional system, juveniles who are sentenced to custodial punishment are placed in specially designated facilities<sup>136</sup> that are structured to promote social reintegration. Moreover, if a non-penal alternative such as protective education is applied, the measure will be carried out in special educational facilities or professional foster care, as previously explained.

125 Article 107 of Slovak Criminal Code.

126 *Ibid.*, Article 106 (3); Public prosecutor can impose education measures only with a consent minor's consent.

127 *Ibid.*, Article 108.

128 *Ibid.*, Article 102.

129 *Ibid.*, Article 104 (2), exceptionally it may be extended to 19 years of age if it serves the best interests of the minor.

130 *Ibid.*, Article 103; additionally, if the health of the juvenile requires, it can also be executed in a medical facility.

131 Article 336 of Slovak Code of Criminal Procedure.

132 *Ibid.*, Article 339.

133 *Ibid.*, Articles 340-343.

134 *Ibid.*, Article 343 (3).

135 *Ibidem.*

136 Article 117 (4) of Slovak Criminal Code.



### 3.7. Czech Republic

Juvenile criminal law in the Czech Republic is primarily governed by the Juvenile Justice Act<sup>137</sup> introduces a comprehensive juvenile justice system by establishing the principles of proportionality, educational influence, individualization of sanctions, and restorative justice tailored to juvenile needs. Additionally, the Code of Criminal Procedure<sup>138</sup> which regulates the procedures for criminal trials, including specific rules applicable to juvenile offenders. Moreover, in the Criminal Code<sup>139</sup> the criminal offenses, penalties, and rules concerning criminal responsibility are regulated.

The norms of the mentioned legislation explicitly distinguish between adult and juvenile offenders in terms whereas the MACR is set at the 15 years of age at the time of committing an offense.<sup>140</sup> Moreover, children under the age of 15 who commit criminal acts are not subject to criminal liability, but may still face intervention under protective educational measures defined in Section 93 of the Juvenile Justice Act. On that note, for children aged 12 to 15, the courts may impose protective education measures (*ochranná výchova*) or institutional upbringing (*ústavní výchova*) in accordance with law.<sup>141</sup>

The Czech Republic recognizes a distinct juvenile justice system, guided by the Juvenile Justice Act. In that regard, the law provides specialized judicial proceedings before judges specialized in juvenile law. In that regard, hearings are closed to protect the privacy of the juvenile,<sup>142</sup> however the juvenile must be present at all hearings, unless legally exempt.<sup>143</sup>

When talking about sanctions and measures that can be imposed on juveniles, the Czech law has a separate regime of sanctions, divided into three categories including educational measures (*výchovná opatření*), protective measures (*ochranná opatření*) and punitive sanctions as the most strict form of punishment. Firstly, educational measures include several possibilities such as supervision by a probation officer, different obligations, a warning with a conditional suspension of sentence and an apology or restitution to the victim.<sup>144</sup> The court may impose all measures on juveniles during the proceedings, however, the public prosecutor may also impose an educational measure in pre-trial stage, but only with the juvenile's consent.<sup>145</sup> Furthermore, law recognizes protective treatment, protective detention, confiscation of property (or a part of property) and protective upbringing as a form

137 The Juvenile Justice Act, Official Gazette 218/2003.

138 Czech Code of Criminal Procedure Act, Official Gazette 141/1961.

139 Czech Criminal Code, Official Gazette 40/2009.

140 *Ibid.*, Article 25.

141 Article 93-95 of Juvenile Justice Act.

142 Article 8d of the Czech Code of Criminal Procedure Act.

143 Article 64 (2) of Juvenile Justice Act.

144 *Ibid.*, Article 15 (2).

145 *Ibid.*, Article 15 (3).

of protective measures.<sup>146</sup> Their aim is to positively influence the psychological, moral and social development of minors and to protect society from the commission of criminal acts by them.<sup>147</sup> The court may impose protective measures in specific cases, such as insufficient care is taken for the minor's upbringing or neglect if just an educational measure is not sufficient.<sup>148</sup> Finally, punitive sanctions are ultima ratio, and as such are limited to community service, fines, confiscation of property, a ban on performing an activity, a ban on keeping and breeding animals, expulsion, house arrest, a ban on entering sports, cultural and other social events probation and prison sentence.<sup>149</sup>

According to Article 36, investigations and decisions regarding juvenile offenders must be done by professionals understanding of child development. Moreover, the law provides for procedural safeguards ensuring the protection of the juvenile. In that sense, it is stipulated that proceedings must consider the juvenile's age and mental maturity to avoid impairing their development or social balance.<sup>150</sup> They have the right to legal representation from the beginning of criminal proceedings<sup>151</sup> which is mandatory until the age of 18. Moreover, Juvenile Justice Act allows for special diversionary procedures such as conditional suspension of filing charges, conditional discontinuance of prosecution, reconciliation, and waiver of prosecution, provided that the facts are sufficiently clear and the juvenile expresses readiness to take responsibility.<sup>152</sup> In regard to pre-trial detention, it is viewed as the last resort means whereas juveniles may only be remanded if no alternative measure can fulfil the purpose of custody.<sup>153</sup> To protect their vulnerability, the law prescribes juvenile offenders must be held separately from adults in detention facilities.<sup>154</sup>

Following international standards, the Czech Republic treats deprivation of liberty for juveniles as a last resort, only when all other educational or protective measures are deemed insufficient. In that regard, the law differentiates juvenile correctional facilities (*výchovný ústav*) as specialized educational institutions where juveniles may be placed as part of protective or educational measures, particularly in cases of severe behavioral disorders or failure to respond to less restrictive interventions.<sup>155</sup> Additionally, the law recognizes diagnostic institutions (*diagnostické ústavy*) which are temporary placement for young offenders and used for initial psychological and social assessments before deciding on long-term placement.<sup>156</sup>

146 *Ibid.*, Article 21 (1).

147 *Ibidem*.

148 *Ibid.*, Article 22.

149 *Ibid.*, Article 24 (2).

150 *Ibid.*, Article 41.

151 *Ibid.*, Article 42a(1).

152 *Ibid.*, Articles 68-70.

153 *Ibid.*, Article 46 (1).

154 *Ibid.*, Article 51 (1).

155 *Ibid.*, Article 93 (1).

156 *Ibidem*.

Although these facilities are closed type, they not punitive, but rather with a focus on discipline, education and structured daily schedules. With regard to prison sentences, the Juvenile Justice Act explicitly requires that juvenile offenders be separated from adults during the execution of their sentence, which must take place in a designated juvenile unit.<sup>157</sup>

#### 4. MAIN CHALLENGES IN IMPLEMENTATION

Despite progressive legislative developments across CEE region, the effective implementation of juvenile justice norms remains fraught with challenges. These obstacles are both systemic and contextual, taking into account inadequate institutional capacity and socio-political instability. On that trace, it must be mentioned that the quality of a juvenile justice system cannot be assessed merely through its normative provisions but must also consider their application in everyday practice.<sup>158</sup> This challenge is not limited to one country alone. While laws may formally reflect international standards, their practical implementation is often hindered by a lack of institutional support and insufficient resources, leaving children without the protection these frameworks are meant to provide.<sup>159</sup> Moreover, the enforcement of institutional measures, such as placement in reformatory institutions, is troubled by outdated infrastructure, insufficiently trained personnel, and inappropriate age-mixing among juveniles which could protentionaly compromise the rehabilitative aim.<sup>160</sup> Additionally, juvenile prison sentences are regulated by only a few general provisions, and the facilities in which these sentences are carried out are rarely specialized for minors.<sup>161</sup> Furthermore, judicial discretion is often unevenly applied. Although prosecutors frequently rely on the principle of expediency to avoid unnecessary proceedings, this approach is less often utilized by judges, raising concerns over the consistent application of diversion mechanisms.<sup>162</sup> Many juvenile offenders face proceedings across multiple counties, which contributes to procedural delays and institutional confusion.<sup>163</sup> Finally, there is visible presence of weak collaboration between the criminal justice system and social welfare institutions exacerbates the lack of coordinated, child-focused intervention.<sup>164</sup> In that sense, except the social worker who are per

157 *Ibid.*, Article 31 (4).

158 A. Carić, "Provedba standarda UN za maloljetničko pravosuđe u hrvatskom maloljetničkom kaznenom zakonodavstvu", *Zbornik radova Pravnog fakulteta u Splitu*, 1/2006, 11.

159 F. Dünkel, J. Grzywa, P. Horsfield, I. Pruin, *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*, Forum Verlag Godesberg, Mönchengladbach, vol. 1, 2011, 4.

160 A. Carić, *op. cit.*, 13.

161 *Ibid.*, 13–14.

162 *Ibid.*, 11.

163 K. Kerezsi, J. Kó, "The effectiveness of juvenile criminal justice: Relapsing juvenile offenders", *Kriminológiai Tanulmányok* 45 (ed. G. Virág), OKRI, Budapest, 2009, 104.

164 *Ibid.*, p. 105.

default trained to work with children, there is a significant number of legal practitioners involved in juvenile cases lack specialized training in child rights and child-sensitive legal practices.<sup>165</sup> Moreover, although international standards promote the use of custodial measures only as a last resort, deprivation of liberty often remains a default response in many CEE countries.<sup>166</sup> Restorative justice and diversion programs are either insufficiently developed or used only within certain limitations.<sup>167</sup>

Lastly, high rates of recidivism highlight the ineffectiveness of many existing interventions. Research conducted in Hungary shows that many young offenders return repeatedly to the justice system, with some individuals having up to ten proceedings initiated against them.<sup>168</sup> While some juveniles benefit from the structured environment and support in reformatory institutions, a significant portion of offenses remain undiscovered or unaddressed, showing holes in oversight for preventive action.<sup>169</sup>

## 5. CONCLUDING REMARKS

The juvenile justice systems in CEE countries have undergone substantial reforms over the past few decades, reflecting an increasing commitment to aligning national legislation with international standards. These legal instruments collectively promote a child-centered, rehabilitative, and rights-based approach to juvenile justice, emphasizing the protection of dignity, the importance of tailored interventions, and the use of deprivation of liberty only as a measure of last resort.

The comparative analysis of selected CEE countries demonstrates significant legislative progress. Most of these states have adopted comprehensive legal frameworks that formally recognize international norms, offer specialized procedures for juveniles, and provide a wide scope of educational, rehabilitative, and restorative measures. These developments indicate a general willingness to construct systems that acknowledge the developmental needs of minors and the importance of their reintegration into society. However, the research also reveals implementation challenges that compromise the effectiveness of these legal frameworks. Institutional and procedural gaps systematically undermine the realization of juvenile justice in practice. Additionally, broader socio-economic pressures and political instability deepen the gap between legislative intent and practical outcomes.

In conclusion, to achieve better criminal juvenile justice system it is crucial that CEE countries invest in sustainable reform processes that prioritize not only

165 F. Dünkler *et al.*, *op.cit.*, p. 5.

166 E. Arnall, *Cultural Perspectives on Youth Justice: Connecting Theory, Policy and International Practice*, Palgrave Macmillan, London, 2016, 12; F. Dünkler *et al.*, *op.cit.*, 6.

167 F. Dünkler *et al.*, *op.cit.*, 4–6.

168 K. Kerezsi, J. Kó, *op. cit.*, 103.

169 *Ibid.*, 101–102.

legislative alignment but also institutional investments, professional training, and the development of alternatives to incarceration. Ultimately, effective juvenile justice reform must be rooted in the recognition that children in conflict with the law are first and foremost children, entitled to protection and guidance.

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**Asea Gašparić\***

## **USKLAĐENOST ZAKONODAVSTVA MALOLJETNIČKOG PRAVOSUĐA U REGIJI SREDNJE I ISTOČNE EUROPE S MEĐUNARODNIM STANDARDIMA**

### *Rezime*

*Članak istražuje u kojoj mjeri sustavi maloljetničkog pravosuđa u zemljama srednje i istočne Europe udovoljavaju međunarodnim standardima. Fokus ove analize je na ključnim međunarodnim instrumentima, naglašavajući načela poput najboljeg interesa djeteta, rehabilitacije umjesto kažnjavanja te korištenja pritvora isključivo kao krajnje mjere. Iako su sve analizirane zemlje ostvarile značajan zakonodavni napredak u uključivanju načela usmjerenih na dijete u svoje pravne okvire, članak ukazuje na velike nedostatke u provedbi. Među njima su zastarjela infrastruktura institucija u koje se maloljetni počinitelji kaznenih djela smještaju, nedovoljna izobrazba stručnjaka, slaba suradnja pravosudnog i socijalnog sustava, ograničena primjena odgojnih mjera i restorativne pravde te prekomjerno oslanjanje na zatvorske kazne. Na kraju, autorica zaključuje da zemlje srednje i istočne Europe, kako bi osigurale stvarnu usklađenost s međunarodnim standardima, moraju ići dalje od zakonskih reformi te ulagati u institucionalnu podršku, stručno usavršavanje i alternativne mjere u zajednici. U tom smislu, djelotvorno maloljetničko pravosuđe mora prepoznati da su maloljetni počinitelji prije svega djeca kojima je potrebna zaštita, usmjerenje i prilika za reintegraciju.*

**Ključne riječi:** Maloljetničko pravosuđe, Međunarodni standardi, Srednja i istočna Europa, Prava djece.

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\* Doktorski kandidat u Ferenc Deák doktorskoj školi pri Sveučilištu u Miskolcu i znanstveni istraživač u Central European Academy, Budimpešta, [gasparic.asea@gmail.com](mailto:gasparic.asea@gmail.com).