

PhD THESIS

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**THE INTERSECTION OF CRIMINAL LAW AND CHILDREN'S RIGHTS:
A CRITICAL EXAMINATION OF JUVENILE OFFENDERS' TREATMENT**

Ferenc Déak Doctoral School of Law
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Doctoral Programme: Further development of the Hungarian state and
legal system and legal scholarship, with special regard to European legal
trends

Supervisor: doc. PhDr. JUDr. Lilla Garayová, PhD., LL.M.

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To all children whose voices deserve to be heard.

For my parents, Tatjana and Mario, with sincere gratitude.

FOREWORD

There are ideas that stay with you long after you first encounter them and then quietly resurface at the most unexpected moments in life. I still remember reading Charles Dickens' *Oliver Twist* for the first time, and how it made me feel. The sense that children, in certain circumstances, are left far too exposed, almost as if the system itself fails to see how vulnerable they truly are. At the time, it felt like a story from the ancient past. Yet, when I later revisited it through a legal perspective, I was left with the impression that, in some ways, we are not as distant from that world as we might like to believe. This became clearer as I began to engage more with the sphere of juvenile justice. This dissertation explores the intersection of criminal law and children's rights, focusing on the treatment of juvenile offenders and the way in which legal systems respond to children in conflict with the law. At the heart of it stands a principle of the best interest of the child, a principle that law repeatedly upholds, yet too often struggles to fully implement in practice. In theory, this principle should guide every decision involving children, particularly in contexts where the consequences of state intervention are profound and long-lasting. In practice, however, I have come to question how consistently it is upheld when children are drawn into the criminal justice system. Too often, responses appear to be shaped more by retribution, public pressure, or fear, than by a sustained effort to understand the child's circumstances and potential for change.

In contemporary society, it is not uncommon that we encounter media reports of offences committed by juveniles, often followed by immediate public judgment. These moments tend to generate strong emotional reactions, sometimes accompanied by calls for harsher punishment. At those moments, the best interests of the child risk turning into a principle that sounds meaningful on paper, but feels distant in practice. What is frequently missing in these reactions is the recognition that these are still just children. They are individuals whose emotional, psychological, and moral development is ongoing, and whose understanding of consequences is still forming. The more I reflected on this, the more I found myself returning to *Oliver Twist*. Although written in the nineteenth century, its illustration of children shaped by difficult circumstances and institutional neglect still feels uncomfortably familiar today. It makes me wonder whether we have really moved on from those older ideas, considering the way we treat juveniles today, or are we still holding on to them.

What has become increasingly clear to me is that early encounters with the criminal justice system can have defining consequences for a child's life course. Without a careful and child-focused approach, the system may contribute more to exclusion than rehabilitation, making it harder for children to have opportunities for change.

This work is grounded in the belief that the best interests of the child must be more than a guiding phrase. It should be something lived and felt in practice, a real commitment that recognises that even in moments of wrongdoing, children remain children. They are still growing, still shaped by the world around them, and still capable of change, which should not be denied because of their earliest mistakes.

Zagreb, August 2026

Asea Gašparić

SUPERVISOR'S REVIEW OF THE DOCTORAL DISSERTATION

*“The Intersection of Criminal Law and Children’s Rights:
A Critical Examination of Juvenile Offenders’ Treatment”*

Doctoral candidate: Asea Gašparić

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Supervisor: doc. PhDr. JUDr. Lilla Garayová, PhD., LL.M.

1. Introductory remarks

It is with genuine professional pleasure, and not without a measure of personal pride, that I present this supervisor’s review of the doctoral dissertation submitted by Asea Gašparić, entitled “The Intersection of Criminal Law and Children’s Rights: A Critical Examination of Juvenile Offenders’ Treatment.” The dissertation, prepared within the Deák Ferenc Doctoral School of Law at the University of Miskolc, addresses a topic that sits at one of the most demanding intersections of contemporary legal scholarship: the place of the child within the criminal justice system. Few areas demand of the researcher such a careful balancing of doctrinal precision, comparative breadth, ethical sensitivity, and human empathy. The candidate has met those demands with remarkable consistency throughout her doctoral studies, and the present manuscript is, in my considered view, a mature and original scholarly achievement that fully merits defence.

Beyond the formal evaluation that follows, I wish to underline at the outset that the cooperation between supervisor and candidate has been, throughout the entire research period, exceptionally productive, and a model of how doctoral mentorship ought to function. Asea Gašparić has consistently shown the qualities one hopes for in a doctoral researcher: independence of thought combined with a genuine willingness to engage with critical feedback, ambition and methodological discipline, and a clear ethical compass that has guided every stage of her work with vulnerable populations.

2. Relevance and originality of the topic

The chosen subject is both timely and significant. The treatment of children in conflict with the law is one of the most sensitive testing grounds of any legal order, and, as Nelson Mandela’s words

quoted by the candidate at the opening of her dissertation remind us, it reveals the very soul of a society. Despite the existence of a comprehensive international and regional architecture – the Convention on the Rights of the Child, the Beijing, Riyadh and Havana Rules, the Council of Europe instruments, the Charter of Fundamental Rights, Directive 2016/800/EU, and the case law of the European Court of Human Rights – the gap between the normative commitments of states and the lived realities of juveniles in conflict with the law remains pronounced. This is particularly true in Central and Eastern Europe, a region in which post-socialist legal cultures, institutional inertia, and shifting political priorities continue to shape juvenile justice in ways that scholarship has, until now, only partially documented.

The candidate identified this gap with great clarity at the very beginning of her doctoral journey, and her decision to construct a comparative study with Croatia and Hungary as its empirical core was, in my judgement, both courageous and well-founded. The two jurisdictions share a common European legal anchorage but diverge in important normative and institutional respects, and the comparative architecture of the dissertation is calibrated to exploit precisely this productive tension. The result is a study that fills a real lacuna in regional scholarship, which has historically been dominated by Western European and Anglo-American models, and that offers a methodological template that may be adapted by other researchers across the post-socialist space.

3. Structure, methodology and scholarly craftsmanship

The dissertation is organised into seven well-balanced chapters that move logically from the general to the specific and from the normative to the empirical. The introductory chapter establishes the rationale, scope, methodology, ethical considerations and hypotheses with admirable precision. Chapter Two delivers a thorough mapping of international standards, ranging from the Convention on the Rights of the Child and its General Comments No. 10 and No. 24, through the United Nations soft-law instruments, the Council of Europe framework and EU law, to a finely curated selection of European Court of Human Rights case law. The candidate's treatment of the Minimum Age of Criminal Responsibility is particularly noteworthy: she does not content herself with summarising the international debate but engages with its psychological, developmental and legal underpinnings in a manner that prefigures the comparative analysis to follow.

Chapter Three offers a comparative legal analysis of seven Central and Eastern European jurisdictions – Croatia, Serbia, Slovenia, Hungary, Slovakia, the Czech Republic and Poland –

examining legislative frameworks, sanctions, procedural safeguards and age thresholds. The structure is consistent across jurisdictions, which gives the chapter genuine analytical force and allows the reader to identify regional patterns without losing sight of national specificities. Chapter Four narrows the focus to Croatia and Hungary and supplements the doctrinal analysis with a decade of statistical data (2014–2024) on reported, charged and convicted juvenile offenders, types of offences and judicial outcomes. The candidate’s handling of the statistical material reflects both technical competence and methodological honesty: she is candid about differences in national recording practices and the limits of cross-national comparability, and she resists the temptation to over-interpret the data.

Chapter Five represents, in my view, one of the most distinctive contributions of the dissertation. It is built on semi-structured interviews with three groups of actors: the judiciary (including a sitting head of a juvenile department in Croatia and a former Vice-President of the Hungarian Supreme Court), staff in juvenile correctional facilities, and – most importantly – juvenile offenders themselves in Croatia. Securing such access requires a rare combination of professional networks, institutional patience and ethical care, and the candidate negotiated those requirements with maturity. The triangulated design – macro-level judicial perspective, mezzo-level institutional perspective, and micro-level lived experience – is methodologically sound, and the chapter’s thematic structuring allows comparative findings to emerge without flattening the individuality of the respondents.

Chapter Six tests the two central hypotheses (the normative and the implementation hypothesis) against the doctrinal, statistical and qualitative evidence accumulated in the preceding chapters, and Chapter Seven synthesises the findings into a coherent set of policy implications and a thoughtful reflection on the contribution of the study to academic discourse. The overall architecture is disciplined, the chapters speak to one another, and the methodological mix – doctrinal, comparative, quantitative and qualitative – is genuinely integrated rather than juxtaposed, which is no small achievement in a doctoral dissertation.

4. Substantive findings and analytical contribution

The dissertation’s central analytical contribution lies in its careful demonstration that formal legal harmonization with international children’s rights standards is a necessary but insufficient condition for child-centered juvenile justice. The candidate shows that across the Central and Eastern European region, only Croatia and Slovenia approach genuine alignment in both law and

practice; Serbia, Hungary and Poland exhibit partial compliance characterized by inadequate rehabilitative infrastructure and uneven procedural safeguards; while Slovakia and the Czech Republic display the lowest degree of normative alignment, with juvenile cases frequently processed in environments not adequately adapted to the developmental needs of the child. The argument is grounded in evidence and is articulated with appropriate nuance.

The treatment of the implementation hypothesis is similarly compelling. The candidate demonstrates that declining incarceration rates in Croatia and Hungary, while welcome, mask a continued reliance on intermediate measures – probation in Hungary, surveillance and institutional placement in Croatia – that fall short of the rehabilitative ideal proclaimed in legislation. Drawing on her interviews, she shows how chronic staff shortages, low wages, high turnover, fragmented inter-agency coordination, and the near absence of structured aftercare combine to undermine reintegration in both jurisdictions. The voices of incarcerated juveniles are particularly telling: the contrast she draws between adolescents in Croatian correctional institutions, who tend to perceive their placement as an opportunity to re-engage with education, and those in juvenile prisons, who describe institutional life as emotionally alienating and devoid of meaningful rehabilitation, is among the most important empirical findings of the dissertation. It is precisely the kind of insight that purely doctrinal or purely statistical research could never deliver.

I would also highlight the dissertation's engagement with what the candidate calls the "transitional legal cultures" of post-socialist Europe. Her observation that meaningful reform requires not only legislative alignment but a genuine shift in legal attitudes and professional culture is grounded in her empirical material and resonates with the most current comparative criminological literature. Her policy recommendations – expanded diversion as a default response to non-violent first-time offending, restorative justice as a structurally embedded practice rather than a marginal possibility, continuous aftercare, dedicated juvenile facilities, and sustained investment in professional training – are concrete, evidence-based, and internally consistent with the analytical findings of the study.

5. Particular strengths of the dissertation

Several strengths deserve to be highlighted explicitly. First, the candidate has produced an original empirical contribution at a time when access to juvenile correctional institutions and to detained juveniles is highly restricted across the region. Securing interviews with juveniles in custody, while scrupulously observing the ethical safeguards required when working with minors, is a rare

accomplishment and lends the dissertation a depth that few comparable studies in the region can match.

Second, the comparative architecture of the study is methodologically rigorous. The candidate constructs structured normative indicators – the Minimum Age of Criminal Responsibility, the nature and scope of sanctions, the availability of alternative and restorative measures, procedural guarantees, and institutional specialization – and applies them consistently across jurisdictions. This produces a comparative analysis that is genuinely analytical rather than merely descriptive.

Third, the integration of doctrinal, statistical and qualitative methods is exemplary. Each method is used for what it does best: doctrinal analysis to map the normative landscape, statistical data to identify trends over a decade, and interviews to illuminate institutional practices and lived experience. The methods reinforce one another, and the candidate is admirably reflective about their respective limitations.

Fourth, the dissertation is written in clear, controlled academic English, with a consistent scholarly register. The candidate manages a complex multilingual source base – including Croatian, Hungarian, Slovak, Czech, Polish, Slovenian and Serbian legal materials alongside the international and EU corpus – with linguistic confidence and bibliographic precision. The reference apparatus is extensive and properly handled, and the doctrinal sections demonstrate genuine command of primary legal sources.

Fifth, and not least, the work is animated by a quiet but unmistakable ethical seriousness. The dedication of the dissertation “to all children whose voices deserve to be heard” is more than a rhetorical flourish; it is reflected in the methodological choices the candidate has made and in the care with which she has rendered the perspectives of her young respondents.

6. Minor remarks and suggestions for the final manuscript

The observations that follow are offered in the spirit of constructive refinement rather than substantive criticism, and they do not in any way detract from the overall quality of the dissertation. They are intended to assist the candidate in producing a publishable monograph from the present text.

On a more substantive note, the candidate may wish to consider, for the published version of the work, briefly extending the discussion of the limits of generalization from the Croatian juvenile sample to the Hungarian context, given that interviews with juveniles could not be conducted in Hungary due to access restrictions. The dissertation already addresses this transparently, but an

additional methodological reflection in the published monograph could pre-empt any reader's reservations. Similarly, the Conceptual Framework of Systemic Barriers and the Pathway figure in Chapter Seven could be redrawn in higher resolution and with explicit captions for the published version.

None of these observations affects the substance of the dissertation. They are the natural editorial work that accompanies the transition from doctoral manuscript to published monograph, and they should be straightforward to address before the public defense.

7. The candidate's scholarly potential

It is appropriate, at this point, to say a word about Asea Gašparić the researcher, beyond the dissertation itself. From the earliest stages of her doctoral programme, she has demonstrated an unusual combination of qualities. She is intellectually ambitious; she is independent in her thinking yet genuinely receptive to feedback. She is, in short, exactly the kind of young scholar whom doctoral programmes exist to identify and to cultivate.

Her command of comparative European legal materials, her capacity to design and execute a triangulated empirical study, and her ability to integrate findings across methodological registers are all indicators of strong scholarly potential. I have no hesitation in stating that she has the disposition, the discipline and the imagination required for a sustained academic career. Her future research, whether it continues to focus on juvenile justice, broadens to children's rights more generally, or extends to the comparative study of post-socialist legal cultures, will deserve close attention from the international scholarly community. I would also note that her bilingual and multilingual competences position her exceptionally well for cross-jurisdictional comparative work, and her professional networks within the judiciary and correctional services in the region are an asset that few early-career researchers possess.

8. Reflection on the supervisory cooperation

Our cooperation throughout the doctoral programme has been one of the most rewarding I have had the privilege to undertake as a supervisor. Asea has consistently arrived at our consultations prepared, with concrete questions, draft materials and considered responses to earlier feedback. Her willingness to revisit and revise her work in light of critical comments – sometimes substantially – has been exemplary, and the dissertation in its present form bears the marks of multiple rounds of careful self-correction. Equally, she has shown the intellectual confidence to defend her own analytical choices when she had good reason to do so, and several of the most

distinctive features of the dissertation, including the decision to seek interviews with juveniles in custody, originated from her own initiative.

The communication between us has been regular and honest. Difficult moments – of which there are always some in a doctoral journey of this scope – were handled with professionalism on both sides, and I am pleased to report that the candidate has emerged from the process with her enthusiasm for the field and her scholarly identity considerably strengthened.

9. Concluding recommendation

The dissertation submitted by Asea Gašparić fulfils, and in several respects exceeds, the formal and substantive requirements set for doctoral dissertations at the Deák Ferenc Doctoral School of Law. It addresses an original and significant research problem, applies a well-integrated mixed-methods design, generates findings that are both empirically grounded and theoretically informed, and offers policy implications that are concrete, evidence-based and capable of informing reform debates across the Central and Eastern European region. It demonstrates the candidate's ability to conduct independent academic research at a high international standard.

On the basis of the above, I unreservedly recommend the dissertation “The Intersection of Criminal Law and Children’s Rights: A Critical Examination of Juvenile Offenders’ Treatment” for public defense, and I express my full confidence that, following a successful defense, the candidate should be awarded the degree of Doctor of Philosophy (PhD). I further recommend that the dissertation be considered for publication as a monograph, as it would make a valuable contribution to the comparative literature on juvenile justice in post-socialist Europe.

In Bratislava, April 30, 2026



doc. PhDr. JUDr. Lilla Garayová, PhD., LL.M.

Supervisor

STATEMENT

In accordance with the provisions of the Regulation on the Use of Artificial Intelligence of University of Miskolc and the Guidelines for the Use of Artificial Intelligence of the Deák Ferenc Doctoral School of Law, I, undersigned Asea Gašparić, declare that I have used artificial intelligence in my doctoral dissertation and thesis booklets.

In the case of the use of artificial intelligence (hereinafter: AI), I declare the following:

1. The name of the AI tool used: Grammarly, ChatGPT
2. The URL and the version number of the AI tool used: -
3. The exact date of production of the generated content (year, month, day): July 2025
4. The purpose and extent of use (describing in detail which part of the dissertation and to what extent the use of AI affects, and for which sub-task the AI was used): AI tools were used for language improvement, including finding appropriate synonyms and checking grammatical accuracy. The use of AI did not influence the substantive content, analysis, or conclusions of the research, which remain the result of the author's independent work.

I acknowledge that according to the Guidelines for the Use of Artificial Intelligence of the Deák Ferenc Doctoral School of Law, „*The use of AI is prohibited for the formulation of thesis, research results, conclusions, inferences and analyses. Any thesis or paper prepared in this way is not admissible.*”

Budapest, August 20, 2026

Asea Gašparić, PhD candidate

SUMMARY

This doctoral dissertation examines the intersection of criminal law and children's rights, with a particular focus on the treatment of juvenile offenders. Its central aim is to evaluate how effectively juvenile justice systems align with international standards and to identify the gap between formal legal frameworks and their practical implementation.

The research begins with the Introduction in Chapter One, which sets the foundation for the study by explaining its rationale and broader context. It highlights the tension between international children's rights standards and their application in practice, particularly in Central and Eastern Europe. Within this chapter, the main objectives are defined, with a specific focus on Croatia and Hungary as case studies. It also establishes the methodological approach, combining doctrinal legal analysis, comparative research, statistical data, and qualitative interviews, while outlining key concepts and presenting the central hypotheses concerning differences in legal frameworks and the persistent gap between law and practice.

Building on this foundation, Chapter Two named International Standards for Juvenile Justice provides a comprehensive overview of the normative framework governing the treatment of children in conflict with the law. The analysis centers on the Convention on the Rights of the Child, alongside other relevant international and regional instruments. Particular attention is given to fundamental principles such as the best interests of the child, non-discrimination, the right to development, and the use of detention as a measure of last resort. While these frameworks collectively promote rehabilitation and reintegration, the chapter also emphasizes the ongoing challenges associated with their consistent implementation.

The discussion then moves into a regional perspective in Chapter Three, aiming for Comparative Analysis of Juvenile Justice Systems in Central and Eastern Europe, where various national systems are examined in a comparative context. This chapter explores differences in legal frameworks, age thresholds, sanctions, and procedural safeguards, while also taking into account the historical and socio-political factors that have shaped these systems. Although most countries have formally aligned their legislation with international standards, the analysis reveals significant variations in practice, particularly in the extent to which systems rely on punitive versus rehabilitative approaches.

Chapter Four follows with Comparative Case Study of Croatia and Hungary, where the research narrows to an in-depth analysis of these two jurisdictions. By combining legal analysis with empirical data, including statistical trends on detention, sanctions, and diversion measures, this chapter highlights important differences in how international standards are implemented. The comparison demonstrates that, despite similar legal obligations, the two systems diverge notably in their use of custodial measures and their emphasis on rehabilitation.

Furthermore, these findings are explained in more detail in Chapter Five named Empirical Findings and Practical Implementation, which introduces qualitative insights gathered through interviews with experts working in the field of juvenile justice. This part of the research provides a practical perspective on how the system operates, revealing key challenges such as limited resources, underdeveloped diversion mechanisms, and a continued reliance on punitive responses. The empirical evidence reinforces the existence of a clear gap between formal legal standards and their application in everyday practice.

Chapter Six includes the testing and evaluation of the initial hypotheses. It assesses whether the research findings support the assumptions regarding differences in national legal frameworks and the existence of a gap between formal legal standards and their practical implementation. Based on both the normative and empirical analysis, this chapter critically reflects on the results, confirms or challenges the hypotheses, and provides a basis for the final conclusions and recommendations.

Finally, in Chapter Seven, which consists of Conclusions and Recommendations, synthesizes the main findings and translates them into practical guidance. This chapter offers a set of recommendations aimed at strengthening child-centred approaches within juvenile justice systems, with particular emphasis on expanding the use of diversion measures, improving the quality and accessibility of rehabilitation programmes, and ensuring closer alignment with international children's rights standards.

The dissertation concludes with a comprehensive overview of all legal and academic sources used throughout the research, as well as appendices that include the interview materials, specifically the questionnaires and sets of questions used in the qualitative part of the study.

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LIST OF ABBREVIATIONS

CEE – Central and Eastern Europe

CPT - European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

CRC - Convention on the Rights of the Child

ECHR - European Convention on Human Rights and Freedoms

ECtHR – European Court of Human Rights

ICCPR - International Covenant on Civil and Political Rights

MACR - The Minimum Age of Criminal Responsibility

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CHAPTER ONE: INTRODUCTION

There can be no keener revelation of a society's soul than the way in which it treats its children.

Nelson Mandela

This statement highlights a central concern of juvenile justice, meaning the way legal systems respond to children who come into conflict with the law reflects broader social values and priorities. Children are not only subjects of legal regulation, but also holders of fundamental rights who require special protection due to their age, vulnerability, and stage of development.

1.1. Rationale of the Study

The treatment of children in conflict with the law represents one of the most sensitive intersections between criminal law, human rights protection, and social policy. Juvenile justice systems are required to balance ensuring accountability for unlawful behaviour, protecting public safety, and safeguarding the rights, dignity, and developmental needs of children. International human rights law has progressively affirmed that children require a distinct approach within criminal justice systems, grounded in rehabilitation, reintegration, and the recognition of children's evolving capacities rather than in retribution or deterrence. This normative shift reflects growing recognition that children differ fundamentally from adults in terms of cognitive development, emotional maturity, and decision-making abilities. Despite the existence of comprehensive international and regional standards, significant disparities persist in how juvenile justice systems operate in practice, particularly within Central and Eastern Europe (hereinafter: CEE).

The present study approaches these differences not only as variations in legal regulation or institutional practice, but as signs of different understandings of the purpose and function of juvenile justice. In this context, the dissertation draws upon three broad theoretical models of juvenile justice: the welfare model, the justice model, and the restorative model. These models provide a framework for analysing how legal systems understand children in conflict with the law, what objectives they pursue in responding to juvenile offending, and how they balance protection, accountability, rehabilitation, participation, and public safety. Rather than treating these models as

mutually exclusive, this study understands them as competing and overlapping normative orientations that may coexist within the same legal system.

The welfare model traditionally places the child's needs, welfare, and rehabilitation at the centre of the State's response. Its emphasis is mostly protective and individualized, viewing offending behaviour as potentially connected to social, familial, educational, or developmental circumstances. The justice model places greater emphasis on procedural safeguards, proportionality, accountability and equality before the law, seeking to ensure that children are subject to a fair and legally structured response to offending behaviour. The restorative model shifts the focus from punishment and individual treatment towards repairing harm, participation and the restoration of relationships between the child, the victim, and the whole community. Contemporary children's rights standards include elements of all three approaches, while also setting limits on their potentially problematic aspects. The value of these models therefore does not lie in identifying a single model as correct, but in examining how different juvenile justice systems combine and prioritize these approaches.

The motivation for this study arises from the noticeable gap between the normative commitments undertaken by States through international legal instruments and the practical realities of juvenile justice implementation. While most CEE countries have formally incorporated international children's rights standards into domestic law, the question remains if the punitive responses, custodial sanctions, and limited access to rehabilitative programmes continue to dominate practice in many jurisdictions. In many cases, it is implied that deprivation of liberty is still used more frequently than international standards would permit, while diversionary measures remain underdeveloped or inconsistently applied. This dissonance is especially visible in post-socialist legal systems, where historical legacies of authoritarian governance, institutional inertia, and shifting political priorities continue to shape youth justice policies and public perceptions of juvenile offending.

This study also examines how these historical and institutional influences shape transitional legal cultures. The concept is used to show the ways in which legal systems undergoing or emerging from profound political and social transformation can simultaneously keep institutional practices and assumptions inherited from previous legal and political orders while adopting new human rights-based norms and models of justice. Juvenile justice systems may therefore exhibit a

form of normative hybridity, in which welfare-oriented, justice-oriented, and restorative principles coexist with practices that continue to reflect more punitive or control-oriented traditions.

Within this broader regional context, Croatia and Hungary present particularly representable case studies. Although both countries share comparable historical background and are bound by similar international and European obligations, their approaches to juvenile justice diverge in both normative orientation and practical implementation. These contrasting models offer a valuable opportunity to examine how international standards are interpreted, translated, and introduced within different national frameworks.

The comparison between Croatia and Hungary is therefore not intended simply to show which system provides a more comprehensive legal framework or a greater number of rehabilitative measures. Instead, the comparison is used to examine how different legal cultures mediate the implementation of broadly shared international standards. The study asks whether formal convergence with international children's rights norms has resulted in meeting in practice, or whether transitional legal cultures continue to shape the ways in which welfare, justice, and restorative principles are understood and applied. This theoretical perspective is especially relevant to the central concern of the dissertation concerning the possible persistence of a gap between the normative transformation of juvenile justice and its institutional realization.

The aim of this study is to conduct a comparative legal and empirical analysis of juvenile justice systems in Central and Eastern Europe, with particular focus on Croatia and Hungary, in order to assess the extent to which domestic legal frameworks and practices align with international children's rights standards. By examining both normative regulation and implementation in practice, the study seeks to identify structural weaknesses, implementation gaps, and examples of good practice that may inform future reform efforts. Lastly, the research aims to contribute to the development of more child-centred juvenile justice systems that prioritise rehabilitation and successful reintegration over punishment.

Therefore, the dissertation uses the three models of juvenile justice and the concept of transitional legal cultures as complementary analytical lenses throughout the following chapters. The models help in identifying the normative orientation of legislation, sanctions, procedures, and institutional practices, while the concept of transitional legal cultures helps explain why formal legal reforms may not necessarily create corresponding changes in practice.

1.2. Structure of the Study

This doctoral dissertation is structured into seven main chapters, each addressing a different dimension of juvenile justice. Following this introductory chapter, Chapter 2 provides a comprehensive overview of international and regional standards governing juvenile justice. It analyses key principles under the most important conventions, relevant United Nations instruments, Council of Europe standards, European Union law, and the jurisprudence of the European Court of Human Rights (hereinafter: ECtHR), with particular emphasis on the standards applicable especially to juvenile offenders.

In addition to establishing the normative framework, Chapter 2 provides the grounds against which the theoretical models introduced in this chapter are subsequently valued. International and regional standards are examined not only as binding legal norms, but also in terms of the underlying notions of childhood, responsibility, rehabilitation, participation, accountability, and social reintegration that they reflect.

Chapter 3 offers a comparative legal analysis of juvenile justice systems in selected Central and Eastern European countries, including Croatia, Serbia, Slovenia, Hungary, Slovakia, the Czech Republic, and Poland. This chapter examines legislative frameworks, procedural safeguards, sanctions, and age thresholds, highlighting similarities, differences, and regional trends while taking into account historical legacies and institutional contexts.

The comparative analysis in Chapter 3 includes theoretical distinction between welfare, justice, and restorative orientations. The purpose is not to classify each jurisdiction rigidly within one model, but to identify which principles are dominant in the design of each system and where challenges emerge. Moreover, attention is paid to the extent to which post-socialist legal transformation has incorporated substantive changes in the juvenile justice or has primarily resulted in formal legislative merging with European and international standards.

Chapter 4 focuses on an in-depth comparative analysis of Croatia and Hungary as case studies. It combines doctrinal legal analysis with empirical data, including statistical trends, while Chapter 5 explores qualitative insights derived from interviews with experts, in order to assess how juvenile justice operates in practice and how rehabilitative objectives are realised within both correctional and non-custodial settings.

Chapters 4 and 5 consequently examine whether the theoretical angles identified at the level of legislation are reflected in institutional practice. In particular, the analysis considers whether welfare-oriented and rehabilitative norms are translated into actual practice, whether justice-oriented principles such as proportionality and procedural fairness are effectively implemented, and whether restorative approaches have real institutional relevance. The empirical findings are also interpreted in light of the concept of transitional legal cultures, particularly where formal reforms coexist with practices that could reflect older institutional or punitive approaches.

Chapter 6 synthesizes the findings of the study, evaluates the hypotheses, and formulates conclusions and recommendations aimed at strengthening the alignment of juvenile justice systems in Central and Eastern Europe with international children's rights standards and evidence-based policy approaches.

The final chapter brings together the empirical findings and the theoretical framework by considering what the Croatian and Hungarian cases reveal about the transformation of juvenile justice in post-socialist legal cultures. It assesses whether the analysed developments represent movement towards a rights-based, rehabilitative and restorative conception of juvenile justice, or whether elements of punitive-oriented approaches remain part of the contemporary systems.

Finally, the dissertation concludes with a separate final chapter containing the bibliography and all referenced legal and academic sources.

1.3. Background and Context

1.3.1. Importance of Children's Rights in Criminal Law

Children occupy a unique position within criminal law due to their developmental vulnerability and limited capacity for mature judgment. International children's rights law recognizes that treating children as adults within criminal justice systems is incompatible with their rights to dignity, development, and protection. Consequently, international standards emphasize that juvenile justice systems must be guided by principles such as the best interests of the child, proportionality, non-discrimination, and the use of deprivation of liberty as a measure of last resort and for the shortest appropriate period, as it will be discussed later in the text.

These principles also demonstrate why juvenile justice cannot be sufficiently understood through a purely punitive model of criminal responsibility. The child's status as a rights-holder requires the justice system to reconcile accountability with developmental protection and reintegration. This reflects the ongoing interaction between welfare, justice, and restorative approaches. In that context, the welfare model emphasizes the child's developmental and social needs, the justice model emphasizes legality, proportionality, and procedural protection, while the restorative model emphasizes participation, responsibility and restoration. International children's rights standards increasingly require juvenile justice systems to incorporate elements of each approach while maintaining the child's rights and dignity as the central normative reference point.

Alignment with international standards is essential not only as a matter of formal legal compliance, but also as a safeguard against systemic problems associated with early criminalization. It could be possible that exposure to punitive criminal justice responses during childhood increases the likelihood of recidivism, social exclusion, and long-term marginalisation. A rights-based approach to juvenile justice therefore, serves both normative and pragmatic purposes. It protects children's fundamental rights while promoting public safety through rehabilitation, education, and social reintegration rather than through repression.

1.3.2. Juvenile Justice in Central and Eastern Europe

Juvenile justice systems in Central and Eastern Europe have been shaped by complex historical and socio-political processes. Under socialist regimes, juvenile justice was often embedded within broader systems of social control, with limited emphasis on procedural safeguards, individual rights, or child participation. The post-socialist transition brought significant legal reforms, including the ratification of international human rights treaties and the introduction of specialized juvenile justice legislation. However, the pace, scope, and consistency of reform have varied considerably across the region.

The post-socialist transformation is particularly important for understanding juvenile justice because legal change does not necessarily happen simultaneously at the normative and at practical level. The adoption of new legislation may occur relatively rapid, whereas professional practices and institutional perceptions of juvenile offending may change more gradually. This difference is essential to the concept of transitional legal cultures included in this dissertation. It allows the analysis to move beyond the question of whether a State has adopted a particular

international standard and towards the question of how that standard is implemented within an existing legal and institutional culture.

Transitional justice processes, economic restructuring, and periods of political instability have affected the capacity of States to develop comprehensive child-centred justice systems. In some countries, welfare-oriented models coexist with punitive practices, creating inconsistent systems. In others, public discourse on youth crime has increasingly favored deterrence and repression, often in response to populist political narratives.

1.4. Scope of the Study

For the purposes of this study, the term juvenile offender refers to a person below the age of eighteen who is alleged to have committed or has committed a criminal offence, in accordance with international children's rights standards. While national definitions of criminal responsibility and juvenile status vary, this research adopts the Convention on the Rights of the Child¹ (hereinafter: CRC) as the primary normative reference. Where relevant, the study also addresses young adults aged eighteen to twenty-one who may fall under juvenile justice regimes in certain jurisdictions, particularly where national law allows for the application of juvenile measures based on developmental maturity.

Furthermore, the research focuses on criminal law responses to juvenile offending and does not extend to purely welfare or child protection interventions outside the criminal justice system, except where these overlap with diversion, alternative sanctions, or rehabilitative measures relevant to juvenile justice.

Although the study draws upon the welfare, justice, and restorative models, these concepts are used as analytical categories rather than as rigid classifications of national systems. The research therefore does not assume that a particular State can be exclusively characterized as welfare-oriented, justice-oriented, or restorative.

¹ UN General Assembly, Convention on the Rights of the Child, United Nations, Treaty Series, vol. 1577, p. 3, 20 November 1989, <https://www.refworld.org/legal/agreements/unga/1989/en/18815> (Accessed: 08 February 2026).

1.5. Methodology

This study employs a mixed-methods approach combining doctrinal legal analysis, comparative methodology, and qualitative research techniques, enabling a comprehensive examination of both legal frameworks and their practical application.

The choice of a mixed-methods design is based on the nature of the research questions, which concern both the formal regulation of juvenile justice and its implementation in practice. Doctrinal analysis is necessary to assess the development of legal standards, comparative analysis allows to identify differences and common traits across jurisdictions, quantitative data provide an indication of how juvenile justice measures are used in practice and qualitative interviews provide insight into how legal professionals understand and apply these rules. Combining these methods allows the study to examine not only what juvenile justice systems formally provide, but also how are these provisions used in practice and how are they understood by those working within the system. The methodological approach reflects the theoretical idea that juvenile justice cannot be fully explained by examining only existing legislation. A doctrinal analysis can establish the formal normative angle of a given system, but it cannot by itself determine whether welfare, justice, or restorative principles are incorporated into practice.

1.5.1. Research Methods Used in this Study

One of the used methods is comparative legal analysis of juvenile justice legislation in selected Central and Eastern European countries, with particular emphasis on Croatia and Hungary. This includes analysis of statutory provisions and policy documents. Quantitative analysis of available national statistics is used to examine trends in sanctions, detention, and diversion, while semi-structured interviews with legal practitioners, academics, and professionals working with juvenile offenders are employed as a qualitative method to gain insight into implementation challenges, institutional practices, and professional perspectives.

The selection of Croatia and Hungary as the empirical core of the research is deliberate. Both countries share important historical and legal characteristics, including a common socialist past, subsequent post-socialist legal transformation, membership in the European Union and obligations arising from the same international and European human rights framework. At the same time, their juvenile justice legislation, institutional arrangements, and approaches to the treatment of children in conflict with the law present relevant differences. This combination of similarities and

differences makes the two countries suitable for a comparative case study. They provide a comparable historical and legal context while allowing the research to examine how similar international standards may be translated and implemented differently within national legal systems. The focus on Croatia and Hungary also enables the quantitative and qualitative components of the research to be examined in greater depth than would be possible through a broader regional comparison alone. Furthermore, the wider comparative analysis includes Croatia, Serbia, Slovenia, Hungary, Slovakia, the Czech Republic, and Poland. These seven jurisdictions were selected because they represent a relevant group of Central and Eastern European legal systems that share significant historical experiences of socialist governance and following legal and institutional transformation, while differing in the structure and development of their juvenile justice systems. The wider comparison serves a different purpose from the two-country case study. Croatia and Hungary form the empirical core of the in-depth legal, statistical, and qualitative analysis, while the seven-jurisdiction comparison provides the regional context necessary to assess whether the findings identified in the two case studies reflect broader developments within CEE or are specific to the national contexts examined.

The comparative legal analysis is guided by the theoretical framework outlined above. Legislative provisions are examined not only in terms of their formal compliance with international standards, but also in terms of the approach they reflect, including an emphasis on welfare and individualized treatment, accountability and procedural safeguards, restorative objectives and participation, or a combination of these elements. The qualitative component complements this analysis by examining how legal professionals understand and apply these principles in everyday practice. In this way, the methodology allows the dissertation to investigate potential discrepancies between the normative model expressed in legislation and the institutional practice reflected in implementation.

Moreover, the qualitative interviews were included because the formal legal framework alone cannot fully explain how juvenile justice operates at the institutional level. Interviews with professionals who work directly with children in conflict with the law provide insight into decision-making processes, professional understandings of rehabilitation and accountability, the use of diversion and non-custodial measures, and practical barriers to reintegration. Where interviews involved juvenile participants, particular attention was given to their position as children and to the additional ethical safeguards required when conducting research with minors.

1.5.2. Asymmetry in the Qualitative Sample

An important methodological consideration concerns the unequal access to juvenile participants in the two case study countries. Interviews with juveniles were conducted in Croatia, whereas access to juvenile participants in Hungary was not granted. This asymmetry resulted primarily from the legal, administrative, and institutional requirements governing access to minors within Hungarian correctional settings, as well as the researcher's status as a non-Hungarian national. The difference in access means that the qualitative sample cannot be considered fully symmetrical across the two countries and that the experiences of juvenile participants cannot be directly compared between Croatia and Hungary on an equivalent basis.

This limitation was addressed through methodological triangulation. In Hungary, the perspectives of judges and institutional professionals were used to provide insight into the operation of the juvenile justice system, including decision-making processes, institutional practices, rehabilitation, and reintegration. These qualitative findings were taken into a consideration beside the Hungarian legal framework, relevant secondary literature, and available statistical data. The Croatian juvenile interviews were similarly interpreted in combination with judicial and institutional perspectives and quantitative and doctrinal findings. In that sense, the use of multiple sources therefore reduced dependence on one single category of respondent and allows the findings from the two countries to be assessed through several complementary forms of evidence.

This asymmetry also affects the scope of the conclusions that can be drawn from the qualitative data. The Croatian juvenile interviews provide direct evidence of how children experience the juvenile justice and correctional systems, while the Hungarian findings primarily reflect the perspectives of adult professionals and the evidence available through relevant documentation, statistical and secondary sources. Thus, the dissertation does not claim to provide a direct cross-country comparison of juvenile experiences in Croatia and Hungary. Instead, the qualitative material is used to deepen the analysis of implementation within each national context, while the comparison between the two countries is based primarily on legal, institutional and statistical evidence. This distinction is important for maintaining methodological transparency and avoiding conclusions that extend beyond the evidence available for each case study.

1.5.3. Limitations

The study faces several limitations. Language barriers restricted direct access to certain legal sources and statistical materials. Access to comprehensive and comparable statistical data was limited due to differences in national recording practices, classification methods, and data availability. Furthermore, access to correctional institutions and detained juveniles proved highly complex due to administrative, legal, and ethical constraints, limiting the scope of direct empirical observation.

A further limitation concerns the asymmetry of the qualitative sample between Croatia and Hungary. While the research included direct interviews with juvenile participants in Croatia, comparable access to juvenile participants in Hungary was not obtained. As a result, the qualitative findings do not support a direct comparison of juvenile experiences across the two countries. The unequal availability of qualitative evidence also means that the empirical contribution of the dissertation should be understood as a comparative analysis of juvenile justice systems rather than as a fully symmetrical comparison of all categories of participants in both countries. The Croatian juvenile interviews provide an additional experiential dimension that is not available to the same extent for Hungary. This difference is explicitly acknowledged when interpreting the findings and drawing comparative conclusions.

1.5.4. Ethical Considerations

The research was conducted in accordance with established principles of research ethics. Participation in interviews was based on informed consent, with particular attention paid to the protection of minors. The identities of all participants were anonymized, participation was voluntary, and withdrawal was possible at any stage. Where required, appropriate institutional permissions were obtained.

The interviews involving juvenile participants were conducted according to an ethical protocol reflecting the participants' age and potentially vulnerable position. Prior to participation, the purpose and nature of the research were explained in an age-appropriate manner, and participation was based on informed consent. Participants were informed that participation was voluntary, that they could refuse to answer individual questions, and that they could withdraw from the interview at any time. Particular care was taken to avoid questions or procedures that could unnecessarily expose participants to distress or require them to relive traumatic experiences.

To protect confidentiality, identifying information was not included in the research materials or analysis. Data were handled in accordance with research and institutional requirements. Where interviews took place within correctional or other institutional surroundings, the necessary permissions and approvals were obtained from the relevant institutions before the research was conducted. Following the interviews, participants were given an opportunity to ask questions or clarify any concerns. This was particularly important for juvenile participants in order to ensure that they understood the purpose of the research.

1.6. Hypotheses

This study is guided by two central hypotheses that reflect both the normative and the practical dimensions of juvenile justice in Central and Eastern Europe. Together, these hypotheses address the relationship between formal legal frameworks and their implementation in practice, with particular focus on the extent to which international children's rights standards are effectively realized.

The hypotheses are further explained by the theoretical framework of the dissertation. They are designed not only to identify differences in formal legal regulation and implementation, but also to examine whether such differences reflect the continuing interaction in practice.

The normative hypothesis assumes that significant differences exist among Central and Eastern European countries in the legal regulation of juvenile justice. Although most States in the region are parties to key international instruments on children's rights, national legal frameworks vary considerably in their scope, structure, and underlying approach to juvenile offending. This hypothesis examines whether domestic laws governing the treatment of juvenile offenders fully reflect international standards related to child protection, proportionality, diversion, and the use of deprivation of liberty as a measure of last resort, or whether these standards are only partially or formally incorporated.

More specifically, the normative analysis examines whether formal legal alignment with international children's rights standards has been followed by a corresponding shift in the practice of juvenile justice. It considers whether national frameworks demonstrate a movement from predominantly welfare-based or punitive approaches towards rights-based, justice-oriented and restorative forms of juvenile justice, or whether elements of earlier approaches still.

The implementation hypothesis focuses on the practical operation of juvenile justice systems, particularly in Croatia and Hungary. It assumes that, despite formal commitments to rehabilitation and reintegration, juvenile justice practice in both countries continues to rely heavily on punitive sanctions. Statistical trends are expected to show limited use of non-custodial and diversionary measures, as well as insufficient availability and quality of rehabilitation and reintegration programmes within correctional settings. This hypothesis explores the extent to which existing practices support or undermine the successful social reintegration of juvenile offenders, and whether a gap persists between legislative intent and actual outcomes.

The implementation hypothesis also examines whether the continued use of punitive practices reflects transitional legal cultures in which changes in legislation have developed faster than changes in practice. In this sense, the study examines implementation gaps not merely as failures to comply with legal standards, but also as reflecting differences in how the purpose of juvenile justice is understood.

1.7. Expected Contribution

This doctoral research aims to contribute to academic scholarship and policy debates on juvenile justice in Central and Eastern Europe. By combining normative legal analysis with empirical insights, it seeks to clarify the gap between formal legal commitments and practical implementation. The comparative focus on Croatia and Hungary provides an understanding of how differing policy choices affect children in conflict with the law. The findings are intended to support evidence-based reform efforts and to strengthen the application of international children's rights standards within juvenile justice systems.

The theoretical contribution of the dissertation lies in bringing together three complementary perspectives for analysing juvenile justice transformation in Central and Eastern Europe. First, the welfare, justice, and restorative models provide a framework for identifying the normative part of juvenile justice legislation and practice. Second, the concept of transitional legal cultures helps explain why new legal standards and reforms may coexist with institutional practices and professional approaches that reflect earlier legal traditions. Third, the combination of these perspectives with comparative and empirical analysis enables the dissertation to conceptualize juvenile justice reform as a process of both normative change and institutional transformation.

The study therefore seeks to move beyond a simple assessment of whether national systems comply with international standards. It shows how international norms are translated into national legal systems. In doing so, the dissertation contributes to a more theoretically informed understanding of juvenile justice reform in post-socialist Europe and provides a conceptual basis for assessing whether contemporary systems are moving towards child-centred, rights-based, rehabilitative and restorative approaches.

CHAPTER 2: INTERNATIONAL STANDARDS FOR JUVENILE JUSTICE

2.1. Introduction

The treatment of children in conflict with the law remains a central concern for both international legal frameworks and national justice systems. Recognizing that children and juveniles require distinct protections and approaches, international standards have evolved to emphasize a rehabilitative and rights-based perspective that prioritizes the developmental needs and vulnerabilities of young offenders.

For the purposes of this chapter, it is essential to clarify the terminology used when referring to children in conflict with the law, particularly in light of different national approaches to criminal responsibility. In accordance with Article 1 of the Convention on the Rights of the Child, the term *child* refers to every human being below the age of eighteen years, unless majority is attained earlier under domestic law. This definition is consistently applied across the international instruments examined in this chapter and serves as the primary normative reference for assessing States' obligations in the field of juvenile justice. Furthermore, the term *juvenile*, while frequently used in international and regional instruments, does not possess a uniform legal definition under international law. Comparative legal scholarship demonstrates that national legal systems actively construct the category of the *juvenile* through domestic rules on criminal responsibility, criminal majority and the institutional structure of youth justice systems. Variations in age thresholds and procedural rules directly affect how children are classified, processed and sanctioned, leading to major differences in how broadly and effectively the rights of young people in conflict with the law are protected.² Instead, it functions as a contextual and functional term

² Abrams, Jordan and Montero, 2018, pp. 112 – 115.

referring to children who come into contact with the criminal justice system, particularly in proceedings concerning alleged criminal offences.³ In this chapter, the terms *child* and *juvenile* are therefore used interchangeably where reference is made to persons below the age of eighteen involved in criminal proceedings, unless otherwise specified.

A distinction must be drawn between the definition of a child and the minimum age of criminal responsibility (hereinafter: MACR). The MACR, as required under Article 40(3)(a) of the CRC, establishes the age below which children are presumed incapable of infringing criminal law. Importantly, the establishment of a MACR does not alter the legal status of a person as a child under international law. Rather, it determines the threshold for criminal liability within domestic legal systems.⁴ Consequently, children above the MACR remain entitled to the full spectrum of child-specific procedural safeguards and protections enshrined in international human rights law. Building on this normative framework, recent scholars caution against treating the minimum age of criminal responsibility as a purely formal legal threshold. The children's capacity to understand the nature and consequences of their actions does not emerge at a fixed chronological age, but develops gradually over time. Research from psychiatry, developmental psychology, and criminology shows that children's moral reasoning, impulse control, and ability to engage in consequential decision-making remain limited throughout childhood and early adolescence, undermining the assumption that criminal responsibility can be reliably determined through rigid age thresholds alone.⁵

Neurodevelopmental evidence further reinforces this position by demonstrating that the maturing of brain structures associated with executive functioning, risk assessment, and self-regulation continues well into adolescence. In that sense, this developmental continuum challenges the legitimacy of fixed minimum ages of criminal responsibility and supports approaches that prioritise individual capacity, welfare-oriented responses, and child-centred interventions over formal criminal attribution.⁶ Furthermore, some scholars argue that the MACR should be understood as part of a broader, holistic framework that combines diversion, rights-respecting

³ Kilkelly, 2008, p. 188.

⁴ Ibid., pp. 189 – 190.

⁵ Church, Goldson and Hindley, 2013, pp. 99 – 100.

⁶ Delmage, 2013, pp. 104 – 106.

interventions, and child-centred welfare measures, pointing out that legal age limits on their own are insufficient without institutions that can effectively implement and support them.⁷

This chapter seeks to explore the key principles, instruments, and challenges that define international juvenile justice standards, focusing on their relevance and practical application in shaping humane and effective justice systems worldwide.

The CRC represents a landmark achievement in codifying children's rights. As the most widely ratified human rights treaty in history, the CRC provides a robust foundation for the treatment of juvenile offenders, grounding its principles in the inherent dignity of children and their entitlement to special care and protection. The main focus of this chapter is an analysis of the CRC's key provisions related to juvenile justice, which underscore essential principles such as non-discrimination, the prioritization of the child's best interests, and the right to life, survival, and development. In particular, the principle of non-discrimination calls for the elimination of biases in the justice system, ensuring equal treatment regardless of factors such as age, gender, or ethnicity. The principle of the best interests of the child, a cornerstone of the CRC, demands that all decisions impacting children prioritize their welfare and long-term well-being. Moreover, the CRC's emphasis on fostering rehabilitation over punitive measures highlights the need for justice systems to support the child's reintegration into society. Beyond these overarching principles, the CRC establishes critical safeguards concerning the deprivation of liberty and the administration of justice. It is stressed that the detention of children should be a measure of last resort, applied only in exceptional circumstances and for the shortest appropriate period. At the same time, procedural guarantees ensure fairness and the opportunity for restorative measures. These principles collectively form an idea of juvenile justice that balances accountability with compassion, aiming to address the root causes of offending behaviour while preserving the child's potential for growth and development. Although the CRC provides a broad, child-focused set of standards for juvenile justice, how well it works depends on each country's own reading and application of those standards, leading to differences in how the principles are put into practice within national criminal-justice systems.

In addition to the CRC, various international and regional instruments offer comprehensive guidance for the effective administration of juvenile justice. Among these, the International

⁷ Brown and Charles, 2021, pp. 154 – 156.

Covenant on Civil and Political Rights⁸ (hereinafter: ICCPR) plays a key role by guaranteeing the right to a fair trial, an essential component in ensuring that juvenile offenders are treated justly throughout their legal proceedings. Similarly, the UN Basic Principles on the Role of Lawyers⁹ emphasize the importance of competent legal counsel, ensuring that juveniles have access to appropriate legal representation, safeguarding their rights and promoting fairness in the justice process. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice¹⁰ (hereinafter: Beijing Rules) provide a comprehensive framework for the treatment of juvenile offenders, focusing on rehabilitation and the minimization of detention. These rules stress that the justice system should avoid placing children in detention unless absolutely necessary and should prioritize restorative justice practices. Likewise, the UN Guidelines for the Prevention of Juvenile Delinquency¹¹ (hereinafter: Riyadh Guidelines) offer preventive measures aimed at addressing the root causes of juvenile crime, including family and social factors, advocating for alternative measures to incarceration. General Comment No. 10 on Children's Rights in Juvenile Justice¹² (hereinafter: General Comment No. 10) and General Comment No. 24 on Children's Rights in the Child Justice System¹³ (hereinafter: General Comment No. 24) issued by the Committee on the Rights of the Child provide detailed interpretations of the CRC's application to juvenile justice, reinforcing the principles of non-discrimination, the best interests of the child, and the necessity of alternatives to detention. These comments advocate for juvenile justice systems that focus on rehabilitation and reintegration, emphasizing that justice systems should always take into account the child's age, maturity, and specific needs.

⁸ UN General Assembly, International Covenant on Civil and Political Rights, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966, (Accessed: 07 January 2025).

⁹ United Nations Specialised Conferences, Basic Principles on the Role of Lawyers, United Nations, 7 September 1990, (Accessed: 07 January 2025).

¹⁰ 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, (Accessed: 07 January 2025).

¹¹ 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, (Accessed: 07 January 2025).

¹² UN Committee on the Rights of the Child (CRC), General comment No. 10 (2007): Children's Rights in Juvenile Justice, CRC/C/GC/10, 25 April 2007, (Accessed: 07 January 2025).

¹³ Committee on the Rights of the Child (CRC), General comment No. 24 (2019) on Children's Rights in the Child Justice System, CRC/C/GC/24, 218 September 2019, (Accessed: 07 January 2025).

At the regional level, the European Convention on Human Rights¹⁴ (hereinafter: ECHR) serves as a fundamental legal instrument, ensuring that everyone, including juveniles in Europe, benefits from the protection of human rights, including access to a fair trial and protection from inhuman or degrading treatment. The Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice¹⁵ highlight the importance of ensuring that juvenile justice processes are accessible, understandable, and tailored to children, while the European Committee for the Prevention of Torture¹⁶ has established standards that address the conditions of detention for juveniles, ensuring that they are treated humanely and with respect for their dignity. Recommendation of the Committee of Ministers to Member States on European Rules for juvenile offenders subject to sanctions or measures¹⁷ outlines guidelines for ensuring that juvenile offenders are treated in a way that promotes their rehabilitation and reintegration into society. In particular, it emphasizes the use of alternative measures to incarceration, such as community-based sanctions or restorative justice practices. Additionally, Recommendation Rec(2003)20 of the Committee of Ministers to Member States concerning new ways of dealing with juvenile delinquency and the role of juvenile justice¹⁸ calls for innovative approaches to juvenile justice, encouraging the use of diversion programs and restorative justice techniques rather than traditional punitive measures.

The European Union Charter of Fundamental Rights¹⁹ sets out broad legal protections for children, ensuring that their rights are upheld across all Member States, particularly in the context of criminal proceedings. The Directive 2012/12/EU on the Right to Information in Criminal Proceedings²⁰ and the Directive 2013/48/EU on the Right to Access to a Lawyer in Criminal

¹⁴ Council of Europe, European Convention on Human Rights: treaty / adopted by the Council of Europe, E.T.S. No. 5, 4 November 1950, (Accessed: 07 January 2025).

¹⁵ 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, (Accessed: 07 January 2025).

¹⁶ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. (2015). Juveniles deprived of their liberty under criminal legislation (Extract from the 24th General Report of the CPT). Council of Europe. (Accessed: 06 January 2025).

¹⁷ 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, (Accessed: 07 January 2025).

¹⁸ Council of Europe, Committee of Ministers. (2003). Recommendation Rec (2003)20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice (Adopted 24 September 2003). Council of Europe. (Accessed: 06 January 2025).

¹⁹ European Union, Charter of Fundamental Rights of the European Union, 2012/C 326/02, 14 December 2007, <https://www.refworld.org/legal/agreements/eu/2007/en/13901> (Accessed: 06 January 2025).

²⁰ European Parliament and Council of the European Union. (2012). Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings. Official Journal of the European Union, L 142, 1–10. (Accessed: 06 January 2025).

Proceedings²¹ further reinforce the rights of juveniles in criminal justice systems by ensuring that minors are fully informed of their rights and have access to legal counsel, crucial safeguards for those navigating the justice system. Directive 2016/800/EU on Procedural Safeguards for Children Suspected or Accused in Criminal Proceedings²² and Directive 2016/1919/EU on legal aid for suspects and accused persons in criminal proceedings²³ provide additional protections for minors, ensuring that their vulnerabilities are acknowledged and accommodated during criminal investigations and proceedings.

Through these instruments, the international community has established a detailed and multilayered framework for the treatment of juvenile offenders. They collectively emphasize the importance of protecting the rights and dignity of children, ensuring that juvenile justice systems prioritize rehabilitation over punishment, and advocating for alternatives to detention wherever possible. These frameworks guide the development of policies and practices that aim to create a justice system that is responsive to the needs of children while safeguarding their fundamental rights. Nevertheless, despite these well-established international norms, significant challenges persist in their implementation. Many countries face systemic barriers such as insufficient funding, inadequate training of personnel, and limited capacity to provide alternatives to detention. These obstacles highlight the gap between theoretical commitments and practical realities, often leaving children vulnerable to rights violations within justice systems. Furthermore, ongoing debates surrounding the debate regarding the minimum age of criminal responsibility reflect broader tensions in balancing the need for accountability with recognition of the developmental differences between children and adults. Through a comprehensive examination of these issues, this chapter aims to provide a detailed understanding of the international standards that shape juvenile justice. By analyzing the principles of the CRC, other key instruments, and the challenges in

²¹ European Parliament and Council of the European Union. (2013). Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. Official Journal of the European Union, L 294, 1–12. (Accessed: 06 January 2025).

²² European Parliament and Council of the European Union. (2016). Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. Official Journal of the European Union, L 132, 1–20. (Accessed: 06 January 2025).

²³ European Parliament and Council of the European Union. (2016). Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings. Official Journal of the European Union, L 297, 1–8. (Accessed: 06 January 2025).

implementation. It seeks to reveal pathways toward more equitable, rights-respecting, and effective approaches to addressing juvenile offending in diverse legal and social contexts.

2.2. Key Principles under the Convention on the Rights of the Child

2.2.1. Right to non-discrimination

The right to non-discrimination, enshrined in Article 2 of the ECHR, is a cornerstone of human dignity and equality. It mandates that all rights outlined in the convention must be available to all children without discrimination of any kind, irrespective of the child's or their parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.²⁴ This principle supports the legal framework for ensuring fair and equal treatment for all individuals, particularly within systems like juvenile justice, where vulnerable groups may be at greater risk of discriminatory practices. Furthermore, the mentioned principle is vital when addressing child offenders, as it guarantees they are afforded the same level of protection and assistance, irrespective of their background history or circumstances.²⁵ Additionally, this principle seeks to eradicate any potential biases or obstacles that young offenders may face within the justice system. By adhering to non-discrimination, States must remain vigilant against disparities and ensure that all juvenile offenders have access to proper legal assistance, rehabilitation programs, and reintegration support.²⁶

This approach emphasizes the importance of prioritizing the child's well-being and development, in accordance with the principles set forth in the CRC, which shift the focus from a primarily punitive stance to one that supports the child's reintegration into society. Furthermore, the literature on discrimination in the context of juvenile offenders identifies various types, including distinctions made between child offenders and adults, between children and young adults, and even between different children within the juvenile system.²⁷ Recognizing the different forms of discrimination among juvenile offenders is essential for developing a more equitable approach within the juvenile justice system. By identifying and eliminating these disparities, States

²⁴ Convention on the Rights of the Child, Article 2.

²⁵ Liefwaard, 2015, 234 – 235.

²⁶ Goldson, and Muncie, 2015, pp. 45 – 46.

²⁷ Besson and Kleber, 2019, p. 42.

can ensure equal protection and support for all young offenders, contributing to their successful rehabilitation and reintegration into society.

2.2.2. Best interest of the child

The principle of the best interests of the child, while it may initially seem abstract, has become a foundation of international efforts to safeguard children's rights. It is enshrined in the CRC, which highlights its importance as a primary consideration in all decisions and actions affecting children. This principle applies to a broad context, requiring public and private social welfare organizations, judicial systems, administrative authorities, and legislative bodies to prioritize the child's well-being, development, and rights.²⁸ It serves as a foundational guideline for ensuring that every child's unique needs and vulnerabilities are addressed in a manner that upholds their dignity and promotes their holistic growth. This concept emphasizes that a child's rights and best interests should take priority in any matter concerning them, adopting an individualized approach that considers each child's specific circumstances and needs.²⁹ Namely, regarding the individualized approach to child offenders and the principle of the child's best interests, Article 40³⁰ of the CRC pertains to the administration of juvenile justice, emphasizing the treatment of children must be conducted in a manner that reflects their age and level of maturity while upholding their dignity and inherent worth. The principle of the child's best interests mandates that juvenile justice systems implement sufficient procedural safeguards to guarantee fair treatment for child offenders. These safeguards include the right to legal representation, the right to express their views, and the right to actively participate in proceedings that impact them.³¹ Effective participation should not be reduced to the mere opportunity to be present or formally heard in criminal proceedings. As scholarly analysis demonstrates, children require tailored procedural adaptations, including age-appropriate communication, additional support mechanisms, and modified courtroom practices, in order to genuinely understand and engage with the process.³² Ensuring effective participation therefore places a positive obligation on States to

²⁸ Convention on the Rights of the Child, Article 3.

²⁹ Alston, 1994, p. 12.

³⁰ Professor Liefwaard explains the rights of juvenile offenders can be seen through double lenses of 1) fair treatment, with respect for children's inherent dignity and the right to a fair trial, and 2) treatment in a manner that takes into account children's age (child-specific treatment); See in: Liefwaard, 2015, p. 234.

³¹ Kilkelly, 2008, p. 215.

³² Forde, 2018, pp. 266 – 268

actively facilitate children's involvement at all stages of the criminal process, rather than treating participation as a symbolic or procedural formality.

Moreover, the principle of the child's best interests requires that juvenile justice policies adopt a child-centred approach, tailored to their developmental stage and level of maturity. Criminological research increasingly questions the applicability of deterrence-based sentencing theories to children and adolescents. Empirical and theoretical studies demonstrate that deterrence assumes a level of rational calculation, impulse control, and future-oriented reasoning that children often do not possess.³³ As a result, punitive sanctions aimed at deterrence may fail to influence behaviour and may instead exacerbate marginalisation and recidivism among young offenders.³⁴ On that note, research highlights that children and adolescents differ greatly from adults in areas such as cognitive development, emotional regulation, and decision-making abilities.³⁵

The principle of the best interests of the child is integral to ensuring that juvenile justice systems treat young offenders with the consideration they deserve, focusing on their unique developmental needs. By implementing child-centred policies and providing appropriate procedural safeguards, the legal system can promote fairness and protect the rights of children. Ultimately, this approach ensures that children's dignity is upheld while fostering their rehabilitation and well-being within the justice system.

2.2.3. Right to Life, Survival, and Development

Article 6 of the CRC recognizes every child's inherent right to life, as well as their right to develop physically, mentally, socially, and morally. This principle is particularly significant when addressing the treatment of child offenders, as it underscores the importance of providing them with opportunities for growth and rehabilitation in environments tailored to their needs as children. Upholding the CRC's principles requires striking a balance between punitive actions and rehabilitative measures, with a focus on supporting the child's overall development and

³³ Crofts, Delmage and Janes, 2022, 184 – 187.

³⁴ Ibid.

³⁵ See more in: Feldman, S. S., and Elliott, G. R. (Eds.). (1990). *At the threshold: The developing adolescent*. Harvard University Press, pp. 54–89; Steinberg, L., and Scott, E. S. (2003). *Less guilty by reason of adolescence: developmental immaturity, diminished responsibility, and the juvenile death penalty*. *American psychologist*, 58(12), pp. 1009-1918.

reintegration into society. A great example is the usage of deprivation of liberty as a measure of last resort and for the shortest possible time.³⁶

This principle advocates for the adoption of alternative measures that allow child offenders to maintain their right to childhood and personal growth. Additionally, studies indicate that punitive methods alone are often ineffective in tackling the root causes of juvenile delinquency, such as poverty, abuse, and neglect. In this context, growing up in an environment marked by violence, poverty, hunger, and political instability profoundly affects children, who, due to their young age, are already limited in prioritizing their own well-being.³⁷ Recognizing these challenges, it is crucial to approach juvenile offenders with measures that prioritize rehabilitation and address the root causes of their behavior. By adhering to the principles of the CRC, societies can embrace environments that support the development and reintegration of these children, ensuring their rights and well-being are upheld.

2.2.4. Deprivation of Liberty³⁸

Article 37 of the CRC establishes clear safeguards against the unlawful or arbitrary deprivation of liberty, particularly for children. The deprivation of liberty is one of the most severe measures that can be imposed on a child within the justice system. As such, it mandates that detention or imprisonment should be used strictly as a measure of last resort and for the shortest appropriate period.³⁹ This principle is grounded in the recognition that depriving children of their liberty can have significant and long-lasting consequences on their psychological, emotional, and social development. Unlike adult offenders, children are in a formative stage of life, and their rehabilitation and reintegration into society must be prioritized over punitive approaches. Furthermore, any deprivation of liberty must be carried out in strict accordance with the law, ensuring that legal safeguards are in place to prevent abuse and excessive use of detention.⁴⁰ The subsequent provisions of Article 37 further emphasize that children have the right to treatment that preserves their human dignity and takes into account their unique developmental needs. A crucial safeguard in this regard is the requirement that children be held separately from adults, unless it is

³⁶ Goldson, and Muncie, 2015, p. 95.

³⁷ Abbott, 1999, p. 162.

³⁸ For detailed explanation see in Gašparić and Garayová, 2025, p. 65.

³⁹ CRC, Article 37(b).

⁴⁰ Ibidem.

determined that such separation is not in the child's best interest, for example, if an adult family member is also detained.⁴¹ Apart from the rules specifically concerning the detention of juveniles, it is equally important to ensure that every child deprived of liberty has immediate and effective access to legal assistance, ensuring children can challenge the legality of their detention before an independent and impartial authority⁴²

2.2.5. Administration of Juvenile Justice⁴³

The administration of juvenile justice is a fundamental aspect of children's rights, ensuring that minors in conflict with the law are treated in a manner that upholds their dignity and promotes their reintegration into society. In that regard, Article 40 of the CRC establishes comprehensive legal safeguards for children alleged as, accused of, or recognized as having infringed penal law.⁴⁴ Fair trial rights for children are further reinforced through procedural guarantees designed to safeguard their legal protection. These include the right to be informed promptly and directly of the charges, with appropriate assistance from parents or legal guardians where necessary.⁴⁵ Moreover, children must have their cases determined without undue delay by a competent, independent, and impartial judicial authority in a fair hearing.⁴⁶ Apart from the other provisions outlined in Article 40, the right to privacy stands as a fundamental aspect of juvenile justice, ensuring that a child's identity and personal information remain protected at all stages of legal proceedings.⁴⁷ Beyond procedural safeguards, the relevant provisions emphasize the importance of developing specialized laws, procedures, authorities, and institutions designed to address the unique needs of children in conflict with the law.⁴⁸ According to paragraph 3 of Article 40, this includes setting a minimum age of criminal responsibility and promoting non-judicial measures whenever appropriate, ensuring that human rights and legal protections are fully upheld. Such approaches align with the principle that juvenile justice systems should prioritize rehabilitation over punishment, fostering positive development and preventing recidivism.

⁴¹ CRC, Article 37(c).

⁴² Ibid., Article 37(d).

⁴³ For further detailed see in Gašparić and Garayová, 2025, p. 67.

⁴⁴ CRC, Article 40(1).

⁴⁵ Ibid., Article 40(2)(b)(ii).

⁴⁶ Ibid., Article 40(2)(b)(iii).

⁴⁷ Ibid., Article 40(2)(b)(vii).

⁴⁸ Ibid., Art. 40(3).

2.3. Other International Instruments

International standards on juvenile justice and children's rights differentiate between binding legal instruments and non-binding guidelines. Binding documents establish enforceable obligations for member states, whereas non-binding guidelines offer recommendations without legal authority. This distinction shows the global variability in juvenile justice policies, where the establishment and implementation of certain measures often rest on the discretion of the particular states. As a result, the effectiveness of juvenile justice systems is shaped not only by legal mandates but also by the extent to which states prioritize the rights and well-being of young offenders. The following text will provide a chronological overview of both binding and non-binding documents.

2.3.1. International Covenant on Civil and Political Rights⁴⁹

Except for the CRC, another hard law cornerstone of international human rights law is the ICCPR. It is designed to protect and promote fundamental civil and political rights, such as the right to life, freedom of speech, freedom of assembly, and the right to a fair trial. Among its provisions, it addresses the significant implications for the treatment of juvenile offenders, emphasizing the necessity of special protections for children in conflict with the law.

While some provisions apply universally to all individuals, others explicitly address the unique needs of children and juveniles in conflict with the law. Article 6 guarantees the inherent right to life, forming the foundation of all other rights. Namely, it also explicitly addresses the prohibition of the death penalty on persons who were under the age of 18 at the time of the crime.⁵⁰ This reflects a fundamental principle of international law that children, due to their age and lack of maturity, should not be subjected to the harshest forms of punishment. Article 10(2)(b) mandates the separation of accused juveniles from adults in detention, safeguarding children from potentially harmful influences. This provision emphasizes rehabilitation and reintegration, prioritizing the social adjustment and personal development of young offenders.⁵¹ Furthermore, Article 14(4) explicitly requires that juvenile offenders be dealt with in a manner appropriate to their age, promoting rehabilitation and reintegration into society. These provisions align with broader

⁴⁹ UN General Assembly, International Covenant on Civil and Political Rights, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966, (Accessed: 14 January 2025).

⁵⁰ ICCPR, Article 6(5).

⁵¹ Ibid., Article 10(3).

international standards and emphasize the need for states to adopt child-sensitive approaches that prioritize education, diversion, and reintegration over punitive measures. Although the ICCPR provides binding procedural guarantees applicable to juveniles, its general human rights orientation requires additional child-specific instruments, such as the CRC, to adequately address the distinct developmental and rehabilitative needs of children in conflict with the law.

2.3.2. UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)⁵²

The Beijing Rules, adopted in 1985, provide comprehensive guidelines for the administration of juvenile justice systems worldwide. They prioritize the best interests of the child while ensuring compliance with international human rights standards. From a procedural perspective, the effectiveness and legitimacy of such normative frameworks depend not solely on the formal recognition of rights, but on how those rights are exercised by children in practice. Some scholars claim that children's perceptions of fairness, voice and respectful treatment play a decisive role in shaping their trust in justice institutions and their willingness to comply with legal norms, underscoring the importance of age-sensitive procedures that enable meaningful participation throughout criminal proceedings.⁵³ As it is stated at the beginning of the document, the primary objective of the Beijing Rules is to promote the welfare of juvenile offenders and to encourage their rehabilitation and reintegration into society.⁵⁴ While certain provisions are also applicable to the broader criminal justice system, the Beijing Rules are designed with the unique needs of minors in mind. On that note, this document provides specific regulations tailored to the juvenile justice system, emphasizing that the administration of justice for minors must prioritize their protection, rehabilitation, and reintegration, rather than merely focusing on punitive measures.

Rule 4 of the Beijing Rules encourages states to establish a MACR below which children should not be subject to the criminal justice system. It emphasizes individualized treatment for juvenile offenders, advocating for an approach tailored to each child's unique circumstances, aiming to prioritize the well-being of the juvenile, ensuring that any response to juvenile offenders

⁵² 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, 10533 (Accessed: 14 January 2025).

⁵³ Bernuz, Beneitez and Dumortier, 2018, pp. 35 – 39.

⁵⁴ Beijing Rules, Rule 1.

is always proportionate to both the individual circumstances of the offender and the nature of the offense.⁵⁵ Moreover, in regard to the treatment of juvenile offenders, the Beijing Rules explicitly state that juvenile offenders should be treated with dignity and respect, and their needs should be met in a manner that promotes their development.⁵⁶ This particularly involves the need to keep juveniles separate from adults during detention, but also includes access to education, vocational training, and psychological support to facilitate their personal growth and social reintegration. However, given that juveniles may end up in detention facilities, the provisions also address the institutional treatment of offenders. Rule 26 defined that the primary goal of training and treatment for juveniles in institutions is to provide care, protection, education, and vocational skills to help them become productive members of society.⁵⁷ On that note, it is proposed that personnel who frequently work with juveniles or focus on preventing juvenile crime should receive specialized training in that matter.⁵⁸

Finally, the Beijing Rules urge State Parties to consider alternatives to formal trials when appropriate. Rule 11 prompts the police, prosecution, or other agencies handling juvenile cases shall have the authority to resolve such cases at their discretion, without the need for formal hearings, in line with established criteria. As written in the commentary, community-based alternatives to formal juvenile justice are especially beneficial in cases involving a juvenile's first offense or external influences, such as peer pressure, that may justify diversion.⁵⁹ However, even in more serious cases, diversion can be considered depending on the specific circumstances. The Beijing Rules represent a crucial normative connection between abstract human rights obligations and practical juvenile justice administration, yet their soft-law nature limits their enforceability and leaves their implementation largely dependent on the priorities of the given country.

⁵⁵ Ibid., Rule 5.

⁵⁶ Ibid., Rule 13.

⁵⁷ Additionally, technical questions such as separated areas for juveniles and the visitation of their parents are also regulated.

⁵⁸ Beijing Rules, Rule 12.

⁵⁹ Ibid., Rule 11.

2.3.3. UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)⁶⁰

The United Nations Riyadh Guidelines represent a landmark international framework dedicated to fostering the well-being of young people and addressing the root causes of juvenile delinquency. The first section emphasizes a child-centred and highlights the importance of preventive measures as the primary focus, shifting attention away from punitive actions to address the root causes of juvenile delinquency effectively. Families are recognized as crucial in shaping the behavior of young people, with the guidelines encouraging programs that promote positive parenting and prevent neglect or abuse.⁶¹ Moreover, Guideline 12 emphasizes the importance of education systems, recommending accessible non-formal education programs to prevent disengagement and school dropouts, which are major factors contributing to delinquency. In addition to educational institutions, community-based services also have a vital role in fostering a social environment that creates a sense of belonging for at-risk youth, particularly children in vulnerable situations.⁶² Except for the mentioned measures, a comprehensive preventive strategy must address broader social factors, including access to healthcare, housing, and education,⁶³ while also avoiding stigmatization, as labelling juveniles as delinquents can obstruct reintegration and reinforce offending behaviors.⁶⁴ Finally, governments are recommended to adopt integrated policies that involve families, schools, and communities in creating a comprehensive framework for delinquency prevention. This framework should focus on promoting youth development and social inclusion, with the ultimate goal of preventing delinquency among youth. By prioritizing prevention and social inclusion over repression, the Riyadh Guidelines reflect a welfare-oriented model of juvenile justice, though their non-binding status often results in preventive measures being underfunded or sidelined in favour of punitive responses. The relationship between educational exclusion and youth justice involvement demonstrates how institutional practices can unintentionally facilitate children's pathways into the criminal justice system. Studies examining the so-called school-to-prison pipeline show that exclusionary disciplinary measures, such as suspensions and expulsions, significantly increase the likelihood of later contact with law

⁶⁰ 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, (Accessed: 15 January 2025).

⁶¹ Riyadh Guidelines, Section IV, part A.

⁶² Ibid., Guideline 18.

⁶³ Ibid., Guideline 19.

⁶⁴ Ibid., Guideline 56.

enforcement and judicial authorities.⁶⁵ These practices disproportionately affect socially disadvantaged children and weaken protective factors such as school attachment, social inclusion, and access to supportive adult relationships. Rather than functioning as preventive mechanisms, punitive school discipline policies often operate as early points of criminalisation, reinforcing cumulative disadvantage and accelerating justice system involvement. From this perspective, preventive and restorative interventions within educational and community settings are more consistent with the welfare-oriented logic underpinning the Riyadh Guidelines, as they address structural risk factors without relying on repression or formal criminal justice responses.

2.3.4. United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)⁶⁶

The Havana Rules provide essential guidelines for safeguarding the rights and well-being of juveniles within institutional settings. These rules emphasize the need for humane treatment, rehabilitation, and the protection of children's dignity while deprived of liberty. The fundamental principles of the Havana Rules underline that the juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles, using imprisonment only as a last resort and for the minimum necessary period.⁶⁷ Nonetheless, in the case of incarceration of a minor, the importance is put on ensuring safe and humane conditions, but also the full protection of the physical and mental health of juveniles⁶⁸ under controlled conditions and separated from adults, except when they are family members.⁶⁹ On that note, it is recommended to provide or ensure services to assist juveniles in re-establishing themselves in society to maintain himself or herself upon release in order to facilitate successful reintegration.⁷⁰ Similarly to other documents relevant for this topic, the focus on rehabilitation and the promotion of the reintegration of juveniles is passed throughout the entire document. The Havana Rules provide detailed standards for the humane treatment of detained juveniles, but the persistence of

⁶⁵ Crawley, and Hirschfield, 2018, pp. 2 – 6.

⁶⁶ UN General Assembly, United Nations Rules for the Protection of Juveniles Deprived of Their Liberty: resolution/adopted by the General Assembly, A/RES/45/113, 2 April 1991, (Accessed: 15 January 2025).

⁶⁷ Havana Rules, Article 1.

⁶⁸ Ibid., Section V, Rule 87 (d).

⁶⁹ Ibid., Section IV, Rule 29.

⁷⁰ Ibid., Section IV, Rule 80.

substandard detention conditions across jurisdictions demonstrates the structural gap between normative guidance and institutional practice.

2.3.5. Guidelines for Action on Children in the Criminal Justice System⁷¹

Guidelines for Action on Children in the Criminal Justice System were adopted by the United Nations to provide a comprehensive framework for addressing the unique needs of children involved in the criminal justice system. They aim to guide governments and institutions in developing child-sensitive policies and practices, with a particular focus on preventing juvenile delinquency and providing support for children who have committed offenses. These guidelines emphasize that the justice system should be adapted to the needs of children, ensuring that proceedings are accessible, understandable, and conducted in a manner that respects the child's dignity.⁷² Throughout all stages of the ongoing legal process, Guidelines for Action on Children in the Criminal Justice System emphasizes rehabilitation rather than punishment, advocating for young offenders to have access to alternatives to the criminal justice system, such as diversion programs.⁷³ However, to help children who have been in contact with the justice system reintegrate into society, it is also important to provide a program for resocialization for those who are already involved the criminal justice system.⁷⁴ These Guidelines reinforce the shift toward child-sensitive justice systems, yet their broad and non-specific language offers limited mechanisms for accountability, reducing their impact in systems resistant to diversion and restorative approaches.

2.3.6. General comment No. 10 (2007): Children's Rights in Juvenile Justice⁷⁵ (General Comment No. 10)

General Comment No. 10 addresses the essential rights of children within the juvenile justice system, emphasizing the importance of protecting their well-being and dignity throughout

⁷¹ UN Economic and Social Council, Guidelines for Action on Children in the Criminal Justice System: resolution / recommended by Economic and Social Council resolution 1997/30 of 21 July 1997, (Accessed: 15 January 2025).

⁷² Guidelines for Action on Children in the Criminal Justice System, paragraph 50.

⁷³ Ibid., paragraph 15.

⁷⁴ Ibid., paragraph 15.

⁷⁵ UN Committee on the Rights of the Child (CRC), General comment No. 10 (2007): Children's Rights in Juvenile Justice, CRC/C/GC/10, 25 April 2007, 43085 (Accessed: 15 January 2025).

legal proceedings. Even though it is considered soft law, it provides states with detailed guidance on aligning their legal frameworks and practices with the principles enshrined in the CRC.

General Comment No. 10 emphasizes that juvenile justice systems must align with the general principles of the CRC, including non-discrimination, the best interests of the child, the right to life, survival, and development, and the right to participation as fundamental rights. Additionally, while the MACR is addressed, this will be discussed in greater detail in the following chapter. Paragraphs 23 to 25 highlight the critical importance of adopting child-specific legal provisions and procedures that prioritize rehabilitation over punishment. In this context, the Committee for Children underscores the necessity of focusing juvenile justice systems on the reintegration of children into society.⁷⁶ As outlined in subsequent paragraphs, any measures involving deprivation of liberty must support this goal by incorporating education, vocational training, and psychological support to facilitate reintegration. Restorative justice programs are particularly encouraged,⁷⁷ while it is also crucial to ensure that children deprived of liberty have access to education, vocational training, and recreational activities. To achieve effective rehabilitation, detention centers must employ well-trained professionals capable of delivering comprehensive educational and rehabilitative programs.⁷⁸ General Comment No. 10 plays a significant interpretative role by clarifying States' obligations under the CRC. However, as a non-binding instrument, its authoritative value depends on the willingness of domestic courts and policymakers to integrate its standards into national law.

2.3.7. General comment No. 24 (2019) on children's rights in the child justice system⁷⁹ (General Comment No. 24)

General Comment No. 24 is a more recent and comprehensive document that builds upon the guidelines provided in General Comment No. 10, offering updated recommendations for improving children's rights within the justice system. This comment takes into account new challenges and developments in the approach to children in conflict with the law, emphasizing the

⁷⁶ General Comment No. 10, paragraph 23.

⁷⁷ Ibid., paragraph 3.

⁷⁸ Ibid., paragraph 53.

⁷⁹ United Nations Committee on the Rights of the Child. (2019). General comment No. 24 (2019) on children's rights in the child justice system (CRC/C/GC/24). United Nations. (Accessed: 17 February 2024).

need to strengthen child protection through a holistic approach that includes restorative justice, diversion programs, and raising the MACR.

Paragraphs 4 and 5 of General Comment No. 24 emphasize the critical need for adopting child-specific legal frameworks that prioritize rehabilitation over punishment. Even more, the following text underlines the importance of diversion programs and alternatives to detention, aimed at avoiding judicial proceedings whenever possible.⁸⁰ The comment advocates for rehabilitative alternatives that offer young people opportunities for personal development and reintegration into society, rather than relying on punitive measures. In addition, Section B of the General Comment addresses the issue of the MACR, which will be analyzed in the following chapter of this research, while of particular significance is the comment's focus on the importance of ensuring that children deprived of liberty have access to education, vocational training, and psychological support.⁸¹ It calls for a balanced approach where education and rehabilitation take precedence over punitive sanctions, an area of concern that is particularly relevant to the juvenile justice system.

Key paragraphs on this topic provide a comprehensive framework for implementing the Committee's observations at the domestic level. In that sense, the document highlights the ultimate goal of juvenile justice systems as the rehabilitation and reintegration of young offenders into society. By raising normative expectations regarding the MACR and diversion, General Comment No. 24 reflects evolving scientific and rights-based understandings of childhood, while simultaneously exposing tensions between international recommendations and established national criminal justice traditions.

2.4. Council of Europe Framework

2.4.1. European Convention on Human Rights⁸² (ECHR)

The ECHR, adopted in 1950, is a cornerstone treaty of the Council of Europe that safeguards basic human rights and freedoms. It not only establishes fundamental rights but also

⁸⁰ General Comment No. 24, paragraph 15.

⁸¹ Ibid., 24, paragraph 95.

⁸² Council of Europe, European Convention on Human Rights: treaty / adopted by the Council of Europe, E.T.S. No. 5, 4 November 1950, (Accessed: 07 January 2025).

provides mechanisms⁸³ for individuals to seek reparations for violations. Article 3, which prohibits torture and inhuman or degrading treatment or punishment, is fundamental in ensuring that offenders, including juvenile offenders, are treated with dignity and humanity. This provision sets clear limits on punitive measures, emphasizing the importance of rehabilitation over retribution in the juvenile justice system. Moreover, among many provisions of the ECHR, the only one explicitly mentioning juveniles is the one regarding the right to a fair trial.⁸⁴ It particularly regulates the protection of juveniles when pronouncing judgment publicly. In addition, Article 8 focuses on the right to respect for private and family life and, as such, has profound implications for the reintegration of juvenile offenders into society. In that regard, the importance of the prohibition of discrimination⁸⁵ is worth mentioning as it underlines the need for equitable treatment of juveniles within the justice system, ensuring that their age or any other status does not result in unequal access to justice or differential treatment. These rights collectively provide a robust framework and guidance for the criminal justice systems with international human rights standards. Although the ECHR does not establish a comprehensive juvenile justice framework, its jurisprudence has progressively shaped minimum procedural safeguards for children, primarily through the interpretation of fair trial and effective participation standards.

2.4.2. European Convention on the Exercise of Children's Rights⁸⁶

The European Convention on the Exercise of Children's Rights is a landmark treaty adopted to strengthen the protection and participation of children in legal proceedings. Its primary aim is to ensure that children's rights are safeguarded and that their views are taken into account in matters affecting their lives, particularly in judicial and administrative processes. In that sense, it emphasizes the principles of active participation and appropriate representation.

Among the most significant rights related to the topic of this research outlined in the text is the right to a special representative,⁸⁷ which is particularly relevant to juvenile offenders who often require specialized legal support to navigate the complexities of the justice system. In that

⁸³ In that sense, the ECHR is enforced by the European Court of Human Rights, ensuring that its principles are upheld across its 46 member states.

⁸⁴ ECHR, Article 6.

⁸⁵ Ibid., Article 14.

⁸⁶ Council of Europe, European Convention on the Exercise of Children's Rights, ETS 160, 25 January 1996, (Accessed: 21 January 2025).

⁸⁷ European Convention on the Exercise of Children's Rights, Article 4.

regard, Article 9 explicitly grants judicial authorities the power to appoint a representative in proceedings affecting a child, ensuring that their rights and interests are adequately safeguarded throughout the legal process. This Convention strengthens procedural participation rights for children, yet its limited ratification and narrow material scope constrain its practical influence on juvenile criminal proceedings across Europe.

2.4.3. Recommendation No. R (1987) 20 of the Committee of Ministers to Member States on Social Reactions to Juvenile Delinquency⁸⁸

Recommendation on Social Reactions to Juvenile Delinquency outlines key principles for addressing juvenile offending within a societal and developmental context. It is divided into several sections, including prevention, diversion (mediation), proceedings against minors, interventions, and research. The document places strong emphasis on developing diversion measures and mediation programs to avoid formal criminal proceedings for juvenile offenders, prioritizing rehabilitation and reintegration.⁸⁹ This preventive orientation is further elaborated in European policy-oriented research, which interprets juvenile crime prevention as a multilayered framework extending beyond justice system interventions.⁹⁰ Drawing on a public health model, scholars distinguish between primary prevention targeting the general population, secondary prevention aimed at children at heightened risk, and tertiary prevention focused on children already in conflict with the law.⁹¹ This approach underscores the necessity of evidence-based and coordinated strategies that address the social, family and developmental factors associated with juvenile offending, rather than relying predominantly on punitive responses. Recognizing that some minors inevitably face court proceedings, the provisions in Part III stress the importance of fast and efficient processes, advocating for juveniles to be tried in specialized juvenile courts rather than adult courts, minimizing police custody, and limiting the usage of detention to rare cases involving serious offenses.⁹² These measures aim to safeguard the developmental needs and rights of young offenders while ensuring justice. In its concluding section, the Recommendation

⁸⁸ Council of Europe, Committee of Ministers. (1987). Recommendation No. R (87) 20 of the Committee of Ministers to member states on social reactions to juvenile delinquency (Adopted 17 September 1987). Council of Europe.

⁸⁹ Ibid., paragraph 2.

⁹⁰ Stevens, Kessler, and Gladstone, 2006, pp. 7 – 10.

⁹¹ Ibid., pp. 31 – 33.

⁹² Recommendation No. R (87) 20 of the Committee of Ministers to member states on social reactions to juvenile delinquency, paragraphs 4 – 7.

highlights the value of research in the field of juvenile delinquency, promoting evidence-based policies that strengthen the effectiveness of juvenile justice systems. The Recommendation promotes diversion and social responses to juvenile offending, but its impact remains uneven due to its reliance on voluntary adoption rather than legally binding obligations.

2.4.4. Recommendation Rec (2003)20 of the Committee of Ministers to Member States Concerning New Ways of Dealing with Juvenile Delinquency and the Role of Juvenile Justice⁹³

This Recommendation from 2003 introduces innovative approaches to addressing juvenile delinquency while emphasizing the importance of a specialized and child-centred juvenile justice system. At the outset, the text of Recommendation Rec(2003)20 emphasizes the primary aims of juvenile justice, focusing on preventing reoffending, fostering resocialization, and ensuring the reintegration of juvenile offenders.⁹⁴ Despite being over two decades old, the recommendation provides forward-thinking guidance, particularly in expanding the range of alternatives to formal prosecution.⁹⁵ It encourages implementation of community-based programs to avoid stigmatizing young offenders and to support their reintegration.

The recommendation also highlights the importance of preparing juveniles for release from the very beginning of their sentence,⁹⁶ advocating for non-custodial measures over detention. Incarceration is advised only as a last resort, for the shortest necessary duration, and with a clear goal of reintegration into society upon the completion of the sentence. During detention, special attention is called for to address the educational and social needs of juveniles, recognizing their distinct developmental requirements compared to adults.⁹⁷ Despite its non-binding nature, this Recommendation anticipates contemporary restorative justice approaches, highlighting a normative shift that many domestic systems have not yet fully embrace.

⁹³ Council of Europe, Committee of Ministers. (2003). Recommendation Rec (2003)20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice (Adopted 24 September 2003). Council of Europe.

⁹⁴ Ibid., Part II.

⁹⁵ Ibid., paragraph 7.

⁹⁶ Ibid., paragraph 29.

⁹⁷ Ibid., paragraph 14.

2.4.5. Recommendation CM/Rec (2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures⁹⁸

This Recommendation provides a comprehensive framework for the treatment of juvenile offenders subject to sanctions or measures within the Council of Europe member states. As such, it establishes the European Rules aimed at ensuring that juvenile justice systems align with international children's rights standards of rehabilitation, reintegration, and proportionality, while also safeguarding the dignity and well-being of juveniles in conflict with the law. At the outset, this Recommendation highlights fundamental principles,⁹⁹ emphasizing that the primary goals of measures imposed on juveniles must be social integration, education, and the prevention of re-offending.¹⁰⁰ Additionally, in Part C of the Recommendation, it is stressed that community sanctions and measures should be tailored to the various stages of a juvenile's development. In that context, the further text provides a detailed examination of deprivation of liberty, underscoring that such measures should only be implemented for their intended purpose and in a manner that minimizes the suffering inherent to the sanction.¹⁰¹ The Recommendation also offers comprehensive guidance on the treatment of incarcerated juvenile offenders.¹⁰² However, given the document's soft law nature, while it holds significant value as a normative framework, its non-binding status must be acknowledged. These Rules provide a detailed normative blueprint for sanctioning juvenile offenders, yet their practical application often fails to consider the absence of effective monitoring and enforcement mechanisms.

2.4.6. European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment' Standards (CPT Standards) on Juveniles deprived of their liberty¹⁰³

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter: CPT) has developed specific standards addressing the treatment of

⁹⁸ 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, (Accessed: 23 January 2025).

⁹⁹ Ibid., Part I A.

¹⁰⁰ Ibid., paragraph 2.

¹⁰¹ Ibid., paragraph 49.1.

¹⁰² Ibid., Part III.

¹⁰³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. (2015). Juveniles deprived of their liberty under criminal legislation (Extract from the 24th General Report of the CPT). Council of Europe. (Accessed: 06 January 2025).

juveniles deprived of their liberty. They emphasize that the deprivation of liberty should only be used as a last resort, applied for the shortest possible duration, and implemented in a way that prioritizes the dignity, well-being, and reintegration of juveniles. As noted in the CPT's 24th General Report, detention must serve a rehabilitative purpose, fostering social integration rather than focusing on punitive measures.¹⁰⁴ Central to the CPT's approach is the requirement that juveniles be held in facilities specifically designed for their age group, separate from adults, to prevent negative influences and harm.¹⁰⁵ Furthermore, CPT notices that these facilities should provide individualized programs tailored to the needs of each juvenile. The focus should be on education, vocational training, and purposeful activities aimed at supporting reintegration upon release.¹⁰⁶ However, throughout the text, the CPT notes that many detention centers across Europe fall short in providing these opportunities, leaving juveniles without the essential skills and resources needed for successful reintegration.

To make continuous improvement, the CPT places significant emphasis on regular visits to juvenile detention centers by independent bodies, such as visiting committees, judges, or children's Ombudspersons.¹⁰⁷ These visits could serve as a powerful incentive for prison facilities to strive for daily progress and to ensure the highest possible standards of care and conditions for young people. The CPT Standards play a key accountability role by highlighting gaps between formal legal commitments and actual practices, showing the importance of independent oversight in protecting juvenile rights.

2.5. European Union framework

2.5.1. Charter of Fundamental Rights of the European Union¹⁰⁸ (The Charter)

The Charter represents a cornerstone for protecting individual rights within the European Union. It outlines fundamental principles that ensure the dignity, equality, and justice of all individuals, including children. At its core, the Charter emphasizes the inviolability of human dignity.¹⁰⁹ This foundational principle includes the requirement that juvenile offenders, regardless

¹⁰⁴ Ibid., paragraph 101.

¹⁰⁵ Ibid., paragraph 99.

¹⁰⁶ Ibid., paragraph 107.

¹⁰⁷ Ibid., paragraph 132.

¹⁰⁸ European Union, Charter of Fundamental Rights of the European Union, 2012/C 326/02, 14 December 2007, (Accessed: 20 January 2025).

¹⁰⁹ The Charter, Article 1.

of their actions, must be treated in a manner that upholds their inherent worth.¹¹⁰ In addition to other rights guaranteed under the Charter that are relevant to this topic, such as the right to liberty and security¹¹¹ and the importance of respecting private and family life,¹¹² Article 24 specifically addresses the rights of the child. It affirms that children are entitled to the protection and care necessary for their well-being, emphasizing that the best interests of the child must be a primary consideration in all actions concerning them, whether undertaken by public authorities or private institutions. Furthermore, Article 47 enshrines the right to a fair trial, which holds particular significance for juveniles given their vulnerable age and unique position within the justice system.

The Charter thus establishes a comprehensive framework for safeguarding human rights within the European Union. Among its many provisions, it highlights the principles of dignity, equality, and justice, aligning closely with internationally recognized standards. The Charter consolidates children's rights within EU law, but its effectiveness in juvenile justice matters depends on its interaction with secondary legislation and national procedural frameworks.

2.5.2. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty¹¹³ (Directive 2013/48/EU)¹¹⁴

The Directive 2013/48/EU emphasizes the importance of ensuring fair trial rights and procedural safeguards, which are of particular importance for juvenile offenders given their vulnerability and developmental needs. Among the general provisions applicable to both adult and juvenile offenders, such as the right to access a lawyer,¹¹⁵ this Directive explicitly addresses the

¹¹⁰ In that sense, Article 4 of the Charter also prohibits torture and inhuman or degrading treatment or punishment, surely including minor offenders within the given provision.

¹¹¹ The Charter, Article 6.

¹¹² Ibid., Article 7.

¹¹³ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013.

¹¹⁴ European Parliament and Council of the European Union. (2013). Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. Official Journal of the European Union, L 294, 1–12.

¹¹⁵ Ibid., Article 3.

rights of children who are suspects or accused. It ensures that a parent or guardian is informed as soon as possible, unless doing so would not be in the child's best interest.¹¹⁶ Except for the mentioned provision, Directive 2013/48/EU does not include explicit provisions exclusively for juveniles, rather, its implementation must take into account the specific needs of vulnerable groups,¹¹⁷ including children. The obligation to ensure the effective exercise of rights under the Directive implies that Member States should adopt measures to tailor legal assistance, communication, and procedural safeguards to the developmental level and vulnerabilities of juvenile offenders. While the Directive strengthens procedural safeguards, its largely neutral design requires proactive national adaptation to ensure that legal assistance is genuinely accessible and effective for juvenile suspects.

2.5.3. Directive 2016/800/EU of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings¹¹⁸ (Directive 2016/800/EU)

Directive 2016/800/EU establishes specific procedural safeguards for children who are suspects or accused persons in criminal proceedings, recognizing the vulnerability and developmental needs of children. It aims to ensure that their rights are fully protected throughout the whole criminal justice process. According to Article 4, juvenile offenders who are suspects or accused in criminal proceedings have the right to be informed about their rights in an appropriate manner, and the holder of parental responsibility must be informed as soon as possible.¹¹⁹ Moreover, when dealing with juveniles in criminal proceedings, they are entitled to an individual assessment,¹²⁰ while Article 10 of Directive 2016/800/EU emphasizes that detention should be used only as a last resort and for the shortest possible duration. When imposing a custodial sentence, Member States must ensure that juveniles receive specific treatment, such as separate detention from adults, following the best interests of the child.¹²¹ This Directive emphasizes the

¹¹⁶ Ibid., Article 5.2.

¹¹⁷ Article 13 of Directive 2014/48/EU highlights the particular needs of vulnerable suspects and vulnerable accused persons must be taken into account in the application of its provisions.

¹¹⁸ European Parliament and Council of the European Union. (2016). Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. Official Journal of the European Union, L 132, 1–20.

¹¹⁹ Ibid., Article 5.

¹²⁰ Ibid., Article 7.

¹²¹ Ibid., Article 11.

importance of providing age-appropriate treatment, safeguarding the best interests of the child, and fostering their reintegration into society. Directive 2016/800/EU represents one of the strongest binding instruments for child-specific procedural protection. Nevertheless, disparities in national transposition continue to undermine uniform protection across Member States.

2.6. European Court of Human Rights case law

Decisions of the European Court of Human Rights, which play a crucial role in interpreting the ECHR and adjudicating cases involving alleged violations of human rights by Member States, had a significant impact on the question of effective participation. Namely, the MACR is significant in shaping the legal landscape and policies related to juvenile justice in Europe. The ECtHR has not directly stipulated a specific MACR, but it has addressed this issue several times in its decisions. The so-called Bulger case,¹²² in which the applicant, at the age of ten, together with another ten-year-old¹²³ boy, abducted a two-year-old boy from a shopping area and later brutally assaulted him to death and abandoned his body on a railway line, where he was struck by a train. Despite being minors, the trial was conducted with adult formalities, though some modifications like shorter hearing times and breaks were made to accommodate their age. During the trial, there was intense media attention when measures were taken to protect the identities of the boys. The focal point of the prosecution was to establish criminal responsibility by presenting evidence indicating their understanding of right and wrong at the time of the crime. Both boys were finally convicted of murder and abduction. This case raised questions not only about the appropriate age for criminal responsibility but also about the treatment of juvenile defendants in serious criminal trials. In the relevant case, the ECtHR emphasized the importance of considering the age of a child, maturity level, and cognitive abilities when dealing with their involvement in legal proceedings.¹²⁴ The ECtHR concluded that attributing criminal responsibility to the applicants did not constitute inhuman or degrading treatment, thus not breaching Article 3. However, the violation of the right to a fair trial guaranteed under Article 6(1) was confirmed since the applicant, due to his young age, could not participate effectively in the process. Additionally,

¹²²<https://www.independent.co.uk/news/uk/crime/james-bulger-murder-jon-venables-parole-b2446946.html>, (Online). (Accessed: 22 April 2024).

¹²³ A separate application to the ECtHR was submitted under the Application no. 24888/94.

¹²⁴ T. v. The United Kingdom, Application no. 24724/94, paragraph 29.

several judges issued dissenting opinions strongly advocating that trying such young offenders in adult courts inevitably infringes upon their rights.¹²⁵ Furthermore, in another case *S.C. v. The United Kingdom*¹²⁶ the violation of the applicant's right to a fair trial during criminal proceedings was examined. At the time of the trial, the applicant was 11 years old and had a low level of intellectual ability. Similarly to the previous case, the ECHR took the position that while holding an eleven-year-old criminally responsible is not inherently a breach of the Convention, it's crucial to consider the child's age, maturity level, and intellectual capacity.¹²⁷ The ECtHR emphasized that while children may not need to understand every legal detail, they should have a general understanding of the trial process and its implications, including potential penalties.¹²⁸ Despite efforts to adapt the proceedings to the applicant's age, the ECtHR found a violation of Article 6 of the ECHR stating that he was unable to effectively participate in his trial. In that regard, the rulings of the ECtHR have influenced the Committee on the Rights of the Child which emphasizes the child's right to comprehend the charges, consequences, and penalties, enabling them to participate effectively in the trial and make informed decisions with the guidance of legal representation.¹²⁹ Considering that these issues could have appeared in any other Member State, we can see that they stress the pressing need to advance the treatment of children in both judicial and non-judicial settings, emphasizing the best interests of the child is prioritized and that justice is administered effectively.¹³⁰

The ECtHR further clarified the requirements of effective participation and early access to legal assistance for juvenile offenders in *Panovits v. Cyprus*.¹³¹ The case concerned a child just over seventeen years of age who was charged with manslaughter and robbery. The applicant was questioned by the police without being informed of his right to consult a lawyer and without access to legal assistance or the presence of a guardian. The ECtHR emphasised that particular attention must be paid to the position of minors during the initial stages of criminal proceedings, noting that due regard should be given to their age, vulnerability, and ability to understand the situation in which they find themselves.¹³² The ECtHR found that the failure to inform the applicant of his

¹²⁵ *T. v. The United Kingdom*, Application no. 24724/94.

¹²⁶ *S. C. v. The United Kingdom*, Application no. 60958/00.

¹²⁷ *Ibid.*, paragraph 28.

¹²⁸ *Ibid.*, paragraph 29.

¹²⁹ General Comment No. 10, 2007, paragraph 46.

¹³⁰ Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2020, p. 38.

¹³¹ *Panovits v. Cyprus*, Application no. 4268/04.

¹³² *Panovits v. Cyprus*, Application no. 4268/04, paragraphs 67 – 68.

right to consult a lawyer prior to the first police questioning constituted a breach of his defence rights under Article 6 of the Convention. They held that this deficiency was not remedied by the subsequent adversarial proceedings, even though the applicant was later represented by a lawyer of his choice.¹³³ Furthermore, the ECtHR identified an additional violation of Article 6(1) arising from the way the domestic courts treated the applicant's defence lawyer. During the proceedings, the lawyer was sentenced to imprisonment for contempt of court, a measure which the Court considered to have had a chilling effect on the defence and to have undermined the fairness of the trial as a whole.¹³⁴

The ECtHR significantly expanded its approach to juvenile offenders in the most recently Grand Chamber judgment *Blokhin v. Russia*.¹³⁵ In this case, the applicant was a twelve-year-old child who could not be held criminally responsible under domestic law due to his age. Nevertheless, the police questioning was conducted without legal assistance, after which he was placed for thirty days in a closed educational institution. Although the domestic authorities classified the proceedings as administrative and preventive in nature, the ECtHR held that the measures imposed on the applicant were punitive and deterrent in effect and therefore classified as a criminal charge within the meaning of Article 6 of the Convention.¹³⁶ The ECtHR emphasised that the formal classification of proceedings under national law is not decisive. Rather, it is the substantive nature, purpose, and consequences of the measure imposed on the child that must be assessed.¹³⁷ The ECtHR found that the applicant had been denied effective participation in the proceedings, in breach of Article 6 of the Convention. They rejected the Government's argument that the absence of criminal responsibility relieved the authorities of their obligation to provide legal assistance, underlining that children who fall below the MACR are entitled to procedural safeguards equivalent to those afforded to adults when their liberty is at stake.¹³⁸ In addition, the violation of Article 5 of the Convention was found, concluding that the applicant's deprivation of liberty did not fall within the permissible grounds set out in Article 5(1)(d), as the placement was neither aimed at genuine educational supervision nor capable of achieving meaningful

¹³³ The minor was later represented by a lawyer since his confession, obtained in circumstances that violated his procedural rights, was relied upon in securing his conviction; *Panovits v. Cyprus*, Application no. 4268/04, paragraphs 70 – 72.

¹³⁴ *Panovits v. Cyprus*, Application no. 4268/04, paragraphs 82 – 86.

¹³⁵ *Blokhin v. Russia*, Application no. 47152/06.

¹³⁶ *Ibid.*, paragraphs 130 – 134.

¹³⁷ *Ibid.*, paragraph 130.

¹³⁸ *Ibid.*, paragraph 203.

rehabilitation within such a limited period.¹³⁹ Lastly, the ECtHR also established a violation of Article 3 of the Convention, emphasising that when a child is deprived of liberty, the State bears a greater duty to safeguard the child's dignity, health, and well-being, particularly where the child is known to be psychologically vulnerable.¹⁴⁰

2.7. The Minimum Age of Criminal Responsibility (MACR): An International Debate

The concept of the MACR defines the youngest age at which an individual can be held accountable in the justice system. In Europe, the issue of juvenile crime remains complex and unresolved, with no unified decision on MACR. Two main approaches exist: welfare-oriented policies, which view children as victims of socio-educational factors, and punitive policies, which focus on punishment. Critics argue that determining the MACR overlooks developmental psychology and cognitive maturity. Some opinions support this critique by demonstrating that the attribution of criminal responsibility cannot be reliably grounded in rigid chronological age thresholds. Clinical and neuroscientific evidence indicates that children's cognitive development, impulse control, and capacity for moral reasoning evolve gradually and unevenly, rather than reaching maturity at a specific age.¹⁴¹ From this perspective, fixed minimum ages of criminal responsibility risk attributing legal culpability to children who lack the neurodevelopmental capacity required for meaningful criminal intent. The persistence of such thresholds reflects historical and doctrinal legacies within criminal law rather than contemporary scientific understanding of child development, raising concerns about the legitimacy of early criminalisation from a medico-legal standpoint. Scholars highlight that children undergo varying stages of cognitive and moral development, making a fixed age arbitrary. Longitudinal criminological research provides strong empirical support for this position by demonstrating that patterns of offending and desistance are shaped over the life course rather than determined at a single developmental stage.¹⁴² These findings suggest that early criminalisation may entrench rather than interrupt offending trajectories, particularly where interventions fail to address underlying developmental and social risk factors.¹⁴³ Evidence from long-term cohort studies shows that early

¹³⁹ Ibid., paragraphs 171 – 173.

¹⁴⁰ Ibid., paragraphs 144 – 150.

¹⁴¹ Delmage, 2013, pp. 104 – 106.

¹⁴² Farrington, Piquero, Jennings and Jolliffe, 2023, pp. 10 – 13.

¹⁴³ Farrington, Piquero, Jennings and Jolliffe, 2023, pp. 73 – 75.

contact with the criminal justice system is associated with adverse outcomes later in life, including persistent offending, reduced educational attainment, poorer health, and social exclusion.¹⁴⁴ From a life-course perspective, higher MACR combined with diversionary and welfare-oriented responses are more likely to support desistance and long-term social integration than early punitive intervention. The debate also involves socio-economic factors, with marginalized communities disproportionately affected by disparities in education, healthcare, and social support.

The inspiration for the section at hand comes from the author's LL.M. thesis written as part of the Master's program in International and Comparative Children's Rights, attended in the academic year 2023/2024. The thesis did not cover only legal analysis, but also a comprehensive examination of historical, legal and psychological aspects surrounding the issue of the MACR. For the purposes of the doctoral dissertation, this section will chronologically present the international legal instruments governing the issue of MACR, while a more detailed and in-depth analysis of MACR regulation in Central and Eastern European countries will be provided in Chapter Three, where the comprehensive research will be presented.

Rule 4 of the Beijing Rules mandates that member states establish a MACR while advising against setting this age too low, taking into account emotional, mental, and intellectual maturity. The absence of a specific age limit in the rules may be attributed to the diverse legal, economic, social, cultural, and political systems across states.¹⁴⁵ Duncan¹⁴⁶ provides further insight by exploring the relationship between accountability for criminal behavior and broader social rights and responsibilities, such as reaching legal adulthood or marital eligibility. This connection highlights that the concept of criminal responsibility cannot be viewed in isolation, rather, it is intertwined with a society's legal and cultural frameworks that define maturity and capability. Namely, comprehending this is crucial for developing both equitable and effective policies, including the establishment of an appropriate minimum age threshold.

Furthermore, the CRC also addresses the issue of the MACR in its Article 40(3)(a), requiring State Parties to establish a minimum age below which children are presumed incapable of violating criminal law. Rather than prescribing a specific numerical age, the CRC takes a flexible approach, allowing each State Party to determine the MACR based on its cultural, social,

¹⁴⁴ See more in: Thomas, McGloin and Widom, 2014, 405 – 414; Moffitt and Caspi, 2001, pp. 355 – 375.

¹⁴⁵ Šimić and Kazić, 2017, p. 47.

¹⁴⁶ Duncan, 2022, pp. 610 – 611.

and developmental context. This flexibility acknowledges the diversity in societal norms, values, and levels of childhood maturity across different regions, enabling policies to be tailored to the unique needs and rights of children within each jurisdiction.

In addition to CRC, the Committee in General Comment No. 10 also refers to children's rights in juvenile justice and, *inter alia*, discusses the issue of the MACR. The Committee affirms that State Parties must set a MACR, ensuring that children below this age are exempt from criminal liability and, when needed, receive protective measures in their best interests.¹⁴⁷ In addition to the provision of the CRC, General Comment No. 10 recommends against setting the minimum age too low, considering emotional, mental and intellectual maturity.¹⁴⁸ The Committee categorically states that a MACR below 12 years is internationally unacceptable. As a reflection of that, some interpretations have led certain countries, which had already set their MACR above 12, to wrongly apply this provision in an attempt to lower the age.¹⁴⁹ However, the Committee's goal is to encourage States to raise their MACR to at least 12 and to consider further increases.¹⁵⁰ Ultimately, the key emphasis is on the need to avoid lowering the MACR. Instead, setting a higher MACR, such as 14 or 16, aligns with the original intent of the CRC and promotes a juvenile justice system that addresses children in conflict with the law without relying on formal legal proceedings, while ensuring the protection of their human rights and legal safeguards. Another relevant document are Guidelines on child-friendly justice, which do not prescribe a specific age at which a child should be deemed criminally responsible. Instead, they emphasize that this age *should not be too low and should be determined by law*.¹⁵¹ The decision to avoid setting a specific age limit is justified by the recognition that rigid age thresholds can result in unfair outcomes. By that, it is acknowledged that such limits may not adequately account for the diversity in children's capacities, levels of understanding, and stages of development, which can vary significantly due to factors like individual experiences, cognitive abilities, and other skills.¹⁵² Nonetheless, setting an appropriate age of minimum criminal responsibility is just one aspect of creating a child-friendly justice system that respects children's rights and promotes their best interests. Similar to other relevant legal

¹⁴⁷ General Comment No. 10, paragraph 31.

¹⁴⁸ The same provision was already implemented in Beijing Rules (Rule 4.1.).

¹⁴⁹ See more in: Child Rights International Network, Briefing on the review of General Comment No. 10 of the Committee on the Rights of the Child, 2018. (Online). (Accessed: 17 February 2024); Duncan, 2022, pp. 611 – 612.

¹⁵⁰ General Comment No. 10, paragraph 32.

¹⁵¹ Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2010, p. 25.

¹⁵² Ibid., 2010, p. 75.

documents, the Directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings clearly states that its provisions do not affect national regulations determining the age at which an individual can be held criminally responsible.¹⁵³ However, although the Directive does not provide explicit guidance on the MACR threshold, it encourages Member States to consider extending the procedural safeguards outlined to individuals up to the age of 21 if they become a suspect or accused in criminal proceedings after turning 18, provided that the offense took place during their childhood.¹⁵⁴ The latest General Comment No. 24 issued by the Committee addresses the rights and status of children within the justice system. It repeats the obligation of States to establish a MACR in accordance with the CRC's provisions. As noted in the document, the majority of State Parties have met this obligation, with the most common minimum age set at 14.¹⁵⁵ Nevertheless, the Committee also highlights the issue of unacceptably low MACRs in some countries and, unlike in General Comment No. 10, now recommends raising the MACR to at least 14 years of age, acknowledging that adolescent brains continue to mature beyond the teenage years.¹⁵⁶ On that note, the Committee also urges State Parties not to lower the previously set MACR. Finally, General Comment No. 24 emphasizes the importance and effectiveness of the State's approach in handling children both above and below the established age limit. The goal is to prevent the prosecution of individuals who are fully immature, as the legal process itself can be repressive and leave lasting impacts on juvenile offenders.¹⁵⁷

Finally, in defining the age at which individuals bear criminal responsibility, numerous challenges arise, reflecting a complex interplay of legal, developmental, and societal factors. Presently, two prevailing trends exist regarding the minimum age of criminal responsibility. One trend advocates for lowering the age limit and favors stricter punishment,¹⁵⁸ while the other approach supports raising the threshold with a focus on the child and their rights.¹⁵⁹ Notably, the challenge is to establish a suitable age at which to set the boundary for criminal responsibility,

¹⁵³ Directive 2016/800/EU of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, Article 2, paragraph 5.

¹⁵⁴ *Ibid.*, paragraph 12 of the Preamble.

¹⁵⁵ General Comment No. 24, paragraph 21.

¹⁵⁶ *Ibid.*, paragraphs 21 and 22.

¹⁵⁷ Gurda, 2020, p. 790.

¹⁵⁸ See more in: Sontheimer, 2001, pp. 89 – 91.

¹⁵⁹ In this context, rehabilitative and restorative methodologies, including the implementation of teen or peer courts (e.g. the USA, Canada, Germany, Sweden) and specialized restorative justice programs designed for juvenile offenders who predominantly committed minor offenses, have already been initiated. For more information on this topic consult in: Braithwaite, 2002, Butts and Buck, 2000.

balancing the need to provide children with the chance for rehabilitation through restorative methods due to their youth, while also avoiding setting the age limit too low. Within this framework, the Committee on the Rights of the Child highlights the importance of introducing diversion programs. These initiatives involve moving cases away from formal criminal proceedings towards alternative programs or activities, with the goal of avoiding stigmatization and the formation of a criminal record.¹⁶⁰ Moreover, as there is currently no unified European or global agreement on the appropriate MACR, signatory states of the CRC preserve the right to independently decide on this matter. Allowing the discretion to potentially label pre-adolescent or early adolescent children as criminals could be viewed as an implicit acknowledgment of the belief that children have the cognitive capacity for criminal responsibility at an early developmental stage.¹⁶¹ Nevertheless, despite this, the prevalent incorporation of the MACR is set at 14 years in the majority of legal systems of most Central and Eastern European countries.¹⁶²

2.8. Challenges in Implementation

Despite comprehensive international and regional standards guiding juvenile justice systems, their implementation often falls significantly short of expectations due to a range of interrelated structural and practical barriers. Comparative youth justice findings demonstrate that these implementation failures cannot be explained solely through gaps in legal regulation.¹⁶³ Youth justice systems are frequently shaped by shifting political priorities and ideological contradictions, resulting in unstable and fragmented approaches. Rather than operating within a coherent framework, many systems fluctuate between welfare-oriented discourse and punitive practices, producing outcomes that undermine the effective realization of children's rights in practice. A primary obstacle is the gap between normative frameworks and real-world practice. In this context, the absence of sufficient resources and political will often results in national systems just formally endorsing these principles, while in practice they continue to rely heavily on institutionalization and custodial sanctions instead of prioritizing community-based and restorative approaches.¹⁶⁴ It

¹⁶⁰ General comment No. 24, paragraphs 15 – 18.

¹⁶¹ Duncan, 2022, p. 628.

¹⁶² It must be mentioned that the Czech Republic and Poland have established different age limits for criminal responsibility, whereas Hungary and Slovakia have set lower thresholds for certain crimes outlined in their domestic laws.

¹⁶³ Goldson and Muncie, 2006, pp. 91 – 94.

¹⁶⁴ Upton, 2024, p. 132.

must be pointed out that even when reforms try to reduce harsh punishment, deeper structural and ideological factors often continue to produce punitive outcomes. Some critical opinions state that implementation gaps are increasingly shaped by a shift toward risk-led and managerial approaches within youth justice systems. While often presented as evidence-based and neutral, actuarial risk assessment frameworks tend to prioritise system efficiency, population management, and public protection over children's lived experiences and participatory rights. This is particularly significant in the context of England and Wales, where the Child First principle has been formally promoted as a guiding framework for youth justice policy and practice, emphasising children's rights, participation, and developmental needs. Under this governance logic, welfare-focused responses are often marginalised, with children treated as risks to be managed rather than as individuals with rights, needs, and capacities. Consequently, the Child First principle risks remaining largely symbolic instead of guiding real decisions in practice. In practice, this shift may undermine rehabilitation and limit meaningful participation, particularly for children from disadvantaged backgrounds. The growing emphasis on efficiency, cost-effectiveness, and risk management tends to marginalise children with complex social and developmental needs, as interventions are increasingly assessed through narrow performance indicators rather than their rehabilitative potential. As a result, the most vulnerable children are often excluded from meaningful support, reinforcing patterns of selective and discriminatory social control within juvenile justice systems.¹⁶⁵ A persistent challenge lies in financial constraints, as juvenile justice systems around the world frequently contend with chronic underfunding, poor budget management, and a lack of stable financial support for essential services such as education, mental health care, rehabilitation initiatives, and diversion programs.¹⁶⁶ Building on this, contemporary youth justice research shows that reforms influenced by budgetary constraints have significantly weakened local youth justice capacity while simultaneously increasing managerial oversight and performance monitoring.¹⁶⁷ Rather than supporting rehabilitative practice, these conditions often result in reduced professional discretion, an erosion of specialist expertise, and an overreliance on standardised, offender-focused interventions that empirical evidence consistently shows to be ineffective. As a consequence, punishment, system contact, and risk-led interventions continue to dominate practice, despite their

¹⁶⁵ Goshe, 2015, pp. 49 – 53.

¹⁶⁶ Chan et. al, 2025, p. 1.

¹⁶⁷ Haines and Case, 2018, p. 131; Yates, 2012, p. 432.

limited capacity to produce positive outcomes for children.¹⁶⁸ The juvenile justice financing demonstrates that implementation failures are not solely the result of insufficient resources but are often rooted in how funding is structured and allocated within justice systems. Financial models frequently prioritise custodial institutions by ensuring them stable and predictable funding expenses, while diversion programmes, community-based interventions, mental health services, and prevention initiatives remain uncertain. This imbalance pushes systems toward institutional and reactive responses to youth offending, despite international standards that support prevention and rehabilitation. As a result, juvenile justice systems may comply with child-rights norms at the legislative level while lacking the financial structure necessary to carry them out in practice. Strategic reallocation and reinvestment of resources toward community-based services is therefore critical for bridging the gap between normative commitments and effective implementation.¹⁶⁹ Without secure budgets, innovation stalls and alternatives to detention remain underdeveloped.¹⁷⁰ Moreover, juvenile justice systems often suffer from shortages of qualified professionals, frontline positions such as probation officers, social workers, lawyers, and specialized judges are difficult to fill and retain.¹⁷¹ Equally troubling is the failure to operationalize the *ultima ratio* principle regarding deprivation of liberty. While widely endorsed internationally, its practical application is vague and inconsistent, resulting in detention being used for minor offences or without prior exploration of less restrictive alternatives.¹⁷² This often reflects inadequate implementation of relevant criteria at national levels, or absence of mandatory diversion pathways and procedural checks. Furthermore, conditions in detention facilities often fall short of international standards, with common issues observed across a range of jurisdictions, including overcrowding, joint detention of juveniles and adults, limited access to education and mental health services, and a lack of independent oversight.¹⁷³ Data shortage and weak monitoring mechanisms intensify implementation failures. In that regard, many jurisdictions lack basic indicators on youth justice outcomes, recidivism, or demographic disparities, obstructing evidence-based policy and reform evaluation.¹⁷⁴ Policymaking tends to be reactive rather than proactive, and reforms diminish

¹⁶⁸ Haines and Case, 2018, pp. 134 – 138.

¹⁶⁹ Chan, Murphy, Gilbertsen, Harper, and Reyes, 2025, pp. 1 – 4.

¹⁷⁰ The Annie E. Casey Foundation, 2020, p. 4.

¹⁷¹ The Council of State Governments Justice Center. (2023). Systems in crisis: Revamping the juvenile justice workforce and core strategies for improving public safety and youth outcomes, p. 1.

¹⁷² Meeler and Todres, 2023, p. 32.

¹⁷³ Goldson and Kilkelly, 2013, p. 5.

¹⁷⁴ Roberts and Santos, 2023, p. 28.

without reliable feedback loops or accountability. Finally, meaningful family and community engagement is neglected. Often, caregivers face logistical, socioeconomic, or informational barriers to participation in justice processes, while systems lack formal structures to support their involvement in diversion, sentencing, or post-release reintegration efforts.¹⁷⁵ Finally, despite growing international consensus around the need to raise the MACR to reflect children's developmental maturity, significant discrepancies persist in its practical application, both across and within legal systems. One of the central challenges lies in the tension between legal formalism and developmental science. While many jurisdictions set a specific MACR in law, its implementation often overlooks neurodevelopmental research showing that cognitive and moral reasoning continues to evolve well into adolescence.¹⁷⁶ As a result, children under the designated MACR may still be subjected to *de facto* criminal proceedings, particularly in systems where protective or welfare-based responses are either weak or inconsistently applied. This does not negate the criminal law principle that liability should be attributed to individuals capable of understanding the meaning of their actions and their consequences. Rather, it reflects the fact that the MACR functions as a general legislative threshold, rather than an individualized assessment of criminal capacity.¹⁷⁷ In this context, political pressures, public demand for retributive responses to youth crime, and media influence may contribute to policy choices that prioritise punitive expansion over the strengthening of child-specific safeguards, sometimes in tension with the principles of the CRC and related standards.

Consequently, setting an appropriate MACR is not simply a legislative act but a multidimensional policy decision that must be aligned with children's rights principles, developmental evidence, and the final goal of reintegration over punishment.

While the normative foundations of juvenile justice are well expressed in international and regional instruments, actual implementation fails due to financial shortfalls, understaffing and lack of expertise, weak diversion infrastructures, ambiguous statutory thresholds, systemic bias, poor detention conditions, lack of data and oversight, and marginalization of family and community actors.¹⁷⁸

¹⁷⁵ Nazim, Amjad and Shahid, 2024, p. 49.

¹⁷⁶ Steinberg, 2009, p. 465.

¹⁷⁷ Goldson, 2011, p. 83

¹⁷⁸ Upton, 2023, p. 131; Johnson-Kwochka et al., 2020, p. 5; Lipsey et al., 2010, p. 5.

CHAPTER 3: COMPARATIVE LEGAL ANALYSIS OF JUVENILE JUSTICE IN CENTRAL AND EASTERN EUROPE

3.1. Introduction

While national juvenile justice frameworks across Central and Eastern Europe differ in structure and scope, many continue to rely on age-based thresholds that are only roughly connected to developmental capacity. Scholars highlight that such reliance reflects doctrinal continuity rather than evidence-based policy, as criminal responsibility remains fixed in formal age limits rather than individual assessment of maturity and capacity.¹⁷⁹ From a comparative perspective, this calls into question the coherence of juvenile justice systems that formally endorse rehabilitation while allowing criminal responsibility to be assigned at an early age. Examining how different jurisdictions govern age thresholds, exemptions, and welfare responses is therefore essential to evaluating the legitimacy of their juvenile justice models.¹⁸⁰

The concept of juvenile justice stands at the intersection of criminal law, child protection, and social policy. It reflects a society's approach not only to accountability and deterrence, but also to the developmental realities and vulnerabilities of children and adolescents. In Central and Eastern Europe, the legal treatment of juvenile offenders presents a complex and evolving landscape shaped by shared historical legacies, political transitions, and differing rates of legal and institutional reform. Following the fall of socialism and the subsequent democratization process, many countries in the region have undertaken significant efforts to align their juvenile justice systems with international human rights standards. However, despite formal harmonization, the practical implementation of child-friendly justice remains inconsistent across jurisdictions. Comparative analysis of juvenile justice systems across Central and Eastern Europe is further constrained by structural limitations in available data. Variations in legal definitions, procedural stages and institutional reach significantly affect the comparability of youth justice statistics across jurisdictions. Differences in how states record offences, persons, and cases, as well as inconsistencies in the classification of juveniles, young adults, and children below the age of criminal responsibility, limit the ability to draw direct empirical comparisons. These

¹⁷⁹ See more in: Cipriani, 2016.; Liefwaard, 2015, pp. 906 – 907.; Steinberg and Scott, 2003, pp. 1011 – 1013.

¹⁸⁰ Delmage, 2013, pp. 107 – 108.

methodological constraints blur the relationship between formal legal frameworks and actual justice practices, reinforcing the need to interpret comparative findings with caution and to contextualise quantitative data within broader legal and institutional analyses.¹⁸¹ Empirical research from the Western Balkans corroborates this gap between normative alignment and practical implementation.¹⁸² In that context, the research identifies persistently high levels of self-reported delinquency among adolescents, alongside limited reliance on diversionary measures and a continued tendency toward formal criminal justice responses.¹⁸³ These findings suggest that legislative reform alone has not translated into effective preventive or rehabilitative outcomes, particularly in contexts marked by social inequality and limited institutional capacity.

This chapter aims to provide a comparative legal analysis of juvenile justice frameworks across seven selected CEE countries: Croatia, Serbia, Slovenia, Hungary, Slovakia, the Czech Republic, and Poland. While these countries share cultural and political commonalities, their legal systems vary considerably in terms of definitions, procedural safeguards, minimum age thresholds, and the extent to which rehabilitative principles are embedded in legal responses. The chapter begins by outlining the general legislative landscape in each country, including the scope of legal protections, types of sanctions, and procedural adaptations tailored to juvenile offenders. Special attention is given to how each system differentiates between children, juveniles, and young adults, and how legal responsibility is shaped not solely by age, but by psychological, emotional, and social factors. From a comparative perspective, differences in MACR across Central and Eastern Europe carry significant implications for long-term developmental outcomes. Criminological research demonstrates that early exposure to formal criminal justice processes is associated with higher risks of persistent offending and social marginalisation later in life.¹⁸⁴ Jurisdictions that maintain lower MACRs or permit early punitive intervention may therefore increase the likelihood of adverse life-course pathways, particularly where diversionary mechanisms and welfare-based alternatives are weak. These findings highlight the importance of assessing MACR regulation not only as a formal legal threshold, but as a structural component shaping children's future interaction with criminal justice systems across the region.¹⁸⁵ Following the country-specific overviews, the

¹⁸¹ Eurostat, 2024, pp. 19 – 21, pp. 27 – 30.

¹⁸² See in: Bezić, 2020, p. 433 – 444.

¹⁸³ Ibidem.

¹⁸⁴ Sampson and Laub, 2017; Thomas, Thomas, Burgason and Wichinsky, 2014; Bernburg, Krohn and Rivera, 2006.

¹⁸⁵ Farrington, Piquero, Jennings, and Jolliffe, 2023, pp. 73 – 75.

chapter moves to a focused analysis of the MACR, a pivotal point in any juvenile justice system. Through cross-national comparison, this section highlights the conceptual and normative challenges of determining an appropriate age threshold for criminal liability. Finally, the chapter incorporates interdisciplinary insights from developmental psychology and neuroscience to critically assess whether existing laws adequately reflect contemporary understandings of child development and maturity.

The overall aim of this chapter is not merely to catalogue legal provisions, but to interrogate the effectiveness, coherence, and child-centeredness of juvenile justice laws in the CEE region. It seeks to contribute to the broader academic and policy debates on how to ensure that justice systems serve the best interests of the child while maintaining legal integrity, proportionality, and public safety.

3.2. Overview of Legislation of Juvenile Justice in CEE

3.2.1. Croatia

Juvenile criminal law in Croatia is structured within a comprehensive legal framework that places strong emphasis on the education, rehabilitation, and reintegration of minors in conflict with the law. The central legislative instrument is the Juvenile Courts Act,¹⁸⁶ which governs the treatment of juveniles aged 14 to 18, as well as young adults aged 18 to 21 under certain conditions.¹⁸⁷ Children under the age of 14 are exempt from criminal liability and cannot be subjected to penal sanctions, while offenders aged 14 to 18 fall under a specialized legal regime tailored to their developmental stage.¹⁸⁸ Notably, Croatian law permits the application of juvenile sanctions to young adults in cases where their emotional and psychological development is comparable to that of a juvenile.¹⁸⁹ Such flexibility allows the justice system to adapt interventions to the individual characteristics of each offender rather than relying solely on chronological age. Juvenile cases are heard by judges or panels operating within dedicated juvenile divisions of municipal and county courts.¹⁹⁰ Given the inherent vulnerability of minors, these judicial panels

¹⁸⁶ Juvenile Courts Act, Official Gazette.

¹⁸⁷ Ibid., Article 2.

¹⁸⁸ Ibid., Article 5.

¹⁸⁹ Criminal Code Official Gazette, Article 7 (2).

¹⁹⁰ Juvenile Courts Act, Articles 35 – 47.

are required to include professionals trained in juvenile justice, who must take into account the child's age, level of maturity, and social context at every procedural stage.

When it comes to sanctions, the Croatian juvenile justice system prioritizes non-punitive outcomes. The measures available under the Juvenile Courts Act are designed to discourage repeat offending, promote personal development, and support the minor's reintegration into society rather than impose retribution. The Croatian juvenile justice system employs a wide range of educational measures that are rehabilitative in nature and adaptable to the individual circumstances of the minor.¹⁹¹ These interventions vary in intensity, from the least to the most restrictive, and include formal court warnings, imposition of special obligations, enhanced supervision, daily attendance at educational institutions, referral to disciplinary or correctional facilities, and placement in reformatory or specialized institutions.¹⁹² Juvenile imprisonment (*maloljetnički zatvor*) is considered a measure of last resort, applicable only to older juveniles (aged 16–18) and solely in situations where educational interventions have proven insufficient.¹⁹³ According to Article 25 of the Juvenile Courts Act, the maximum sentence is five years for most offenses, and up to ten years for particularly serious crimes. In addition, the legislation promotes reparative approaches such as apologizing to the victim, offering restitution, participating in community or humanitarian service, and fulfilling other obligations designed to repair harm.¹⁹⁴ The Public Prosecutor is also empowered to exercise discretion and refrain from initiating criminal proceedings in cases defined by law, as part of an effort to avoid unnecessary criminalization of juveniles.¹⁹⁵

The procedural framework governing juvenile cases is built upon principles of confidentiality, expediency, individual assessment, and minimal intervention. Court proceedings must be held behind closed doors to safeguard the juvenile's privacy,¹⁹⁶ and the presence of defense counsel is mandatory from the outset of legal action.¹⁹⁷ The law also provides for shortened deadlines and streamlined procedures.¹⁹⁸ Where appropriate, the Public Prosecutor may propose diversionary alternatives, such as educational or rehabilitative programs, subject to judicial

¹⁹¹ *Ibid.*, Article 7.

¹⁹² Usually for offenders of reduced intelligent capacities.

¹⁹³ Juvenile Courts Act, Article 24.

¹⁹⁴ *Ibid.*, Article 10.

¹⁹⁵ *Ibid.*, Article 71.

¹⁹⁶ *Ibid.*, Article 60.

¹⁹⁷ *Ibid.*, Article 54.

¹⁹⁸ *Ibid.*, Article 59.

approval.¹⁹⁹ This mechanism aims to avoid formal stigmatization and facilitate the reintegration of minors through non-punitive responses. Furthermore, the Juvenile Courts Act allows for pre-trial detention only in exceptional cases and when strictly necessary (*ultima ratio*).²⁰⁰ When a juvenile is sentenced to an educational measure involving placement in an educational institution (*odgojni zavod*), the law provides for structured rehabilitative environments that include daily routines, access to education and vocational training, and psychological support services.²⁰¹ The core purpose of such institutional placement is rehabilitative, with an emphasis on social reintegration achieved through structured educational methods and therapeutic support. When it comes to correctional placement (*maloljetnički zatvor*), in addition to being governed by the Juvenile Courts Act, these procedures are also regulated by the Execution of Prison Sentence Act.²⁰² This legislation outlines the administrative framework, enforcement protocols, and legal rights of individuals serving custodial sentences, including juveniles. Lastly, juveniles who are sentenced to imprisonment are accommodated either in specialized juvenile correctional facilities or in separate juvenile units within standard penitentiary institutions.²⁰³ In all cases, the law mandates that minors must be held separately from adult inmates, in conditions tailored to their developmental stage, individual needs, and rehabilitative goals.

3.2.2. Serbia

The Serbian Law on Juvenile Offenders and Criminal Legal Protection of Juveniles²⁰⁴ lays out a thorough legal structure for addressing juvenile delinquency, with a strong focus on education, rehabilitation, and proportionality rather than punitive measures. The juvenile justice system in Serbia features dedicated mechanisms that differ from those in adult criminal law. These include specific legal rules, tailored procedural and substantive criminal law provisions, and institutions responsible for their implementation, all of which emphasize a juvenile-oriented approach.²⁰⁵ Importantly, the law also extends to adults who committed criminal acts as minors,

¹⁹⁹ Ibid., Article 1 – 72.

²⁰⁰ Ibid., Article 66.

²⁰¹ Ibid., Article 16.

²⁰² Execution of Prison Sentence Act, Official Gazette.

²⁰³ Ibid.; Juvenile Courts Act, Article 22 (3); Article 10.

²⁰⁴ Law on juvenile offenders and criminal protection of minor persons, Official Gazette.

²⁰⁵ Ibid., Article 1

provided that they are being tried under the conditions specified by the law.²⁰⁶ Similar to the Croatian legal system, Serbian legislation does not hold individuals under the age of 14 criminally accountable.²⁰⁷ The law defines a juvenile as a person between 14 and 18 years of age at the time of the offense.²⁰⁸ Moreover, under certain circumstances outlined in Article 41, juvenile criminal procedures may be applied to young adults up to the age of 21.

When it comes to responses to juvenile crime, the Serbian system places an emphasis on educational measures rather than punishment. The legislation distinguishes between educational orders (*vaspitni nalozi*)²⁰⁹ and educational measures (*vaspitne mere*),²¹⁰ each serving as separate tools aimed at the rehabilitation and reintegration of young offenders. While both educational orders and educational measures share the overarching goal of positively influencing the behavior and development of juvenile offenders, they differ notably in their legal character, timing within the criminal justice process, duration, and resulting legal implications.²¹¹ Educational orders are non-penal alternatives implemented prior to the commencement of formal court proceedings, offering early intervention without involving a formal judgment. In contrast, educational measures constitute official judicial sanctions issued by a juvenile court following a verdict that establishes the minor's responsibility for a criminal offense. These measures are embedded within the formal criminal procedure. Though not traditionally punitive, they still reflect that the juvenile has been legally found responsible for committing a criminal act.

The juvenile criminal procedure incorporates several safeguards and procedural adjustments tailored to the age and vulnerability of the minor. Throughout the entire process, the juvenile has the right to legal representation.²¹² The proceedings are classified as urgent,²¹³ obliging all participants to act expediently to ensure speedy resolution.²¹⁴

Regarding institutional placement, courts may order placement in an educational institution when it is deemed necessary to remove the juvenile from their current environment in order to

²⁰⁶ Ibidem.

²⁰⁷ Ibid., Article 2.

²⁰⁸ Ibid., Article 3.

²⁰⁹ Ibid., Article 7.

²¹⁰ Ibid., Article 11.

²¹¹ Gašparić, 2025, p. 651.

²¹² Law on juvenile offenders and criminal protection of minor persons, Article 49.

²¹³ Ibid., Article 56.

²¹⁴ Ibidem.

provide appropriate support and continuous supervision by qualified professionals.²¹⁵ Juvenile prison, on the other hand, may only be imposed for the gravest offenses, those punishable by twenty years of imprisonment or more, or in cases where two or more offenses are committed, each carrying a penalty exceeding ten years of imprisonment.²¹⁶

3.2.3. Slovenia

Juvenile criminal law in Slovenia is governed by a combination of legislative instruments, the Criminal Code²¹⁷ and the Criminal Procedure Act.²¹⁸ The 1995 version of the Criminal Code²¹⁹ introduced a section titled ‘Educational Measures and Penalties for Juveniles’ which stayed in force until 2004. With the adoption of a new Criminal Code in 2008, Slovenia removed the section specifically addressing juvenile offenders. For the context, it is important to mention that this decision came from the political intention to develop a separate, dedicated juvenile justice law. However, such legislation has yet to be enacted. Consequently, the relevant provisions from the 1995 Criminal Code remain in effect, and the analysis that follows is based on that legal framework.

Article 71 of the 1995 Criminal Code sets the minimum age of criminal responsibility at 14 years.²²⁰ Children under this age cannot be subjected to criminal sanctions. Instead, only educational measures may be applied.²²¹ These measures, along with punishments for minors, are intended to foster the re-education, guidance, and personal development of juvenile offenders through protection, supervision, vocational training, and the cultivation of individual accountability.²²²

Juveniles are prosecuted under specialized procedures outlined in Chapter 27 of the Criminal Procedure Act.²²³ These procedures include safeguards tailored to protect the rights

²¹⁵ 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.

²¹⁶ Ibid., Article 29; imprisonment may be imposed for a duration of up to ten years.

²¹⁷ Slovenian Criminal Code.

²¹⁸ Slovenian Criminal Procedure Act, Official Gazette.

²¹⁹ Slovenian Criminal Code.

²²⁰ Ibid., Article 71.

²²¹ Ibid., Article 72.

²²² Ibid., Article 73.

²²³ Slovenian Criminal Procedure Act, Articles 451 – 490.

and developmental needs of young offenders under the age of 21. The cases are adjudicated by judicial panels consisting of judges experienced in juvenile matters and lay judges with backgrounds in education or child development.²²⁴ Furthermore, juveniles are entitled to mandatory legal representation from the start of the preliminary investigation if the offense carries a possible sentence of more than three years, or when deemed appropriate by the presiding judge.²²⁵ In terms of sanctions, Slovenian law distinguishes between educational measures (*vzgojni ukrepi*) and criminal penalties. Article 74 outlines various educational interventions that may be imposed, including warnings, specific instructions or prohibitions,²²⁶ supervision by social welfare authorities, placement in educational institutions, re-education homes, or training centers.²²⁷ These measures are designed to promote the personal growth and rehabilitation of the minor and are carefully adapted to their age, maturity level, and social context by the court.²²⁸ Criminal sanctions may be exceptionally imposed on older minors, ages 16 to 18, if educational measures are deemed inadequate.²²⁹ Such sanctions include juvenile imprisonment (*mladoletniški zapor*) for serious crimes punishable by over five years of imprisonment,²³⁰ and fines, but only if the minor is assessed as financially capable of paying them.²³¹ In addition to traditional sanctions, Slovenian juvenile justice provides for various alternative measures,²³² such as community service in humanitarian organizations or local institutions, restitution to victims through personal labor, and participation in counselling, therapy, or training programs. These alternatives reflect a combined restorative and rehabilitative philosophy and can be implemented under supervision.

Criminal proceedings involving juvenile offenders are exclusively initiated by the public prosecutor.²³³ The social welfare authority plays an active role throughout the process, participating in all phases and retaining the right to present opinions and proposals.²³⁴ Given the greater vulnerability of juvenile defendants, the legal process includes several key safeguards, such

²²⁴ Ibid., Article 462.

²²⁵ Ibid., Article 454.

²²⁶ E.g. community service, schooling obligations, or apology to victims.

²²⁷ This measure is usually used for minors with developmental difficulties.

²²⁸ Slovenian Criminal Code, Article 75.

²²⁹ Ibid., Article 72 (3).

²³⁰ Ibid., Article 89.

²³¹ Ibid., Article 88.

²³² Ibid., Article 77.

²³³ Slovenian Criminal Procedure Act, Article 465.

²³⁴ Ibid., Article 458.

as confidentiality through closed hearings,²³⁵ expedited proceedings,²³⁶ and the separation of juvenile detention facilities, including pre-trial detention, from those for adults.²³⁷

When a juvenile is institutionalized as part of an educational measure, placement may occur in educational institutions or smaller residential group settings,²³⁸ re-education centers for more serious behavioral issues,²³⁹ or specialized training institutions for minors with mental or physical disabilities.²⁴⁰ Courts are required to regularly monitor the juvenile's progress and may grant conditional release after one year.²⁴¹ Overall, the Slovenian juvenile justice system is grounded in principles of education, development, and reintegration. The legal framework allows courts to tailor sanctions based on the minor's individual characteristics, developmental needs, and social context, rather than just imposing punishment.

3.2.4. Hungary

Juvenile criminal law in Hungary is not codified within a single comprehensive act, but is rather dispersed across multiple legislative sources. The primary legal instruments include the Criminal Code,²⁴² the Code of Criminal Procedure,²⁴³ and the Act CCXL of 2013 on the execution of sentences, measures, and confinement.²⁴⁴ According to Hungarian law, juveniles are defined as individuals between the ages of 12 and 18 at the time of committing a criminal offense.²⁴⁵ While the minimum age of criminal responsibility is set at 12, criminal liability for those under 14 is dependent upon a demonstrated level of maturity sufficient to comprehend the nature and consequences of their actions.²⁴⁶

The goal of juvenile criminal justice in Hungary is rehabilitation and reintegration, rather than mere punishment.²⁴⁷ Juvenile proceedings are to be conducted with consideration of the

²³⁵ Ibid., Article 489.

²³⁶ Ibid., Article 461.

²³⁷ Ibid., Article 473.

²³⁸ Slovenian Criminal Code, Article 79.

²³⁹ Ibid., Article 80.

²⁴⁰ Ibid., Article 81.

²⁴¹ Ibid., Article 82.

²⁴² Act C of 2012 on the Criminal Code.

²⁴³ Act XC of 2017 on Criminal Procedures.

²⁴⁴ Act CCXL of 2013 on the Execution of Punishments, Measures, Certain Coercive Measures and Petty Offence Confinement.

²⁴⁵ Act C of 2012, Section 105(1).

²⁴⁶ Act XC of 2017, Section 686.

²⁴⁷ Act C of 2012, Section 106(1).

minor's psychological, emotional, and social background. Judicial panels in juvenile cases consist of a professional judge and two lay judges, both of whom are required to have experience in child psychology, education, or welfare services.²⁴⁸ Additionally, legal representation is mandatory from the moment the juvenile is first questioned by authorities.²⁴⁹ The legal framework provides for both educational measures and criminal penalties applicable to minors.²⁵⁰ Educational interventions include placement in a juvenile correctional institution (*javítóintézet*)²⁵¹ and probation under supervision.²⁵² Moreover, informal disciplinary responses such as a reprimand or formal warning may also serve rehabilitative purposes.²⁵³ Criminal penalties, as regulated under the Criminal Code, include imprisonment,²⁵⁴ custodial arrest,²⁵⁵ and monetary fines, but the latter only applies if the juvenile has access to personal income or assets.²⁵⁶ Additional options include supervised community service, which is available for juveniles over 16,²⁵⁷ and may be imposed conditionally in connection with various offenses.²⁵⁸

The procedural model is designed to reflect the minor's best interests. Judicial processes must prioritize education and social reintegration over retribution.²⁵⁹ Legal counsel is required during all key phases of the criminal process.²⁶⁰ Moreover, probation officers must conduct a thorough social background investigation, including evaluation of the juvenile's family life, academic progress, and risk of recidivism.²⁶¹ Pre-trial detention is strictly limited to exceptional circumstances and must be carried out in facilities separated from adult detainees.²⁶² If sentenced to imprisonment, juveniles may serve their terms in low-security facilities (*fogház*) or medium-security prisons (*börtön*), depending on the severity of the offense.²⁶³ In parallel, juvenile correctional institutions (*javítóintézet*) are recognized as rehabilitative facilities, focused on

²⁴⁸ Act XC of 2017, Section 680(5).

²⁴⁹ Ibid., Section 682.

²⁵⁰ Educational measures, especially for those under 14, are prioritized over punitive responses.

²⁵¹ Act C of 2012, Section 120-122.

²⁵² Ibid., Section 119.

²⁵³ This could be concluded from Act C of 2012, Section 106(1), which emphasizes education and guidance over punishment.

²⁵⁴ Act C of 2012, Sections 109(2)-(3).

²⁵⁵ Ibid., Section 111.

²⁵⁶ Ibid., Section 113.

²⁵⁷ Ibid., Section 112.

²⁵⁸ Ibid., Section 116.

²⁵⁹ Act XC of 2017, Section 677.

²⁶⁰ Ibid., Section 682(2).

²⁶¹ Ibid., Section 684.

²⁶² Ibid., Section 688.

²⁶³ Act C of 2012, Section 110.

education and resocialization. These institutions require the separation of younger and older juveniles to ensure age-appropriate programming.²⁶⁴ Regarding pre-trial detention, individuals under 14 may only be held in correctional facilities, while those aged 14 to 18 may be detained in either correctional institutions or penitentiaries, depending on the specific circumstances of the case.²⁶⁵

Although punitive measures exist in Hungarian juvenile justice, they are tightly regulated and reserved for situations in which educational interventions are deemed ineffective.

3.2.5. Slovakia

In Slovakia, the legal framework governing juvenile offenders is primarily contained in a dedicated chapter of the Criminal Code²⁶⁶ and further regulated by the Code of Criminal Procedure.²⁶⁷ Slovak law defines a juvenile as an individual between the ages of 14 and 18 at the time of committing the offense.²⁶⁸ However, minors under the age of 15 cannot be held criminally responsible if they are deemed intellectually and morally immature to the extent that they are unable to comprehend the wrongful nature of their actions or control them.²⁶⁹ Furthermore, the law specifies that acts of lower severity committed by juveniles may not be classified as criminal offenses at all.²⁷⁰

Although Slovakia does not operate separate juvenile courts, the criminal justice process is adjusted to address the particular needs of juvenile offenders. These cases are handled by regular criminal courts, but under special procedural provisions set forth in Division II of the Code of Criminal Procedure. The Slovak legal system offers a broad array of sanctions for juveniles, which may serve punitive, educational, or protective purposes. The final aim of these measures is to support the moral, psychological, and social development of the minor, deter future unlawful conduct, ensure societal protection, and simultaneously encourage reintegration into family and community life.²⁷¹ Article 109 of the Criminal Code outlines punitive sanctions, including

²⁶⁴ Ibid., Section 120.

²⁶⁵ Act XC of 2017, Section 688(3).

²⁶⁶ Slovakian Criminal Code, Official Gazette.

²⁶⁷ Slovak Code of Criminal Procedure, Official Gazette.

²⁶⁸ Slovak Criminal Code, Article 94 (1).

²⁶⁹ Ibidem.

²⁷⁰ Ibidem.

²⁷¹ Ibid., Article 97.

community service, monetary fines, if the juvenile possesses adequate financial means, forfeiture of property, loss of specific rights or privileges, bans on attending public events, deportation,²⁷² house arrest, and imprisonment. In determining an appropriate sanction, courts are required to evaluate all relevant circumstances and ensure that the punishment is proportionate to the offense and tailored to the offender. Incarceration may be imposed only when no other sanction is deemed sufficient to achieve the intended rehabilitative goals, and its application is subject to specific limitations prescribed under Article 118 of the Criminal Code. In addition to punitive sanctions, Slovak legislation recognizes a set of educational measures designed to foster behavioral improvement and social reintegration. These include supervision by a probation officer, compulsory living arrangements with a parent or guardian, restitution to the victim, psychological or social counselling, participation in rehabilitation or training programs, and involvement in community service activities.²⁷³ Such measures may be imposed either during preliminary proceedings by the public prosecutor or subsequently by the court.²⁷⁴ As the legal framework emphasizes educational interventions as a preferred method for encouraging positive change, it also permits the issuance of a formal reprimand.²⁷⁵ This warning serves as a serious admonition and is typically delivered in the presence of the juvenile's legal guardian.²⁷⁶ Slovak law further provides for protective education, a measure applicable when the juvenile's home environment is considered unsuitable for proper upbringing.²⁷⁷ Generally, this measure can be enforced until the juvenile reaches the age of 18,²⁷⁸ and it is carried out either in a special educational institution or within a professional foster family setting.²⁷⁹

Chapter 7 of the Code of Criminal Procedure contains specific provisions governing criminal proceedings involving juveniles. Once formal charges are brought, the law mandates that the juvenile must be represented by legal counsel throughout the duration of the process.²⁸⁰ Pre-trial detention is permitted only if less restrictive alternatives are deemed insufficient to fulfill the

²⁷² This measure applies only to non-citizens.

²⁷³ Slovak Criminal Code, Article 107.

²⁷⁴ Slovak Criminal Code, Article 107.

²⁷⁵ *Ibid.*, Article 106 (3); Public prosecutor can impose education measures only with a consent minor's consent.

²⁷⁶ *Ibid.*, Article 108.

²⁷⁷ *Ibid.*, Article 102.

²⁷⁸ *Ibid.*, Article 104 (2), exceptionally it may be extended to 19 years of age if it serves the best interests of the minor.

²⁷⁹ *Ibid.*, Article 103; additionally, if the health of the juvenile requires, it can also be executed in a medical facility.

²⁸⁰ Slovak Code of Criminal Procedure, Article 336.

objectives of custody.²⁸¹ In court, additional safeguards are prescribed to uphold the best interests of the child as a participant in the proceedings.²⁸² Moreover, judicial authorities are also required to consider the unique circumstances of juvenile cases, including the closure of hearings to the public²⁸³ and the participation of child protection services, which are authorized to submit motions and question witnesses.²⁸⁴

When talking about correctional sanctions, juveniles sentenced to imprisonment are placed in specialized facilities that are structured to support their social reintegration.²⁸⁵ In contrast, if non-punitive measures such as protective education are ordered, implementation occurs within dedicated educational institutions or through placement in professional foster care, as previously described.

3.2.6. Czech Republic

Juvenile criminal law in the Czech Republic is primarily codified through the Juvenile Justice Act,²⁸⁶ which introduces a comprehensive legal framework centered on principles such as proportionality, educational impact, individualized sentencing, and restorative justice tailored specifically to juveniles. Complementing this, the Code of Criminal Procedure²⁸⁷ outlines procedural rules applicable in criminal cases, including provisions relevant to minors. The Criminal Code²⁸⁸ further regulates criminal offenses, penalties, and the general principles of criminal responsibility. The Czech legislation clearly differentiates between adults and juveniles, establishing the minimum age of criminal responsibility at 15 years.²⁸⁹ Children under the age of 15 who commit acts considered criminal under the law are not held criminally liable. However, they may still be subject to intervention in the form of protective educational measures, as defined under Section 93 of the Juvenile Justice Act. For minors aged 12 to 15, courts may order protective education (*ochranná výchova*) or institutional upbringing (*ústavní výchova*) when necessary.²⁹⁰

²⁸¹ Ibid., Article 339.

²⁸² Ibid., Articles 340 – 343.

²⁸³ Ibid., Article 343 (3).

²⁸⁴ Ibidem.

²⁸⁵ Slovak Criminal Code, Article 117 (4).

²⁸⁶ The Juvenile Justice Act, Official Gazette.

²⁸⁷ Czech Code of Criminal Procedure Act, Official Gazette.

²⁸⁸ Czech Criminal Code, Official Gazette.

²⁸⁹ Ibid., Article 25.

²⁹⁰ Juvenile Justice Act, Article 93 – 95.

The Czech juvenile justice system is distinct and operates under specialized provisions governed by the Juvenile Justice Act. Judicial proceedings are led by judges trained in juvenile law and conducted in closed sessions to preserve the privacy of the minor.²⁹¹ Nonetheless, the juvenile is generally required to be present at hearings unless exempted for legal reasons.²⁹²

Sanctions available under the Czech law are organized into three categories: educational measures (*výchovná opatření*), protective measures (*ochranná opatření*), and punitive sanctions, the latter being reserved for the most serious cases. Educational measures include a variety of interventions such as probation supervision, the imposition of specific obligations, a formal warning combined with conditional suspension of punishment, and restitution or apology to the victim.²⁹³ These may be imposed by the court during judicial proceedings. Additionally, the public prosecutor is authorized to apply educational measures during the pre-trial phase, but only with the juvenile's explicit consent.²⁹⁴ Moreover, the Czech law recognizes a range of protective measures, including protective treatment, protective detention, partial or full confiscation of property, and protective upbringing.²⁹⁵ These interventions are intended to support the psychological, moral, and social development of minors while simultaneously safeguarding the public from potential future offenses.²⁹⁶ Courts may order such measures in specific circumstances, particularly where the juvenile is subject to neglect or inadequate care, and where educational measures alone are insufficient.²⁹⁷ Punitive sanctions are regarded as a last resort (*ultima ratio*) and are therefore applied with restraint. Available sanctions include community service, monetary fines, confiscation of property, prohibitions on engaging in specific activities or keeping animals, expulsion, house arrest, bans on attending public or cultural events, probation, and imprisonment.²⁹⁸

According to Article 36, any investigation or decision-making involving juveniles must be carried out by professionals with specialized knowledge in child development. The law further ensures a series of procedural safeguards designed to protect juvenile offenders. In particular, proceedings must be conducted with due regard for the minor's age and developmental maturity

²⁹¹ Czech Code of Criminal Procedure Act, Article 8d.

²⁹² Juvenile Justice Act, Article 64 (2).

²⁹³ Ibid., Article 15 (2).

²⁹⁴ Ibid., Article 15 (3).

²⁹⁵ Ibid., Article 21 (1).

²⁹⁶ Ibidem.

²⁹⁷ Ibid., Article 22.

²⁹⁸ Ibid., Article 24 (2).

to avoid negatively impacting their personal development or social integration.²⁹⁹ Juveniles are entitled to legal representation from the very beginning of criminal proceedings,³⁰⁰ and such representation is mandatory until the age of 18. The Juvenile Justice Act also allows for alternative procedures aimed at diversion from the formal criminal process. These include the conditional suspension of charge filing, conditional discontinuation of prosecution, reconciliation between the offender and the victim, and waiver of prosecution, provided that the facts of the case are clear and the juvenile demonstrates a willingness to accept responsibility.³⁰¹ In that regard, pre-trial detention is considered a measure of last resort. Juveniles may be detained only if no alternative intervention is adequate to achieve the objectives of custody.³⁰² Furthermore, in alignment with their vulnerability, juveniles must be held separately from adult detainees in detention facilities.³⁰³ Consistent with international legal standards, the Czech law treats the deprivation of liberty for minors as an exceptional measure. When imposed, placement occurs in juvenile correctional institutions (*výchovný ústav*), which function as specialized educational settings, especially in cases involving serious behavioral challenges or when less restrictive interventions have proven ineffective.³⁰⁴ Additionally, the legal framework acknowledges the role of diagnostic institutions (*diagnostické ústavy*) as temporary facilities used for conducting initial psychological and social evaluations prior to determining a juvenile's long-term placement.³⁰⁵

Although juvenile correctional facilities are classified as closed institutions, their purpose is not punitive. Instead, they are structured to emphasize discipline, education, and routine, providing a stable environment aimed at rehabilitation. In cases where a prison sentence is imposed, the Juvenile Justice Act mandates that juvenile offenders must serve their sentence separately from adult inmates. Execution of the sentence must take place in a facility specifically designated for juveniles, ensuring age-appropriate treatment and conditions.³⁰⁶

²⁹⁹ Ibid., Article 41.

³⁰⁰ Ibid., Article 42a (1).

³⁰¹ Ibid., Articles 68-70.

³⁰² Ibid., Article 46 (1).

³⁰³ Ibid., Article 51 (1).

³⁰⁴ Ibid., Article 93 (1).

³⁰⁵ Ibidem.

³⁰⁶ Ibid., Article 31 (4).

3.2.7. Poland

Poland's juvenile justice system operates through a structured legal framework designed to address offenses committed by individuals under the age of 18. The primary legislative foundation for these proceedings is the Act on Proceedings in Juvenile Cases,³⁰⁷ which emphasizes educational and rehabilitative measures over punitive responses. This law applies to minors exhibiting signs of social maladjustment or those who have engaged in punishable conduct. In addition to this, the Penal Code of 6 June 1997³⁰⁸ sets out the principles of criminal liability, including certain provisions specifically addressing juvenile offenders. The legislative landscape is further supported by the Act on the Support and Rehabilitation of Juveniles,³⁰⁹ which provides guidelines for broader social and psychological interventions. In Poland, the general minimum age of criminal responsibility is 17 years.³¹⁰ Once an individual reaches this age, they are typically subject to the standard criminal justice system. However, if a young person commits an offense between the ages of 17 and 18, courts may choose to apply educational, therapeutic, or corrective measures reserved for juveniles, rather than criminal penalties, if the offender's level of maturity, character, circumstances of the offense, and social background justify such treatment.³¹¹ Additionally, children under the age of 13 are considered legally incapable of committing criminal offenses. Instead of initiating criminal proceedings, authorities may impose educational or protective measures aimed at correcting behavior and preventing future delinquency.³¹²

Unlike some other systems, Poland adopts a two-tiered approach, seeking to balance the accountability of juveniles for serious crimes with recognition of their developmental immaturity. Juvenile cases fall under the jurisdiction of family courts,³¹³ which operate under civil rather than criminal procedural rules. Juvenile offenders are guaranteed several procedural protections, including the right to legal defence, the right to consult with counsel, and the right to remain silent or decline to answer specific questions.³¹⁴ With respect to sanctions and measures available under Polish juvenile law, the system prioritizes rehabilitation and educational goals over retribution.

³⁰⁷ Act on Proceedings in Juvenile Cases of 26 October 1982.

³⁰⁸ Polish Penal Code of 6 June 1997.

³⁰⁹ Act on the Support and Rehabilitation of Juveniles from 9 June 2022.

³¹⁰ Polish Penal Code, Article 10.

³¹¹ Ibid., Article 10 (4).

³¹² Article 1 (2) of Act on Proceedings in Juvenile Cases of 26 October 1982.

³¹³ Ibid., Article 15 (1).

³¹⁴ Ibid., Article 18.

Courts, when determining sanctions, are required to focus on the re-education and development of the offender.³¹⁵ Educational measures are intended to promote behavioral correction and personal growth. These include warnings, supervision by parents or guardians, assignment to a probation officer, obligations to compensate for harm, such as issuing apologies or providing restitution, and participation in educational activities or workshops.³¹⁶ In addition, therapeutic measures are available for juveniles struggling with psychological or substance abuse problems. These may include placement in sociotherapy centers and mandatory participation in therapy or rehabilitation programs that address the root causes of the offender's behavior.³¹⁷ In more serious or repeated cases of delinquency, the court may impose correctional measures involving placement in closed institutions.³¹⁸ Notably, the family court retains the authority to modify or revoke educational measures based on the evolving needs and progress of the juvenile.³¹⁹

As demonstrated through the existing legislation, juvenile proceedings in Poland are distinctly separate from adult criminal procedures and reflect a legal philosophy centred on education, individualization, and the best interests of the minor. Moreover, as previously outlined, juvenile proceedings in Poland diverge considerably from the procedures applied in adult criminal cases. Such proceedings may only be initiated by specific authorized entities, including law enforcement agencies, social welfare services, educational institutions, or family members.³²⁰ These cases follow a non-adversarial, inquisitorial model, meaning that the court, typically a judge assigned for juvenile matters, is responsible for gathering a wide range of background information about the young person. This includes psychological evaluations, educational reports, and assessments of the family environment.³²¹ To safeguard the minor's privacy and personal integrity, all proceedings are conducted behind closed doors.³²² This confidentiality is a fundamental feature of the juvenile system and reflects its rehabilitative and protective orientation.

³¹⁵ 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."

³¹⁶ Article 6 of Act on Proceedings in Juvenile Cases of 26 October 1982.

³¹⁷ *Ibid.*, Article 12.

³¹⁸ *Ibid.*, Article 10.

³¹⁹ *Ibid.*, Article 79.

³²⁰ *Ibid.*, Article 4.

³²¹ *Ibid.*, Article 32b (2).

³²² *Ibid.*, Article 15 (2).

3.3. Challenges and Trends in the Legislation of the CEE Region

The juvenile justice systems across Central and Eastern European countries are shaped by a shared historical legacy of socialism and its subsequent political and institutional transition. These systems have undergone significant reforms since the 1990s, aiming to align with modern international standards while simultaneously grappling with the socio-political remnants of centralized control, rigid punitive ideologies, and underdeveloped welfare institutions. Despite legislative modernization in most CEE states, the legacy of post-socialist governance has left justice systems structurally burdened. Many juvenile justice policies reflect formal compliance with international norms but face persistent challenges in implementation. One core issue is the tendency to evaluate juvenile justice primarily through the lens of legislative frameworks, rather than actual practice.³²³ Although legal codes in many countries incorporate progressive elements, real-world application remains constrained by institutional fragility and inadequate state capacity.³²⁴

A recurring issue is the overuse of custodial measures. Despite international guidelines that emphasize detention only as a measure of last resort, incarceration remains a common response in many CEE countries.³²⁵ Detention facilities are often outdated, insufficiently resourced, and fail to separate juveniles by age or offense severity, thereby undermining their rehabilitative purpose.³²⁶ Moreover, juvenile prison sentences are generally governed by minimal provisions and implemented in institutions rarely tailored for minors.³²⁷ In contrast, diversion mechanisms such as restorative justice and community-based alternatives are either underdeveloped or inconsistently applied.³²⁸ While prosecutors tend to rely on discretionary powers to divert cases, judges are less inclined to use such measures, raising concerns about equitable access to non-custodial options.³²⁹ Furthermore, restorative justice, despite being promoted in principle, is often absent or only superficially integrated in national frameworks. Legislative gaps persist in defining clear restorative pathways or supporting the infrastructure required for meaningful victim-offender reconciliation.

³²³ Carić, 2006, p. 11.

³²⁴ Dünkel, Grzywa, Horsfield and Pruin, 2011, p. 4.

³²⁵ Arnall, 2016, p. 12; Dünkel, Grzywa, Horsfield and Pruin, 2011, p. 6.

³²⁶ Carić, 2006, p. 13.

³²⁷ Carić, 2006, pp. 13 – 14.

³²⁸ Dünkel, Grzywa, Horsfield and Pruin, 2011, pp. 4 – 6.

³²⁹ Carić, 2006, p. 11.

Implementation challenges also manifest through weak cooperation between the justice and social welfare sectors, a lack of specialized personnel, and fragmented service delivery.³³⁰ While social workers are typically trained to engage with children, many judges, prosecutors, and defence attorneys lack the necessary expertise in child-sensitive procedures and children's rights.³³¹ Additional problems arise from complex procedural overlaps. Juvenile cases often span multiple jurisdictions, causing unnecessary delays and administrative confusion.³³² The inquisitorial nature of proceedings, although designed to be less adversarial, often fails in practice due to limited background assessments and insufficient professional involvement. Furthermore, the ineffectiveness of existing interventions is further evidenced by persistently high recidivism rates. Empirical evaluations of intervention programmes provide important touch to this observation. Some studies assessing accredited cognitive and cognitive-behavioural programmes for young offenders demonstrate that participation alone does not automatically result in reduced reoffending.³³³ However, evidence indicates that programme completion, fidelity to programme design, and adherence to the principles of risk, need and responsivity are associated with statistically significant reductions in reconviction rates, highlighting the central importance of programme integrity and targeted delivery.³³⁴ For example, research from Hungary reveals that some minors have as many as ten criminal proceedings initiated against them.³³⁵ Although certain juveniles benefit from the structure provided in institutional settings, many offenses go undetected or unaddressed, exposing critical weaknesses in the broader preventive and rehabilitative system.³³⁶

While the legal frameworks across the region show notable alignment with international obligations, including the CRC and other soft law instruments, their translation into practice remains inconsistent. Many CEE countries continue to struggle with harmonizing national procedures with international standards regarding child protection, individualized sentencing, and the prioritization of educational measures. In that context, while legislative reforms in the CEE region reflect a formal commitment to child-friendly justice, sustainable progress depends on

³³⁰ Kerezsi and Kó, 2009, p. 105.

³³¹ Dünkel, Grzywa, Horsfield and Pruin, 2011, p. 5.

³³² Kerezsi and Kó, 2009, p.104.

³³³ Cann, Falshaw and Friendship, 2003, pp. 165 – 171; Lipsey, Howell, Kelly, Chapman and Carver, 2010, pp. 18 – 19.

³³⁴ Cann, Falshaw and Friendship, 2003, pp. 172 – 176; Lipsey, Howell, Kelly, Chapman and Carver, 2010, p. 53.

³³⁵ Kerezsi and Kó, 2009, p. 103.

³³⁶ Ibid., 2009, p. 101 – 102.

institutional investment, specialized training, and the expansion of community-based alternatives. For juvenile justice to be genuinely effective, children must not only be treated as offenders but foremost as individuals entitled to protection, rehabilitation, and a second chance.³³⁷

3.4. Minimum Age of Criminal Responsibility (MACR): A Comparative Perspective in CEE

A clear understanding of the legal frameworks regarding juvenile offenders and the age of criminal responsibility is vital for ensuring a just and efficient justice system, particularly in jurisdictions with diverse legal systems. This part investigates how Croatia, Serbia, Slovenia, Hungary, Slovakia, Czech Republic, and Poland address the age of criminal responsibility, classify juvenile offenders, and determine appropriate legal responses. Even though these countries share a great part of history and are part of the same region, they offer a varied legal landscape within Central Eastern Europe, showing different perspectives on juvenile justice and the determination of the age at which criminal responsibility is established. This short comparative analysis aims to shed light on the complexities of juvenile justice and highlights commonalities and differences in approaches across Eastern European countries.

This part is based on research conducted during the LL.M. program on International and Comparative Children's Rights of the University of Miskolc, with its findings also published in a separate scientific article.³³⁸ The following section will outline the legal frameworks of the chosen countries. In the following part, the legal framework of the chosen countries will be shown.

3.4.1. Croatia

In the Croatian legal system, in accordance with the provisions of the CRC, any individual under the age of 18 is considered a child. When discussing the sphere of criminal law, the Croatian Criminal Code³³⁹ legislation addresses the application of criminal law concerning young individuals. According to its provisions, criminal legislation does not extend to children under the age of fourteen at the time an offense is committed.³⁴⁰ This provision acknowledges the developmental stage and immaturity of children below this age, recognizing their incapacity for

³³⁷ Gašparić, 2025, p. 663.

³³⁸ Gašparić, 2024, pp. 46 – 54.

³³⁹ Croatian Criminal Code, Official Gazette.

³⁴⁰ Croatian Criminal Code, Article 7, paragraph 1.

full criminal responsibility. Individuals aged 14 to 21 at the time of committing a criminal act fall under the provisions of criminal law unless otherwise stipulated by specific legislation.³⁴¹ This framework balances accountability with recognizing the developmental stage of young individuals and sets the MACR to the age of 14.

On that trace, Croatian criminal law distinguishes between the terms *child* and *juvenile*. For that matter, every individual below the age of 18 falls within the scope of the *child* as defined in the CRC, only within the framework of criminal protection for children. Therefore, we can say that under the Croatian criminal legislation child is considered every person under the age of 14. However, when we talk about the offenders of the criminal acts who, at the time of the omission of the crime, have not yet reached the age of 18, Juvenile Courts Act³⁴² uses the term *juvenile* and establishes the jurisdiction³⁴³ in the trials on criminal matter. Juveniles who commit a criminal offense between the ages of 14 and 18 are divided into two groups: younger juveniles (14-16)³⁴⁴ and older juveniles (16-18).³⁴⁵ This categorization is significant regarding the types of sanctions that can be imposed on each offender.³⁴⁶

Even further, the Article 2 of the mentioned law prescribes the jurisdiction of the courts for youth in a case when a young adult is an individual who, at the time of committing an act, is between the ages of 18 and 21. From this provision, we can see that Croatian legislator decided to divide child offenders into two categories. As children under the age of 15 are not criminally liable, the first category encompasses individuals aged 15 to 18, while the second category pertains to what are commonly referred to as young adults, up to 21 years of age. This extends the application of the law to individuals who, according to international standards, are considered adults.

³⁴¹ Croatian Criminal Code, Article 7, paragraph 2.

³⁴² Juvenile Courts Act, Official Gazette.

³⁴³ Dragičević Prtenjača and Bezić, 2018, p. 2.

³⁴⁴ Law on Youth Courts, Article 5, paragraph 1.

³⁴⁵ Ibid., Article 5, paragraph 2.

³⁴⁶ According to the Croatian legislation, juveniles who have reached the age of fourteen but have not yet reached the age of sixteen at the time of committing a criminal offense may be subject to educational measures and security measures, while older juveniles who have reached the age of sixteen but have not yet reached the age of eighteen at the time of committing a criminal offense may be subject to educational measures and security measures, and under the conditions provided by this Law, juvenile prison.

3.4.2. Serbia

While Serbia is currently not a member state of the European Union, its legal system concerning juvenile offenders and the MACR will be analyzed as it falls within the scope of Eastern European countries. As per the Criminal Code of the Republic of Serbia, the *child* is defined as a person under the age of 14.³⁴⁷ Therefore, taking into account the similarities resulting from years of shared social and legal frameworks, the age threshold for criminal responsibility and its approach to it closely resemble those of other former Yugoslavian countries.³⁴⁸ Furthermore, the distinction is made between individuals who have not yet reached the age of 18, referred to as *minor persons*³⁴⁹ in a broader and more general sense, and another category, including individuals between the ages of 14 and 18, who are referred to as *minors*.³⁵⁰ On that note, the Serbian Criminal Code states that criminal sanctions cannot be imposed on a person who was under 14 of age at the time the act was committed.³⁵¹ Taking into account the conditions that must be met for an act to be deemed criminal, including guilt in relation to the act,³⁵² Vuković observes that besides insanity, an individual may lack guilt due to inadequate maturity.³⁵³ As a result, the criminal act is deemed non-existent. Consequently, it can be concluded that individuals under the age of 14 are permanently excluded from criminal prosecution and any form of sanction. Contrarywise, for the group, referred to as *minors*, comprising those between the ages of 14 and 18, various criminal sanctions and educational measures may be implemented under the conditions prescribed by a special law.³⁵⁴ Once more, the special Law on Juvenile Perpetrators and Criminal Protection of Juveniles reaffirms the age of criminal responsibility by excluding every individual who has not reached the age of 14 at the time of committing a crime from the provisions of this legislation.³⁵⁵ Comparable to certain other countries in this region, Serbian legislation also distinguishes between

³⁴⁷ Criminal Code of Republic of Serbia, Article 112, paragraph 8.

³⁴⁸ Marković and Spaić, 2022, p. 147.

³⁴⁹ Criminal Code of Republic of Serbia, Article 112, paragraph 10.

³⁵⁰ Ibid., Article 112, paragraph 9.

³⁵¹ Ibid., Article 4, paragraph 3.

³⁵² Other elements are: involvement of human action, a committed act must be prescribed by law as a criminal offense and act must be illegal; Criminal Code of Republic of Serbia, Article 14.

³⁵³ Vuković, 2021, p. 232.

³⁵⁴ Criminal Code of Republic of Serbia, Article 4, paragraph 3.

³⁵⁵ Law on Juvenile Perpetrators and Criminal Protection of Juveniles, Article 2.

younger juveniles, typically aged between 14 and 16 years,³⁵⁶ and older juveniles, typically aged between 16 and 18 years.³⁵⁷

Namely, individuals under the age of 14 are exempt from any responsibility for their actions, whereas those between 14 and 18 can be held accountable through a specialized procedure focused on protection and assistance rather than punishment.³⁵⁸ Furthermore, the law offers the opportunity for a young adult who committed a criminal offense as an adult (after turning 18) but was still under 21 years of age³⁵⁹ at the time of the trial, to be adjudicated under the provisions of this law if it is foreseeable that educational measures will accomplish the intended outcome that would have been achieved through sentencing.³⁶⁰ From this, it becomes evident that the legal system employs broad interpretations of juvenile offenders and leans towards safeguarding and advocating for young offenders.

3.4.3. Slovenia

In 2020, Slovenia introduced the Liability of Minors for Criminal Offenses Act, but unfortunately, the legislation did not gather the necessary support.³⁶¹ While Slovenian criminal legislation does not explicitly outline the criteria for juvenile liability, the Slovenian Criminal Code does specify age limits for criminal responsibility. In the provisions regulating the age of criminal responsibility, the law uses the term *child*, while in other provisions concerning individuals in that age group, it employs the term *juvenile*. Furthermore, according to Slovenian Criminal Code law, individuals under the age of 14 are not deemed offenders for committing unlawful acts.³⁶² Similarly to the Croatian legal system, Slovenia distinguishes between younger juveniles (ages 14 to 16) and older juveniles (ages 16 to 18). This differentiation is crucial as it influences the potential penalties that may be imposed later on. The provisions are structured to emphasize the rehabilitation and successful reintegration of juvenile offenders, shifting the focus away from punitive measures.

³⁵⁶ Ibid., Article 3, paragraph 2.

³⁵⁷ Ibid., Juveniles, Article 3, paragraph 3.

³⁵⁸ Bačićanin and Hubić Nurković, 2022, p. 302.

³⁵⁹ According to Marković and Spaić, 2022, p. 148, the purpose of such classification is to mitigate the penal policy according to these age categories for certain crimes.

³⁶⁰ Law on Juvenile Perpetrators and Criminal Protection of Juveniles, Article 41.

³⁶¹ See more in: <https://rm.coe.int/case-law-analysis-slo-moj-revised-final/1680adde86> (Online). (Accessed: 22 February 2024).

³⁶² Criminal Code of Republic of Slovenia, Article 21.

In addition to the mentioned categories, the law recognizes *young adults* as those who have committed a criminal offense as adults but have not yet reached the age of 21.³⁶³ Considering the prioritization of the rehabilitative approach, Slovenian legislation extends beyond the legally established age of criminal responsibility, including the other specifics of juvenile liability, such as assessing the intellectual maturity, psychological characteristics, motivations for the offense, prior education, and the juvenile's environment and living conditions.³⁶⁴

3.4.4. Hungary

In Hungary, Act C of 2012 on the Criminal Code³⁶⁵ is the main legal document regulating the age of criminal responsibility. Section 16 of this act establishes the age of criminal responsibility at 14 as a general principle. Nevertheless, in contrast to previous regulations governing juvenile offenders, the new Criminal Code of 2012 lowered³⁶⁶ the age of criminal responsibility for certain violent crimes to 12 years of age, opening the possibility for children between 12 and 14 to be held criminally responsible for specific offenses, including homicide,³⁶⁷ voluntary manslaughter,³⁶⁸ battery,³⁶⁹ robbery³⁷⁰ and plundering.³⁷¹ In light of this, it is important to emphasize that while the Committee on the Rights of the Child raised specific concerns about Hungary's significant breach of the UN Convention on the Rights of the Child through regulations that clash with UN standards on juvenile criminal justice, the Hungarian Ministry of Justice opposed saying they are not violating the CRC's provisions arguing that the CRC does not specify the exact age of criminal responsibility but rather mandates State Parties to establish the limit.³⁷² Moreover, the age of 14 will stay as a general rule, whereas for the five crimes listed above, the presumption is that a child under the age of 14 lacks the capacity to comprehend they are committing a crime.³⁷³ However, if the presumption gets rebutted any child above the age of 12

³⁶³ Criminal Code of Republic of Slovenia, Article 5, paragraph 3.

³⁶⁴ Filipčič, 2004, p. 495.

³⁶⁵ The act C of 2012 on the Criminal Code of Hungary.

³⁶⁶ Criminal Code of Hungary, Section 160, subsections 1 – 2.

³⁶⁷ Ibid., Section 161.

³⁶⁸ Ibid., Section 164, subsection 8.

³⁶⁹ Ibid., Section 365, subsection 1 – 4.

³⁷⁰ Ibid., Section 366, subsections 2 – 3.

³⁷¹ See more in: Gönczöl, 2022, pp. 112 – 113.

³⁷² See more in: Balogh, 2014, pp. 259 – 273., Hollán and Venczel, 2021, pp. 381 – 398.

³⁷³ Coufalová, 2018, p. 243.

can face criminal prosecution for offenses from this exhaustive list, provided they possess the capacity to understand the nature and consequences of their actions. In addition to determined age, to be criminally responsible juvenile offenders must fulfil the condition of sanity and mental (moral) maturity.³⁷⁴

Like other countries in the region, the Hungarian legal system differentiates between various terms regarding children and their criminal liability within the realm of criminal law. Consequently, Hungary has enacted a separate Act on Child Protection,³⁷⁵ which provides definitions of important terms. Accordingly, the Act on Child Protection defines a *minor* as a person under the age of 18.³⁷⁶ Another term introduced by this legislation is *child*, which, according to criminal law, has a more restricted meaning. It refers to a person who has not yet reached the age of 14 and lacks the capacity to act or be responsible for their actions.³⁷⁷ Furthermore, when we talk about *juveniles*, the law recognizes them as a separate category which includes individuals between the ages of 14 and 18.³⁷⁸ Finally, Hungarian legislation recognizes the term *young adult* which includes every person who has not reached the age of majority and has not yet attained the age of 24 years.³⁷⁹

3.4.5. Slovakia

Following the ratified CRC, Slovakia defines a *child* as an individual under the age of 18.³⁸⁰ Furthermore, in the subsequent paragraph, the Slovakian Criminal Code³⁸¹ provides a term *person close to the age of minors* describing it as someone who has reached the age of 18 but has not yet turned 21. In that context, similar to other countries in the region, Slovakia also establishes special circumstances for the exclusion of criminal liability. According to Article 22 of the Criminal Code of Slovakia, the age of criminal responsibility is set at 14 years old.³⁸² This means that any person who has not reached the age of 14 at the time of committing a criminal offense can not be liable

³⁷⁴ Act XXXI of 1997 on Child Protection.

³⁷⁵ Act XXXI of 1997 on Child Protection refers to the provisions of the Hungarian Civil Code which defines child as a person who has not yet reached the age of eighteen years, Article 5(a).

³⁷⁶ Ibid., Article 5(a).

³⁷⁷ Act C of 2012 on the Criminal Code of Hungary, Section 16.

³⁷⁸ Act XXXI of 1997 on Child Protection, Article 5(b).

³⁷⁹ Ibid., Protection, Article 5(c).

³⁸⁰ Criminal Code of Slovakia, Section 127, paragraph 1.

³⁸¹ Criminal Code of Slovakia, Official Gazette.

³⁸² Ibid., Section 22.

and, thus, prosecuted for it. Additionally, Slovak regulation provides one exception to the general rule whereas it puts the limit to the age of 15. In cases involving specific criminal acts like sexual abuse, the law specifies that individuals aged 15 or younger who are victims of sexual intercourse or other forms of sexual abuse will not be held criminally responsible for those acts.³⁸³ This provision serves to enhance the protection of children as they can often be vulnerable to manipulation by adults regarding sexual behaviors.³⁸⁴ Furthermore, it places greater responsibility on adults emphasizing their obligation to act responsibly and ethically, particularly in their interactions with minors when it comes to matters of sexuality.

In Slovakia, the criminal law system recognizes the term *juvenile* defining it as an offender under the age of 15, lacking adequate intellectual and moral development to comprehend the unlawfulness of their actions or to control their actions, and as such is not subject to criminal responsibility.³⁸⁵ In that context, the age of an individual becomes relevant when the court needs to establish whether the child has the capacity to recognize the unlawfulness of their actions or to control their behavior regarding the criminal offense. If a person aged 14 or 15 commits a criminal offense, the court must determine this through an independent expert assessment. Nevertheless, such assessment is initiated by the court solely in cases where doubts arise regarding the juvenile's fulfilment of the necessary criteria for ascertaining culpability in committing a criminal offense.³⁸⁶

3.4.6. The Czech Republic

The primary legal framework governing criminal law and penalties in the Czech Republic is provided by the Criminal Code.³⁸⁷ Within the provisions of the mentioned legislation, a *child* is defined as a person under 18 years of age.³⁸⁸ However, the Criminal Code's provisions defer to a separate law for matters concerning their criminal liability and penalties that could be imposed on juvenile offenders.³⁸⁹ Act Concerning Youth Responsibility for Unlawful Acts and Justiciary in Suits of Youth and Amendments to Some Acts³⁹⁰ in Article 2 provides three different definitions.

³⁸³ Ibid., Section 22, paragraph 2.

³⁸⁴ Gwoździewicz, 2015, p. 167.

³⁸⁵ Criminal Code of Slovakia, Section 95.

³⁸⁶ Study on the children's involvement in judicial proceedings, 2013 (Online), p. 15 (Accessed: 23 February 2023).

³⁸⁷ Criminal Code of the Czech Republic, Official Gazette.

³⁸⁸ Ibid., Section 126.

³⁸⁹ Ibid., Section 109.

³⁹⁰ Act Concerning Youth Responsibility for Unlawful Acts and Justiciary in Suits of Youth and Amendments to Some Acts, Official Gazette.

Youth is understood to include all children under the age of 15, as well as *juveniles*, who are defined as individuals who have completed the age of 15 but still have not yet attained the age of 18. Criminal responsibility commences at the age of 15, yet this responsibility is qualified by two additional conditions: mental capacity and attainment of intellectual and moral maturity.³⁹¹ Furthermore, an extra layer of protection for children's rights can be seen in the fact that this law allows for circumstances where a juvenile, who lacked the cognitive and ethical maturity to comprehend the danger of their actions at the time of committing an offense, shall not be held accountable under criminal law.³⁹² Instead, the law stipulates that procedures and measures outlined for children under 15 years old can be applied to those individuals.

3.4.7. Poland

Under the Polish Penal Code any person referred to as *juvenile*, who commits a criminal act after the age of 17 shall be liable.³⁹³ While the general rule in the Polish legal system sets the age of criminal responsibility at 17 years old, some provisions allow minors who have reached the age of 15 to be held responsible for specific criminal acts they have committed.³⁹⁴ In that regard, the Penal Code stipulates the potential for minors aged 15 and above to be held accountable for certain crimes, including an attempt on the life of the President of the Republic of Poland,³⁹⁵ homicide,³⁹⁶ grievous bodily harm,³⁹⁷ crime of causing a life-threatening event,³⁹⁸ piracy,³⁹⁹ disasters,⁴⁰⁰ rape,⁴⁰¹ active assault,⁴⁰² taking a hostage⁴⁰³ and armed robbery.⁴⁰⁴ This determination is dependent upon the circumstances of the case, the offender's level of mental development, personal characteristics, and situation, particularly if prior educational or corrective interventions

³⁹¹ Coufalová, 2018, p. 240.

³⁹² Act Concerning Youth Responsibility for Unlawful Acts and Justiciary in Suits of Youth and Amendments to Some Acts, Article 5, paragraph 1.

³⁹³ Polish Penal Code, Article 10, paragraph 1.

³⁹⁴ Ibid., Article 10, paragraph 2.

³⁹⁵ Ibid., Article 134.

³⁹⁶ Ibid., Article 148, paragraph 1 – 3.

³⁹⁷ Ibid., Article 156, paragraph 1 and 3.

³⁹⁸ Ibid., Article 163, paragraph 1 and 3.

³⁹⁹ Ibid., Article 166.

⁴⁰⁰ Ibid., Article 173, paragraph 1 and 2.

⁴⁰¹ Ibid., Article 197, paragraph 1, 3, 4 and 5.

⁴⁰² Ibid., Article 223, paragraph 2.

⁴⁰³ Ibid., paragraph 1 and 2.

⁴⁰⁴ Ibid., Article 280.

have proven ineffective.⁴⁰⁵ In that context, the Polish legislative body has chosen to incorporate an extra provision, designated as paragraph 2a of Article 10, which specifies that minors who commit homicide after turning 14 but before reaching 15 years of age are subjected to the same conditions. However, the same rationale as that for offenders above the age of 15 for specific criminal acts can be applied. This includes the importance of considering the circumstances of the case alongside the offender's stage of development, attributes, and personal circumstances.⁴⁰⁶

Considering the central focus of juvenile proceedings is the well-being of the child, the proceedings characterize the aim to educate and support juvenile offenders in managing their situations effectively.⁴⁰⁷ In this context, it is notable that the provision concerning juvenile offenders allows the court, if deemed suitable, to employ educational, therapeutic, or corrective measures specifically designed for young offenders rather than imposing penalties, if the individuals commit a crime between the ages of 17 and 18.⁴⁰⁸

Table 1 Age of Criminal Responsibility in Selected CEE Countries

Country	Age of criminal responsibility (juvenile criminal law must be applied)	Age at which juvenile can be subject to either juvenile or adult criminal law	Other requirements (e.g. moral maturity, intellectual maturity, psychological characteristics, living conditions) ⁴⁰⁹
Croatia	14	18-21	no
Serbia	14	18-21	no
Slovenia	14	18-21	yes
Hungary	14 (12)	18	yes
Slovakia	14 (15)	18-21	yes
The Czech Republic	15	18	yes
Poland	17 (15)	18	yes

⁴⁰⁵ Ibid., Article 10, paragraph 2.

⁴⁰⁶ Klaus, Rzeplińska and Woźniakowska-Fajst, 2016, p. 796.

⁴⁰⁷ Bojarski, Kruk and Skretowicz, 2014, p. 50 – 63.

⁴⁰⁸ Polish Penal Code, Article 10, paragraph 4.

⁴⁰⁹ It must be noted that without mental capacity, offenders (juvenile or adult) cannot be held accountable for their actions. However, it is worth mentioning that certain countries (indicated with a "yes" in this table) have specific provisions concerning juvenile offenders which require additional special criteria beyond simply being above the MACR.

The juvenile justice systems in Eastern European countries share both commonalities and distinct differences. A universal feature is the recognition of an age threshold, generally between 14 and 17 years, below which individuals are not held fully criminally responsible. All countries examined also differentiate between juveniles and adults within their legal frameworks, with a general emphasis on rehabilitation over punitive measures. However, notable differences arise in the specific age limits for criminal responsibility and how offenders are categorized. While some countries distinguish between younger and older juveniles, others classify individuals based on their capacity to comprehend the illegality of their actions. Legal terminology also varies significantly, with some systems using precise terms like *child*, *juvenile*, or *young adult*, while others employ broader categories such as *minor* or *youth*. These distinctions reflect the diverse legal traditions, cultural values, and legislative priorities unique to each country, highlighting the complexity of juvenile justice in the region.

Lastly, a significant concern is the lack of clear direction regarding the MACR. When determining the age threshold for criminal liability, lawmakers should consider not only the age at which a child commits a crime but also other factors such as whether they have the ability to actively and effectively participate in criminal proceedings. In that context, a detailed analysis of the legal systems in Croatia, Serbia, Slovenia, Hungary, Slovakia, the Czech Republic, and Poland reveals a mix of shared principles and divergent practices in addressing juvenile justice and setting the age of criminal responsibility. While legal terminology and specific provisions may differ, all these countries strive to balance accountability with an understanding of the developmental limitations and immaturity of young offenders. They collectively emphasize the importance of protecting the rights of juveniles while promoting their rehabilitation and reintegration into society. By examining these varied approaches, policymakers and stakeholders can better collaborate to develop fairer and more effective juvenile justice systems, ensuring the protection and future opportunities of young individuals involved with the criminal justice system.

3.4.8. Psychological, legal, and developmental arguments

After reviewing crucial legal documents and conducting a comparative analysis of selected countries, it prompts us to question whether the legal community has effectively responded to the specific needs of children, taking into account their vulnerable period of childhood and considering

their psychological development and maturity. During childhood, children experience various developmental changes, with one of the most significant occurring in the realm of cognitive abilities. Piaget was the first to outline the four phases of cognitive development and divide them into 4 stages.⁴¹⁰ According to his theory, children reach a significant stage of cognitive maturity after the age of 12. At the same time, they start to understand the norms and begin to comprehend that the consequences of their actions are influenced by their own personal motives.⁴¹¹

Developmental psychology has provided robust evidence suggesting that adolescents in their early teenage years exhibit notable cognitive and intellectual disparities from adults, which have significant implications for their decision-making capabilities.⁴¹² These studies focus on younger teen years, and it is concluded that the disparities in intellectual abilities necessary for decision-making between adults and adolescents aged 15 to 17 are either less or not significant at all.⁴¹³ However, in determining the necessity of setting a minimum age of criminal responsibility and substantiating it with scientific evidence specific to children, it is important to explore beyond developmental changes alone. Psychosocial factors might lead adolescents to make different decisions from adults, as these factors influence the importance they appoint to potential outcomes or consequences of their decisions. In this context, numerous studies have explored peer influences, finding that children are more likely to engage in socially unacceptable behavior if it is suggested by their peers.⁴¹⁴ In connection to that, many research has shown that the willingness to take risks transforms during adolescence. Adolescents, on average, show a higher willingness to engage in risky behaviors and tend to evaluate risks differently from adults, placing greater importance on anticipated gains rather than potential losses or negative outcomes when making decisions.⁴¹⁵ In addition, some research suggests that adolescents' orientation towards the future changes throughout adolescence. Namely, several studies have indicated that when examining how adults and adolescents envision the potential consequences of their decisions, youths more frequently emphasize immediate rather than long-term possibilities.⁴¹⁶

⁴¹⁰ Those are: sensorimotor stage for children until the 2 years of age, preoperational stage between the ages 2 and 7, concrete operational stage which include children from 7 until 11 years of age and last stage which is called formal operations; see in: Piaget, 1971; Gopnik, 1996, Hopkins, 2011; Atkinson, 2001.

⁴¹¹ Torma, 2021, p. 174.

⁴¹² See more in: Keating, 1990, pp. 54 – 89; Steinberg and Scott, 2003, pp. 1009 – 1018.

⁴¹³ For more details see: Siegler, 1997.

⁴¹⁴ Weijers, 2016, p. 308.

⁴¹⁵ Arnett and Taber, 1994, pp. 517 – 537; Benthin, Slovic and Severson, 1993, pp. 153 – 168.

⁴¹⁶ See in: Shulman and Cauffman, 2014; Grisso and Schwartz, 2003.

Furthermore, aside from the cognitive and psychological progressions discussed, it is noteworthy to mention that the brain regions are continuously maturing throughout adolescence and as such are involved in functions that are related to the psychosocial developmental factors previously discussed.⁴¹⁷ Despite the challenges faced by neuroscience in connecting brain regions with the developing capacities of adolescents, it remains logical to conclude that better knowledge in that area could improve our understanding of the connection between brain development and adolescents' behavior. In that regard, the emphasis is placed on the prefrontal cortex, recognized for its role in the regulation of emotions, impulse control, and the assessment of risks prior to engaging in actions. It makes it responsible for reasoning and executive functions, and it often develops fully just in the mid-twenties.⁴¹⁸ Considering this, establishing the appropriate age for assigning criminal responsibility to juvenile offenders is crucial, especially given that the brain remains developmentally immature until at least the age of twenty.⁴¹⁹ Not addressing this issue would be not only unfair to minor offenders, but would also demonstrate a complete disregard for the neuroimaging studies that consistently confirm this conclusion.

In some legal systems, the accelerated biological development of children in modern times is interpreted as if children nowadays mature earlier, leading to a perceived need for reducing the minimum age of criminal responsibility.⁴²⁰ Comparable situation happened in Hungary a decade ago while passing a new Criminal Code. At the time Hungarian government opted to reduce the age of criminal responsibility for the selected, most violent crimes.⁴²¹ This decision faced loud critics, particularly from Hungarian UNICEF and the Ombudsman, which strongly objected to the proposed idea, seeing it as a serious violation of the CRC.⁴²² They highlighted the lack of an appropriate criminal legal framework, but also practical staff, capable of effectively addressing offenders of such a young age. Nevertheless, this provision was adopted and the law was passed with the proposed changes. Another very recent example from this region was initiated by the shocking murder in Serbia. In May of 2023, a thirteen-year-old boy killed nine children and one

⁴¹⁷ Weijers and Grisso, 2009, p. 64.

⁴¹⁸ Chein, 2020, p. 2; Torma, 2021, p. 160; on this topic see also in Kolk and Rakic, 2022, pp. 41 – 57.

⁴¹⁹ Duncan, 2022, p. 621.

⁴²⁰ Gönczöl, 2022, p. 267, (Online), (Accessed: 24 April 2024).

⁴²¹ Hungary made a groundbreaking move by introducing this for the first time, given that the minimum age of criminal responsibility in Hungary had remained at 14 years old from 1961 to 2013.

⁴²² UNICEF, 2012, (Online), (Accessed: 24 April 2024); Child-friendly Justice from the Ombudsman's Perspective, 2012, (Online), p. 28 (Accessed: 24 April 2024).

adult in a school shooting.⁴²³ Given the age of criminal responsibility in Serbia is set at the age of 14, the young perpetrator is not subject to criminal liability under the law and therefore will not face prosecution. That event caused heated discussion in the sphere of both, public and legal discourse. In such occurrences that seriously disturb society, we often witness penal populism, where legislators, influenced by societal pressures, endorse significant changes as a response to the event. However, there are several key reasons to oppose lowering the age of criminal responsibility in Serbia, such as compliance with international documents setting standards for acting in the best interests of the child, comparative solutions, and the mere purpose of criminal-legal responses to juvenile crime.⁴²⁴ In that context, while lawmakers often attempt to justify the potential reduction of the limit of juvenile criminal responsibility threshold by citing statistical data. As illustrated by these two examples, both Hungary⁴²⁵ and Serbia⁴²⁶ do not show any increase in the commission of criminal acts by juvenile offenders. On the contrary, critics argue that reducing the age limit would result in more children being drawn into the criminal justice system, intensifying the issue rather than resolving it.⁴²⁷

Furthermore, while all examined countries have set the MACR there is a noticeable development regarding the determination of an upper age limit within juvenile justice systems. This phenomenon can be attributed to criminological acknowledgment of the transitional phases individuals undergo as they move from adolescence to adulthood, considering contemporary societal contexts.⁴²⁸ Recent neuroscientific research presents compelling evidence indicating that complete maturity and psychosocial development occur only by the third decade of life.⁴²⁹ As explained in the previous chapter, a child's brain undergoes growth during adolescence, whereby the prefrontal cortex, responsible for regulating behavioral control, planning, and risk assessment, develops.⁴³⁰ Due to this, adolescents do not have a physiological capability for rationality and decision-making. In connection with this, current research in developmental neuroscience and psychology indicates that it would be reasonable to raise the MACR to 15 years.⁴³¹ An additional

⁴²³ Available at: <https://www.bbc.com/news/world-europe-65468404> (Online), (Accessed: 24 April 2024).

⁴²⁴ Čopić, 2023, p. 237.

⁴²⁵ Hungarian Central Statistics Office (Online), (Accessed: 24 April 2024).

⁴²⁶ Statistical Office of the Republic of Serbia, 2023, (Online), (Accessed: 24 April 2024).

⁴²⁷ Marković and Spaić, 2022, p. 133.

⁴²⁸ Dünkler, Grzywa, Horsfield and Pruin, 2010, p. 46.

⁴²⁹ For example: Loeber et al., 2016, pp. 335 – 412; Weijers and Grisso, 2009, pp. 45 – 67.

⁴³⁰ Torma, 2021, pp. 170 – 171; Marković and Spaić, 2022, pp. 149 – 150.

⁴³¹ Marković and Spaić, 2022, p. 146.

point to consider is that due to the ongoing development of adolescent brains,⁴³² which are not yet fully matured like those of adults, the law should prioritize the protection rather than the punishment of children who commit crimes while still minors. Nevertheless, while it is necessary to establish an upper limit for criminal responsibility, the individualized development and growth of each child, and later adults, pose challenges not only for academic discourse but also for legislators.

CHAPTER 4: JUVENILE JUSTICE IN CROATIA AND HUNGARY

4.1. Introduction

The treatment of juvenile offenders remains a critical aspect of criminal justice systems, reflecting broader societal attitudes toward punishment, rehabilitation and deterrence. Across Europe, juvenile justice frameworks are shaped by international human rights standards, national legal traditions, and the availability of alternative measures to incarceration. In this context, Croatia and Hungary present two distinct yet comparable juvenile justice systems, both exhibiting a tendency toward punitive sanctions while struggling to implement comprehensive rehabilitation and reintegration programs. Statistical analysis provides a crucial insight into these trends, offering an empirical basis for assessing the effectiveness of current policies. This subchapter examines statistical trends in juvenile justice in Croatia and Hungary between 2014 and 2023, focusing on three key dimensions: the number of reported, accused, and convicted juvenile offenders, the categorization of offenses committed, and the judicial responses, including the use of incarceration, diversion, and restorative justice measures. The data will be presented separately for each country to ensure a clear and systematic comparison. This approach allows for a more detailed examination of national trends before drawing broader conclusions about regional patterns and shared challenges. The selection of Croatia and Hungary for the comparative analysis in this chapter is grounded in both substantive and methodological considerations. The author is a Croatian and has lived and conducted doctoral research in Hungary, which provided direct familiarity with both legal systems and their institutional frameworks. This background enabled access to primary statistical data, institutional reports, and professional networks in both countries,

⁴³² Midson, 2012, p. 700.

as well as the ability to consult legal sources and official materials in their original languages. Linguistic competence in both Croatian and Hungarian ensured accurate interpretation of legislation, policy documents, and statistics, reducing the risk of translation-related misunderstandings. Next to the mentioned, Croatia and Hungary represent two Central and Eastern European jurisdictions with comparable historical legacies, shared obligations under international human rights instruments, and similar challenges in balancing punitive and rehabilitative approaches within juvenile justice systems. At the same time, notable differences in legal structure, sanctioning practices, and institutional responses make them suitable for a focused comparative analysis aimed at identifying both converging trends and systemic divergences in the treatment of juvenile offenders.

The guiding hypothesis of this analysis is that statistical trends show that juvenile justice in Croatia and Hungary prioritizes punitive sanctions, while rehabilitation and reintegration programs within correctional facilities remain insufficient, limiting successful reintegration into society. To test this hypothesis, the analysis will assess whether judicial practices predominantly favor incarceration over alternative measures and whether trends indicate an increasing or decreasing reliance on punitive sanctions. Furthermore, the study will explore whether the implementation of restorative justice programs and vocational training within correctional institutions has evolved. By presenting data separately for each country, this analysis will highlight specific national developments while facilitating cross-country comparisons. Moreover, identifying similarities and differences between Croatia and Hungary will provide a detailed understanding of how legal frameworks are applied in practice and whether these approaches align with broader European juvenile justice objectives. Ultimately, the statistical trends explored in this subchapter will serve as a foundation for evaluating whether Croatia and Hungary's juvenile justice systems are evolving toward a more rehabilitative approach or remain predominantly punitive in nature. The findings will contribute to the broader discussion on how statistical insights can support policy reforms aimed at improving the reintegration prospects of juvenile offenders. This examination of statistical trends in juvenile justice in Croatia and Hungary is essential for understanding the effectiveness of current policies and practices, particularly in relation to rehabilitation and reintegration. The juvenile justice systems in both countries have been subject to reform, yet the extent to which these reforms have led to substantial changes in the treatment of young offenders remains open to analysis. By considering statistical trends, this subchapter aims

to offer empirical evidence that can guide future policy decisions, with an emphasis on creating more effective and rehabilitative juvenile justice systems. However, scholars caution that improvements in statistical indicators should not be automatically equated with substantive progress toward rehabilitation.⁴³³ Declining arrest or incarceration rates may coexist with enduring punitive practices, particularly where decision-making remains shaped by risk management, efficiency, and cost-effectiveness imperatives. In such contexts, reforms may reduce visible forms of punishment while simultaneously reinforcing exclusionary practices that disproportionately affect children with complex social needs. As a result, statistical declines may mask the persistence of a deeper punitive legacy rather than signal a genuine transformation of juvenile justice systems. Finally, this subchapter will also examine the role of international human rights standards in shaping juvenile justice policies in Croatia and Hungary. Both countries are bound by international treaties, including the CRC and the ECHR, which emphasize the importance of rehabilitation over punishment for juvenile offenders. However, the extent to which these standards have been fully integrated into national practices remains a critical question. In this section, statistical data will be used to assess whether the treatment of juvenile offenders in Croatia and Hungary aligns with these international standards or if national legal traditions and practical constraints continue to prioritize punitive measures.

The statistical analysis presented in this chapter does not aim to produce an independent quantitative contribution, nor to substitute doctrinal legal reasoning. In that sense, scholars warn against interpreting statistical trends as neutral or self-explanatory indicators of system performance.⁴³⁴ Quantitative data reflect not only patterns of offending and sanctioning, but also political priorities, institutional practices, and discretionary decision-making within justice systems. As a result, changes in recorded crime rates or sanctioning patterns may hide underlying reasons in punitive orientations, particularly where reductions in formal custody are accompanied by expanded system contact or alternative forms of control. Statistical trends must therefore be interpreted within their broader legal, political and institutional context. Those trends are employed as an evaluative tool to assess the effectiveness of juvenile justice legislation as implemented in practice. In this sense, statistics function as empirical indicators of whether main legal principles, such as the prioritisation of rehabilitation, the use of deprivation of liberty as a measure of last

⁴³³ Goshe, 2015, pp. 43 – 53; Lohse, Hawe, Dukelow and Scott, 2021, pp. 123 – 135.

⁴³⁴ Goldson and Muncie, 2006, pp. 92 – 96; Ottenbacher and Barrett, 1990, pp. 102 – 107

resort, and the promotion of reintegration, are realised within national juvenile justice systems. By analysing trends in reported, accused, and convicted juvenile offenders, as well as the types of sanctions imposed, the chapter examines the extent to which normative legal objectives are reflected in judicial practice, thereby addressing the gap between law as prescribed and law as applied.

4.2. Statistical Trends from 2014 to 2023

4.2.1. Reported, Charged and Convicted Juvenile Offenders

a) Croatia

The data on juvenile offenders in Croatia from 2014 to 2023 provides valuable insight into trends regarding reported cases, accused individuals, and convictions over the years. By examining these figures, we can identify patterns, potential causes, and implications for the juvenile justice system.

The overall trend in reported cases shows a significant decline from 2014 to 2021, followed by a slight increase in the last two years. Specifically, the rate of reported juvenile offenders decreased from 48.8 per 100,000 inhabitants in 2014 to 25.0 in 2021, which is nearly a 50% reduction. However, this rate rose slightly to 26.4 in 2022, 27.4 in 2023, and 31.7 in 2024. This decrease over time suggests that various factors, such as policy changes, preventive measures, or societal shifts, may have contributed to a reduction in juvenile crime.

The number of accused individuals also followed a downward trend, closely mirroring the trend in reported cases. The accused rate decreased steadily from 15.6 per 100,000 inhabitants in 2014 to a low of 7.4 in 2021. Rates have remained relatively stable at this level through 2022 and 2023, fluctuating between 7.4 and 8.4 per 100,000 inhabitants. The proportion of accused juveniles compared to reported cases remained relatively steady, suggesting that law enforcement and judicial processes continued to identify and prosecute offenders at a consistent rate. However, the decline in overall accused numbers reinforces the hypothesis that fewer juveniles were involved in criminal activities or that legal responses to such offenses evolved over the years.

Conviction rates exhibit a similar pattern to the rates of accused juveniles, declining from 14.5 per 100,000 inhabitants in 2014 to 6.6 in 2021 and showing slight increases in 2022 and 2024. The conviction rates, when compared to the number of accused individuals, appear to remain

relatively stable, suggesting that legal proceedings and judicial efficiency did not experience drastic changes. Instead, the decline in total convictions can be attributed to the overall reduction in juvenile crime rather than a shift in judicial outcomes. It is worth noting that the gap between accused and convicted juveniles has narrowed over the years, indicating that once accused, juveniles are increasingly likely to face legal consequences.

The declining trend in all three analysed categories, reported, accused, and convicted, until 2021 raises questions about the potential reasons behind this shift. Several factors may have contributed, including improved social interventions, educational programs, and preventative measures targeting at-risk youth. Additionally, changes in law enforcement practices, diversion programs, and alternative sentencing options might have influenced the overall numbers. The slight increase in reported cases in 2022 and 2023 may indicate either a temporary fluctuation or the emergence of new social factors influencing juvenile crime. These recent increases should be carefully monitored to determine whether they represent an anomaly or the beginning of a new trend requiring policy adjustments.

A visual representation of this data, as seen in the graph below, clearly illustrates the steady decline from 2014 to 2021, with all three categories following a similar downward slope. The fact that the reported cases line remains significantly higher than the accused and convicted lines highlights that not all reported offenses result in legal action or convictions. This discrepancy may be attributed to factors such as lack of evidence, alternative resolutions, or rehabilitative approaches that focus on prevention rather than punitive measures. Furthermore, the data suggests that while fewer juveniles are entering the justice system, those who do are increasingly likely to be processed and convicted, as seen in the diminishing gap between accused and convicted individuals over the years.

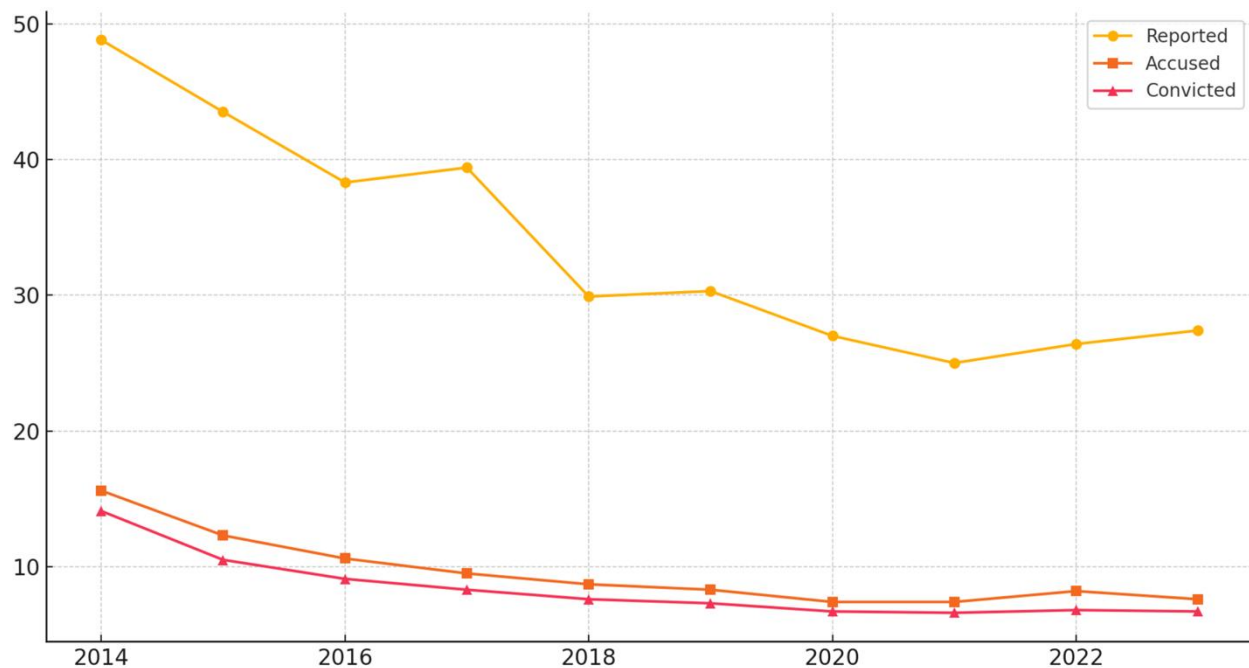
The broader implications of these trends suggest a shift in how juvenile crime is managed. The overall decline in numbers may indicate success in preventative efforts, but the recent rise in 2022 and 2023 should not be overlooked. Policymakers and researchers should continue to analyze the underlying causes behind these trends to ensure that juvenile crime remains low while promoting fair and effective justice practices. If the recent increase in cases persists, it may call for reevaluation of existing strategies to address emerging challenges in juvenile delinquency. Additionally, understanding the specific types of crimes committed, demographic factors, and

socio-economic influences would provide deeper insight into these trends and help develop targeted interventions.

Table 2 Rates per 100,000 Inhabitants of Reported, Accused, and Convicted Juvenile Offenders in Croatia (2014-2023)

Year	Reported	Accused	Convicted
2023	27.4	7.6	6.7
2022	26.4	8.2	6.8
2021	25.0	7.4	6.6
2020	27.0	7.4	6.7
2019	30.3	8.3	7.3
2018	29.9	8.7	7.6
2017	39.4	9.5	8.3
2016	38.3	10.6	9.1
2015	43.5	12.3	10.5
2014	48.8	15.6	14.1

Figure 1 Trends in Rates of Reported, Accused, and Convicted Juvenile Offenders in Croatia (2014–2023)



b) Hungary

The treatment of juvenile offenders in Hungary has evolved over the past decade, with notable fluctuations in reported, accused, and convicted cases among young offenders. The data from 2014 to 2023 provides valuable insights into how juvenile delinquency trends have changed and how the justice system has responded to these offenses. The statistics are divided into two age groups: juveniles aged 12-14 and those aged 14-18, revealing a significant disparity in the volume and severity of offenses committed by each group. The provided data indicates a declining trend in juvenile offenses, particularly from 2014 to 2021. For example, in 2014, the number of reported cases among the 14-18 age group was 92.04, while the number of accused was 34.72, and 25.90 were convicted. By 2021, these figures had decreased to 79.95 reported, 64.19 accused, and 47.84 convicted, demonstrating a substantial drop. This downward path suggests improvements in crime prevention strategies, changes in social and economic conditions, or a shift in juvenile behavior. However, following the significant drop in 2020 and 2021, there was a slight increase in reported cases in 2022 and 2023, possibly due to the easing of COVID-19 restrictions and a return to pre-pandemic social interactions. Furthermore, a closer examination of the two age groups shows that

juvenile offenses are overwhelmingly committed by those in the 14-18 age range. Throughout the ten-year period, the number of reported juveniles among 12-14-year-olds remained low, while the number of accused and convicted individuals in this age group was consistently minimal. In contrast, the 14-18-year-old group accounted for the vast majority of juvenile offenses. This suggests that as juveniles approach adulthood, their likelihood of engaging in criminal activity increases, potentially due to greater exposure to risk factors such as peer influence, social pressure, and economic difficulties. While reported cases declined overall, the number of accused and convicted juveniles followed a similar trend. However, the conviction rate remained relatively stable, indicating that once a juvenile was accused, there was a high probability that they would be convicted. This is especially evident in the 12-14 age group, where the number of convicted juveniles was often nearly identical to the number of accused. This suggests that while fewer younger juveniles were brought into the justice system, those who were accused were likely to face legal consequences. One of the most noticeable observations is the most probable effect of the COVID-19 pandemic on juvenile crime. In 2020, the number of reported cases dropped significantly, particularly among older juveniles. This decline can be attributed to lockdown measures, school closures, and restrictions on movement, which limited opportunities for youth to engage in criminal activity. However, as restrictions were lifted in 2022 and 2023, the number of reported cases began to rise again, suggesting that some of the previous decline may have been temporary.

Table 3 Rates per 100,000 Inhabitants of Reported, Accused, and Convicted Juvenile Offenders by Age Group in Hungary (2014–2023)

Year	Age Group ⁴³⁵	Reported ⁴³⁶	Accused ⁴³⁷	Convicted ⁴³⁸
2023	12-14 years	0.41	0.23	0.23
	14-18 years	91.72	85.75	76.49
2022	12-14 years	0.51	0.35	0.33
	14-18 years	82.0	71.16	53.68
2021	12-14 years	0.32	0.24	0.24
	14-18 years	79.95	64.19	47.84
2020	12-14 years	0.31	0.21	0.21
	14-18 years	67.62	57.01	40.49
2019	12-14 years	0.23	0.2	0.19
	14-18 years	73.98	42.85	36.56
2018	12-14 years	0.28	0.2	0.15
	14-18 years	81.91	35.86	31.04
2017	12-14 years	0.24	0.12	0.09
	14-18 years	84.0	35.2	26.47
2016	12-14 years	0.25	0.21	0.17
	14-18 years	79.85	34.15	25.46
2015	12-14 years	0.45	0.28	0.19
	14-18 years	82.73	37.62	24.77
2014	12-14 years	0.51	0.23	0.09
	14-18 years	92.04	34.72	25.9

⁴³⁵ Thanks to Konya Istvan, I got first hand data regarding the juvenile offenders 12-14 years of age from the Chief Prosecutors' Office

⁴³⁶ Source of the provided data: https://www.ksh.hu/stadat_files/iga/en/iga0004.html

⁴³⁷ Source of the provided data are from the Prosecutor General's Report on Activities of the Prosecution Service for the years 2014 – 2023.

⁴³⁸ Source of the provided data are from the Prosecutor General's Report on Activities of the Prosecution Service for the years 2014 – 2023.

The graph displays the number of Reported, Accused, and Convicted cases for two age groups: 12-14 and 14-18, from 2014 to 2023. The Y-axis represents the number of cases, ranging from 0 to 100. The X-axis represents the year. The 14-18 age group shows a significant increase in all three categories, while the 12-14 age group remains near zero.

Year	Reported (12-14)	Accused (12-14)	Convicted (12-14)	Reported (14-18)	Accused (14-18)	Convicted (14-18)
2014	0	0	0	92	35	26
2015	0	0	0	82	38	25
2016	0	0	0	80	34	26
2017	0	0	0	84	35	27
2018	0	0	0	82	36	31
2019	0	0	0	74	43	37
2020	0	0	0	68	57	40
2021	0	0	0	80	64	48
2022	0	0	0	82	71	53
2023	0	0	0	92	85	77

Due to fundamental inconsistencies in the structure, continuity, and availability of offense-type data between Croatia and Hungary, it was not possible to conduct a valid and meaningful cross-national comparison of offense types committed by juvenile offenders.

⁴³⁹In: https://bsrp.bm.hu/SitePages/ExcelMegtekinto.aspx?ExcelName=/BSRVIR/Elk%c3%b6vet%c5%91k,%20b%c5%b1elk%c3%b6vet%c5%91k%20sz%c3%a1ma%20az%20elk%c3%b6vet%c3%a9s%20helye%20szerint_ver20180713101725.xlsx&Token=SUIdxjBYTHphR2JoN0NsWW05cU1ZdXRMcGxPSGk5MGVWVG5WM29PRFE0eS8reVRSR3U4R0Q1TFdLRjEzWExxWSt2V1QzeWorK3VoNmlzSjhGVWNVWWJ3UFNXWWZlZDM5cGo4K2OzaWVvacnpKVW0rUEdCdXc0O2pYei9WNTR3Zjc=

92

offenses, such as homicide, attempted homicide, and violent sexual crimes. Importantly, they do not include the full spectrum of juvenile criminality, such as minor property crimes, public order offenses, drug-related offenses, or traffic-related offenses. Furthermore, the definitions and statistical groupings in this source differ from the earlier dataset, making it methodologically difficult to merge the two into a continuous set. For these reasons, the variable type of offense was excluded from the comparative statistical section of this research.

However, Croatian data, collected and published in a consistent and categorized format by the Ministry of Justice and the Bureau of Statistics, allow for a comprehensive offense-type analysis. Therefore, offense-type trends and structures are examined only for Croatia and are presented as a national case insight, rather than as part of the comparative framework.

a) Croatia

An analysis of juvenile crime rates in Croatia from 2014 to 2023, based on the number of offenses per 100,000 inhabitants, reveals a general downward trend across most categories. The overall juvenile crime rate decreased significantly over the ten-year period, dropping from 51.37 offenses in 2014 to 28.84 in 2023. This notable decline may reflect a combination of improved preventive strategies, changes in juvenile behavior, and broader social or institutional reforms. Crimes against life and limb, which typically involve acts of bodily harm or violent confrontation, also declined over the observed period, from 5.63 to 4.03. While the drop is moderate, it may signal a gradual shift toward less physical aggression among young people, or the effectiveness of violence prevention initiatives implemented in schools and local communities. Offenses related to personal freedom, such as coercion or threats, have fluctuated but increased overall, from 2.21 in 2014 to 3.42 in 2023. This recent rise could point to the growing relevance of psychological and digital forms of aggression, including cyberbullying and online harassment, which are often harder to prevent and prosecute under traditional legal frameworks. Offenses against sexual freedom have remained relatively stable throughout the period, ranging between 0.16 and 0.39 per 100,000 inhabitants. Although the numbers are consistently low, the sensitive nature of such crimes and the possibility of underreporting suggest that these figures may not fully capture the scope of the problem. In contrast, offenses involving the sexual maltreatment and exploitation of children show a worrying upward trend. The rate rose from 0.61 in 2014 to 2.08 in 2023, marking more than a threefold increase. This may be attributed to both a genuine rise in such offenses, particularly in

digital contexts, and the improved detection and reporting mechanisms introduced in recent years. It must be noted that the seen trend calls for urgent policy attention, especially in the areas of child protection, online safety, and early intervention. Crimes against public health, which may include drug-related offenses and other acts endangering physical well-being, have decreased from 2.66 to 1.58 per 100,000. This decline might be linked to targeted public health campaigns and school-based substance abuse prevention programs. Nevertheless, the broad scope of this category means that further disaggregation would be necessary to identify specific behavioral trends. The most substantial decline was observed in property crimes, such as theft, burglary, and vandalism, which fell from 35.31 to 13.05 between 2014 and 2023. This dramatic reduction may reflect the success of local crime prevention programs, social support measures, and perhaps improved economic conditions for families at risk. Given that property crimes are often committed out of necessity or peer influence, their decline could also indicate shifting patterns in juvenile peer dynamics or broader socioeconomic improvements. Public order offenses remained consistently low throughout the decade, ranging from 0.24 to 1.84, without notable upward or downward trends. These minor infractions, such as disorderly conduct or unlawful assembly, appear to reflect a relatively stable pattern of adolescent risk-taking behavior. Other criminal offenses, a residual category that includes a range of minor or uncategorized crimes, also showed relative stability, ranging from 2.21 to 1.97. This suggests a persistent background level of juvenile misconduct that has not changed dramatically over time.

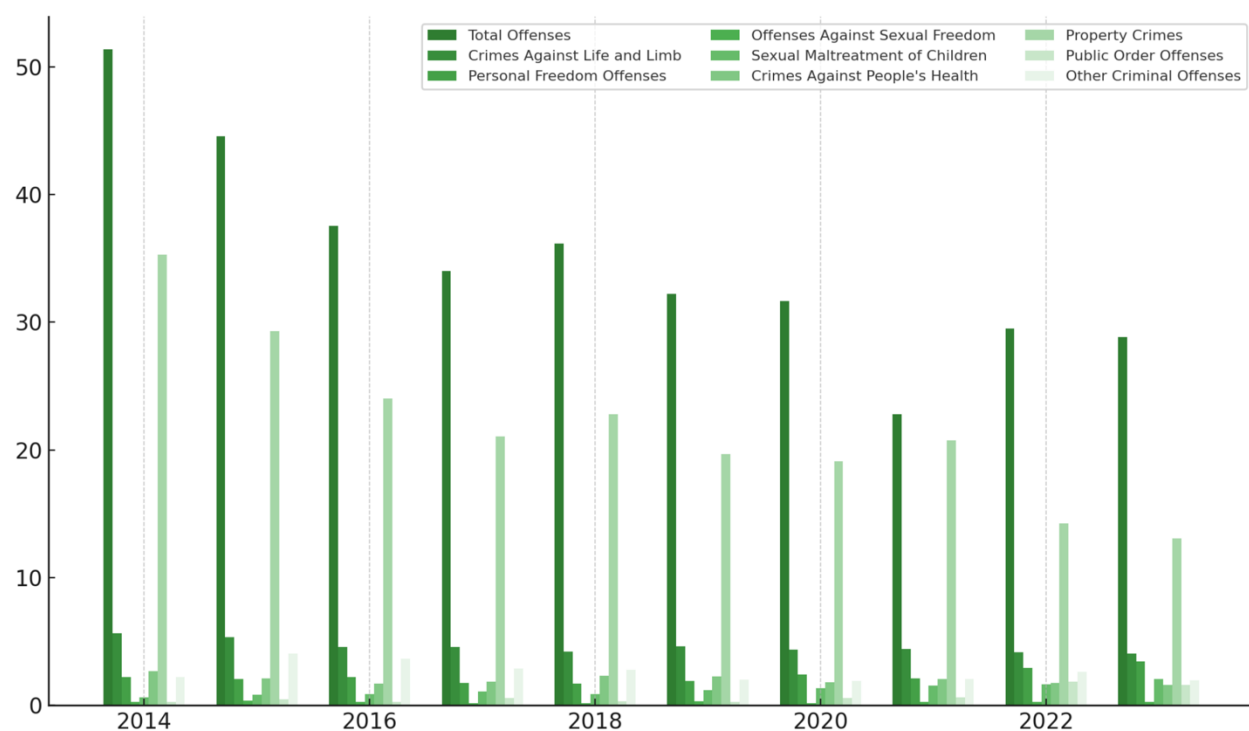
Overall, the data points to a clear reduction in juvenile crime rates in Croatia, particularly in high-volume categories such as property and drug-related offenses. However, the rise in offenses involving personal freedom and child sexual exploitation highlights emerging challenges that require policy adaptation. The findings suggest that while traditional forms of juvenile offending are decreasing, new and often more complex types of behavior are becoming more prevalent. Because of that, these developments underline the importance of evidence-based prevention programs, legal reforms tailored to contemporary risks, and the expansion of psychosocial support systems targeting vulnerable youth populations.

Table 4 Rates per 100,000 Inhabitants of Juvenile Offenses by Type in Croatia (2014–2023)

Year ⁴⁴¹	Total Offenses	Crimes Against Life and Limb	Personal Freedom Offenses	Offenses Against Sexual Freedom	Sexual Maltreatment and Exploitation of Children	Crimes Against People's Health	Property Crimes	Public Order Offenses	Other Criminal Offenses
2023	28.84	4.03	3.42	0.24	2.08	1.58	13.05	1.58	1.97
2022	29.53	4.16	2.95	0.29	1.68	1.74	14.26	1.84	2.61
2021	22.79	4.39	2.11	0.24	1.53	2.08	20.76	0.61	2.08
2020	31.66	4.34	2.42	0.16	1.34	1.82	19.12	0.55	1.89
2019	32.23	4.61	1.89	0.32	1.21	2.24	19.68	0.29	2.0
2018	36.16	4.21	1.68	0.16	0.89	2.32	22.79	0.34	2.76
2017	34.0	4.58	1.76	0.18	1.08	1.84	21.08	0.58	2.89
2016	37.55	4.58	2.21	0.24	0.89	1.71	24.03	0.24	3.66
2015	44.55	5.34	2.08	0.39	0.84	2.11	29.29	0.45	4.05
2014	51.37	5.63	2.21	0.24	0.61	2.66	35.31	0.24	2.21

⁴⁴¹ Source of all data provided in the table is the Report on Juvenile Perpetrators of Criminal Offences by Type of Decision for years 2014 to 2023, see in: <https://podaci.dzs.hr/en/statistics/justice- and -social-protection/>.

Figure 3 Trends in Rates per 100,000 Inhabitants of Different Types of Juvenile Offenses in Croatia (2014–2023)



4.2.3. Court Decisions and Sanctions/Measured Imposed

a) Croatia

The juvenile justice system in Croatia recognizes different legal measures applied to young offenders. The three main categories of analyzed sanctions included juvenile prison sentences, surveillance measures, and institutional measures (placement into correctional facilities). From 2014 to 2023, these measures have fluctuated, revealing patterns in the sentencing and rehabilitation of young offenders. One of the most striking aspects of the data is the low number of juveniles sentenced to prison. Throughout the ten-year period, the number of juveniles receiving custodial sentences remained minimal, with the lowest level occurring in 2021 at 0.08 and the highest reaching 0.32 in 2023. This suggests that Croatian authorities prioritize alternative and rehabilitative measures over incarceration, reflecting modern principles of juvenile justice that focus on reintegration rather than punitive action. The slight rise in 2023 to 0.32 is noteworthy but still minimal, suggesting that the imposition of prison sentences remains exceptional and is likely

reserved for the most severe offenses where no other measures are deemed appropriate. Furthermore, surveillance measures, which typically involve probationary supervision or monitoring without confinement, have been the most frequently applied sanction for juvenile offenders. In 2014, 5.55 per 100,000 juveniles were subjected to surveillance measures, but this number steadily fell to 1.78 in 2022 before slightly increasing to 1.98 in 2023. The overall trend indicates a substantial reduction in the use of surveillance measures. The decline may be attributed to several factors, including changes in juvenile crime rates, adjustments in judicial policies favoring alternative rehabilitative measures, or broader shifts in the approach to juvenile correction in Croatia. Institutional measures, which involve placing juveniles in correctional facilities, have remained relatively stable over the years, fluctuating modestly, reaching a high of 1.32 in 2018 and a low of 1.02 in 2023. The relative consistency in the use of institutional measures suggests that the Croatian juvenile justice system maintains a steady reliance on correctional facilities for certain types of offenders, particularly those deemed unsuitable for community-based rehabilitation or surveillance programs.

The overall data suggest that Croatia has progressively moved toward a more rehabilitative approach in handling juvenile offenders. The decline in surveillance measures and the relatively stable use of institutional measures indicate a possible shift in policy, favoring more individualized and restorative forms of justice. The increase in juvenile prison sentences in 2023, however, raises questions about whether certain offenses have become more severe or whether judicial policies have temporarily shifted in response to particular trends in youth crime.

Table 5 Rates per 100,000 Inhabitants of Juvenile Sanctions by Type in Croatia (2014–2023)

Year ⁴⁴²	Juvenile Prison ⁴⁴³	Surveillance Measures ⁴⁴⁴	Institutional Measures ⁴⁴⁵ (Correctional Facility)
2023	0.32	1.98	1.02
2022	0.22	1.78	1.27
2021	0.08	2.3	1.17
2020	0.18	2.45	1.22
2019	0.27	2.42	1.08
2018	0.22	2.78	1.32
2017	0.27	3.42	1.1
2016	0.2	3.55	1.27
2015	0.22	3.88	1.27
2014	0.12	5.55	1.1

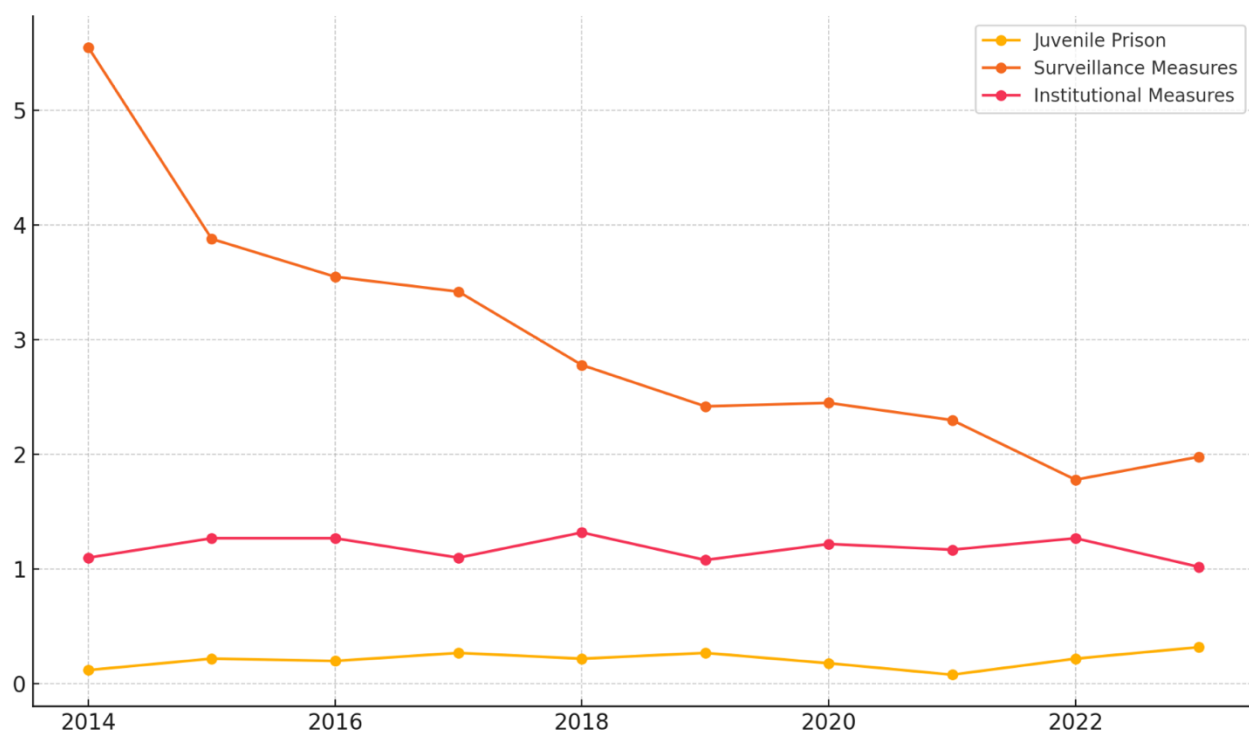
⁴⁴² Source of all data provided in the table is: Report on Juvenile Perpetrators of Criminal Offences by Type of Decision for years 2014 to 2023.

⁴⁴³ It must be noted that Croatia also recognizes a suspended juvenile prison sentence as a custodial measure imposed on a minor that is not immediately enforced, provided the offender complies with specified conditions during a probationary period. However, for the purposes of this research, this measure was not included among the analyzed sanctions.

⁴⁴⁴ Enhanced supervision measures are non-custodial measures focused on supervised rehabilitation. However, as Croatia lacks specialised institutions for their implementation, minors may be placed in residential care institutions for children without adequate parental care, which are not specifically designed for this purpose.

⁴⁴⁵ Institutional measures are the most severe type of educational measure, involving the placement of juvenile offenders aged 12–14 in specialised institutions as an alternative to juvenile imprisonment.

Figure 4 Trends in Rates per 100,000 Inhabitants of Juvenile Sanctions by Type in Croatia (2014–2023)



* This graph shows the rates per 100,000 inhabitants of juvenile prison sentences, surveillance measures, and institutional measures in Croatia from 2014 to 2023.

b) Hungary

The data on juvenile offenders in Hungary from 2014 to 2023 reveals significant trends in the application of different legal measures, reflecting shifts in the country's juvenile justice policies. The three main categories of intervention, juvenile prison sentences, probation, and placement in reformatory institutions, show a steady decline over the years, indicating a broader move toward rehabilitation-focused approaches and a decrease in juvenile crime rates.

One of the most notable trends in the data is the continuous decline in the number of juveniles sentenced to prison. In 2014, there were 16.68 juveniles sentenced to prison per 100,000 inhabitants, but this number steadily dropped over the years, reaching 5.16 in 2022. Even though there was a slight uptick to 5.43 in 2023, this figure is still substantially lower than in earlier years. The overall reduction in juvenile prison sentences suggests a shift in the justice system's approach, prioritizing alternative measures over incarceration. This aligns with modern international

standards emphasizing rehabilitation rather than punishment for young offenders. The decline in prison sentences could be attributed to policy changes, alternative sentencing programs, or a genuine reduction in serious juvenile crime. Moreover, probation, which serves as an alternative to incarceration by allowing offenders to serve their sentence under supervised conditions in the community, follows a similar downward trend. In 2014, there were 28.87 juveniles placed on probation per 100,000, making it the most widely used measure at the time. However, probation rates gradually decreased to 10.47 by 2021, reaching 10.56 in 2022 before a slight rise to 11.07 in 2023. Despite this decline, probation remains the most frequently used measure among juveniles, suggesting that Hungary continues to focus on rehabilitation, reintegration, and behavior correction. The reduction in probation cases may reflect broader changes in juvenile crime rates, fewer prosecutions, or shifts in sentencing practices that emphasize diversionary programs or alternative sanctions. The number of juveniles placed in reformatory institutions (correctional facilities) has remained relatively stable, though it has also seen an overall decline. However, from 2018 onward, the numbers began to decrease, reaching the lowest point at 1.51 in 2022 before rising slightly to 1.63 in 2023. The relative stability of this category compared to the other two suggests that for certain types of offenses or repeat offenders, correctional facilities remain an essential component of the juvenile justice system. However, the decline over time may indicate an increased reliance on community-based interventions or an effort to reduce institutional placements in favor of more rehabilitative solutions.

Data suggests a clear movement away from punitive measures such as incarceration and institutional placement and a stronger emphasis on community-based rehabilitation. The substantial decline in both prison sentences and probation cases implies either a decrease in juvenile crime itself or a transformation in how the justice system handles young offenders. Hungary appears to be aligning with broader European trends that prioritize reintegration over strict punishment, recognizing that young offenders benefit more from guidance, education, and supervision rather than incarceration. However, the slight increases in 2023 show concerns about whether these trends will continue or if external factors, such as socioeconomic conditions or changes in legal policy, could lead to a reappearance in juvenile sentencing.

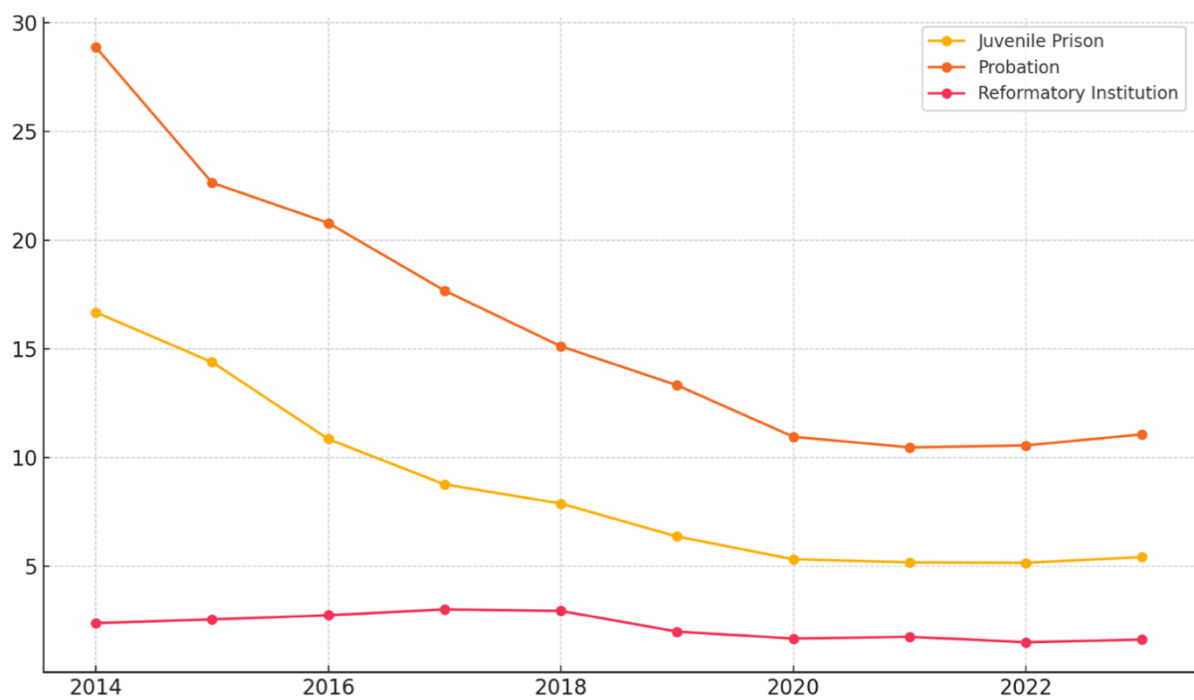
Table 6 Rates per 100,000 Inhabitants of Juvenile Prison Sentences, Probation, and Reformatory Institution Measures in Hungary (2014–2023)

Year ⁴⁴⁶	Juvenile Prison	Probation	Reformatory Institution for Juveniles ⁴⁴⁷ (Correctional Facility)
2023	5.43	11.07	1.63
2022	5.16	10.56	1.51
2021	5.18	10.47	1.76
2020	5.33	10.96	1.68
2019	6.37	13.33	2.0
2018	7.89	15.12	2.95
2017	8.77	17.68	3.02
2016	10.85	20.79	2.75
2015	14.39	22.64	2.56
2014	16.68	28.87	2.39

⁴⁴⁶ Source of the provided data are from the Prosecutor General's Report on Activities of the Prosecution Service for the years 2014 – 2023.

⁴⁴⁷ Javítóintézeteti nevelés involves placement in specialised juvenile correctional institutions, which may be closed or subject to strict supervision. It is mandatory for offenders aged 12 – 14 and may also be applied to older juveniles as an alternative to juvenile imprisonment.

Figure 5 Trends in Rates per 100,000 Inhabitants of Juvenile Sanctions by Type in Hungary (2014–2023)



4.3. Comparative Analysis

a) Reported, Charged and Convicted Juvenile Offenders

For the purposes of this comparison, I will focus exclusively on juvenile offenders aged 14 to 18 years in both Croatia and Hungary. Although Hungarian law also recognizes a younger group of juvenile offenders, those aged 12–14 (as shown in the table above), they will not be included here because incorporating them would artificially inflate the figures and distort the comparability of the data. By restricting this analysis to the 14–18-year-old group in both countries, we can draw more accurate conclusions about the trends, differences, and similarities in youth offending across these two legal and social contexts.

When looking at this comparable age group in Croatia and Hungary over the past decade, the data reveal several notable similarities. Both countries have experienced an overall decline in youth offending rates across the period from 2014 to 2021, followed by a slight rise after the COVID-19 pandemic. The sharp drop in offending during the pandemic years is visible in both countries and can likely be attributed to restricted mobility, school closures, and limited

opportunities for youth to engage in delinquent behavior. This common pattern suggests that broader social and situational factors, such as lockdowns and public health measures, had a similarly powerful mitigating effect on youth crime in Croatia and Hungary. Despite these common trends, the scale and intensity of youth offending between the two countries differ considerably. Throughout most years under review, Hungary's rates of reported, accused, and convicted juveniles aged 14–18 have been substantially higher than Croatia's rates. Even as offending declined, the absolute numbers per 100,000 inhabitants remained larger in Hungary, and the post-pandemic reappearance in youth crime was also more noticeable. One reason may be demographic and socioeconomic differences. In this regard, we mainly aim for the fact that Hungary has a larger youth population and potentially higher rates of urban youth concentration in economically disadvantaged areas, which can increase exposure to risk factors like peer pressure, unemployment or substance use. Nevertheless, legal and policy differences may also play a role. Hungary's more formalized juvenile justice processes could result in a higher proportion of youth cases reaching the accused and convicted stages compared to Croatia's emphasis on diversion and alternative, community-based measures that resolve youth offenses before formal adjudication. Despite this, the overall trend, marked by declining rates up to 2021 followed by slight increases, suggests a shared direction across the region. Both Croatia and Hungary seem to have benefited from policy efforts over the past decade to reduce youth offending through prevention, education, and rehabilitative measures rather than relying on incarceration or other punitive responses. The pandemic's brief but sharp impact and the slight increase in youth offending suggest that these youth-focused policies are effective in stable times but can be challenged by sudden socioeconomic shocks or changes in social dynamics, as was seen after the pandemic. Furthermore, a key similarity is also visible in conviction rates. In both countries, most of the accused juveniles are convicted. This indicates that once juveniles enter the formal legal system in either jurisdiction, they face a high probability of legal consequences. This highlights a shared focus on accountability once youth are brought before a judge, even if the rates of entering the justice system are decreasing overall. Lastly, when comparing Croatia's and Hungary's youth offending rates for juveniles, we see more parallels than differences in the broad trends over the past decade. Both countries have achieved sustained reductions in youth crime through rehabilitative and preventive measures, especially visible prior to the pandemic. The latest increase in youth offending in both countries calls for supporting continued investment in child-centered

prevention and alternative measures in both countries, as well as ongoing monitoring to identify risk factors early and maintain the positive trends in reducing youth offending rates.

b) Types of Offenses

As stated above, considering the lack of appropriate data, the variable type of offense is conducted just for Croatia and is, therefore, excluded from the comparative statistical section of this research. This decision preserves the analytical integrity of the research, avoids forced or misleading comparisons, and ensures transparency in the treatment of data limitations.

c) Court Decisions and Sanctions/Measured Imposed

When comparing the use of legal measures imposed on juveniles in Croatia and Hungary over the last decade, both countries show a broad commitment to rehabilitative and alternative interventions rather than punitive incarceration. However, the data also highlight important differences in the scale, stability, and responsiveness of their systems to social and policy changes.

As seen in the graphs, in both countries, juvenile prison sentences are the least frequently used sanction. Croatia has maintained very low rates of incarceration throughout the entire period, while Hungary's prison rates for juveniles also fell substantially after 2014, reaching similarly low levels as Croatia by 2022. Both countries clearly aim to reserve prison sentences for only the most serious offenses, in line with European principles that emphasize rehabilitation and reintegration over punitive responses. This indicates a shared understanding that incarceration is counterproductive for most youth, with other measures preferred unless the offense is extremely serious. Furthermore, measures that keep juveniles under supervision in the community (probation or surveillance measures) have played a more significant role in both countries. However, we see a notable divergence in scale and trend. Croatia's rates of surveillance measures started higher in 2014 and gradually declined across the period, suggesting a sustained effort to reduce formal supervision by focusing on prevention and diversion earlier in the process. Even during the pandemic years, Croatia maintained relatively stable rates with only minor fluctuations after 2021, showing a consistent commitment to rehabilitative supervision that adapts easily to changing circumstances. Hungary's rates of probation, as the equivalent measure, also followed a declining pattern over time but began at a much higher level. Throughout most of the decade, Hungary relied

much more heavily on probation as its primary alternative to custody. That said, Hungary experienced a significant drop during the pandemic years and a sharp increase again in 2022 and 2023 as restrictions eased. This rebound could indicate that Hungary's probation measures may be more responsive to short-term social fluctuations. This may also mean that the Hungarian juvenile justice system leans heavily on probation as a standard response, so whenever youth offending patterns or law enforcement priorities change, the number of probation cases rises or falls noticeably. Moreover, as for placement in correctional or reformatory institutions, both countries maintained more stable rates over the entire period. Croatia showed only slight variations, indicating that institutional placement is reserved for a steady core of juveniles who cannot be managed in the community due to the seriousness of their offenses or other risks. This approach suggests that Croatia's approach to institutional measures is cautious and measured, keeping it as a secondary option after other rehabilitative tools. Similarly, Hungary followed this pattern of stable, low rates of correctional placement, although its rates remained slightly higher than Croatia's. Hungary, too, appears to impose reformatory placement as a last-resort option. Even during the pandemic and the post-pandemic period, there were only minor changes in institutional placement rates. This stability indicates that Hungarian judges and professionals working with youth maintain a consistent threshold for removing juveniles from the community and placing them in institutions, regardless of fluctuations in other measures.

When the two countries are compared side by side, both systems aim to reduce reliance on punitive, custodial measures and emphasize rehabilitative options like probation and community supervision. However, Croatia's measures appear more stable and sustained, with gradual and modest trends over time. This consistency implies a youth justice model that is well-embedded in preventive and diversionary practice and less reactive to short-term social shocks. Hungary's juvenile justice system, on the other hand, reveals greater instability, especially in its use of probation. The steep declines followed by 2021 suggest that Hungary's youth measures may be more susceptible to external factors like policy shifts, resource availability, and social disruptions. This might also point to a justice system that is still adjusting its balance between community-based measures and formal legal processes, responding flexibly to surges in youth offending or changes in enforcement. Despite these differences, the shared emphasis on reducing incarceration and utilizing rehabilitative measures reflects the broader European commitment to treating juveniles as capable of reform and deserving of support.

CHAPTER 5: QUALITATIVE INSIGHTS: INTERVIEW METHODOLOGY AND FINDINGS

5.1. Rationale for Interview Methodology

The qualitative interviews conducted in this chapter are not intended to create legal norms or to develop an independent legal theory. Their primary purpose is to assess the effectiveness of existing juvenile justice law in practice. From a legal perspective, the function of interviews as a diagnostic tool, allowing an evaluation of whether procedural safeguards and reintegration-oriented principles incorporated in domestic and international legal frameworks are purposefully implemented. This approach is consistent with empirical legal research, which examines how legal rules operate within institutional settings and how they are applied by legal actors. Moreover, the interviews complement the doctrinal and statistical analysis by revealing implementation gaps, institutional constraints, and distinctions between normative rules and practical realities.

Given the complexity and multidimensionality of juvenile justice systems, a purely legal or statistical analysis would be insufficient to capture the lived realities of the individuals embedded within them. In order to move beyond purely doctrinal or statistical analysis, this chapter adopts a qualitative, field-based approach to better understand the realities of juvenile justice as implemented in Croatia and Hungary. The rationale for choosing semi-interviews as a methodological tool lies in their capacity to uncover subjective experiences, professional insights, and institutional dynamics that remain blurred by the normative texts or administrative data. By prioritizing narrative, perception, and reflection, the research aims to bridge the gap between formal frameworks and practical implementation.

This interview methodology was designed to generate a triangulated perspective of juvenile justice by engaging three distinct but interrelated groups: judicial actors, institutional staff, and juveniles themselves. Each of these groups holds a unique viewpoint. Judges provide a macro-level understanding of systemic goals and legislative challenges, institutional staff reflect on operational realities and institutional constraints, while juvenile offenders offer an essential view of how justice is experienced on an individual level. The interviews were thematically structured to ensure coherence across respondents and to facilitate comparative analysis. Thematic consistency allowed the identification of recurring patterns and divergences across different roles and countries, without compromising the individual expression. While interviews in Hungary

included professionals from both the judiciary and institutional staff, interviews with juveniles were conducted exclusively in Croatia due to ethical and legal access restrictions in Hungary. Nonetheless, the Croatian juvenile sample proved exceptionally valuable in highlighting intra-systemic differences, particularly the contrast between those placed in correctional facilities and those incarcerated in juvenile prisons.

The use of interviews in this research was not just to collect personal stories, but a conscious methodological decision aimed at better understanding how laws, institutional practices, and real-life experiences come together. It is through these voices that this chapter seeks to capture the complex, often contradictory, reality of juvenile justice and its (non)capacity to rehabilitate. Finally, by combining these perspectives, the chapter at hand seeks to identify both national specificities and broader regional patterns across the two case study countries. The goal is not only to assess how closely practice aligns with international standards but also to shed light on the human and institutional factors that shape rehabilitation outcomes.

5.2. Perspectives from the Judiciary

To understand how juvenile offenders are treated within differing legal systems, qualitative interviews were conducted with two highly experienced judges: one from Croatia and another from Hungary. Their reflections offer rare and critical insights into the practical implementation, systemic challenges, and potential reform paths in juvenile justice. Comparative juvenile justice research demonstrates that judicial practice is deeply shaped by national legal cultures, institutional traditions, and professional norms rather than by formal legal frameworks alone.⁴⁴⁸ Even where international standards are incorporated into domestic law, judges retain significant discretion in how those standards are interpreted and applied. This often results in significant variation between jurisdictions, sometimes even within the same system, particularly in the use of diversion, custodial measures, and rehabilitative responses. Judicial decision-making therefore reflects not only legal rules, but also culturally embedded understandings of punishment, responsibility, and the role of the state in responding to juvenile offending. This analysis synthesizes their perspectives to illustrate both national specificities and shared issues in the administration of juvenile justice. In analyzing the interviews conducted with members of the judiciary, I organized the content into

⁴⁴⁸ Hamilton, Fitzpatrick and Carr, 2016, pp. 228 – 231; Nelken, 2010, pp. 4 – 5.

four thematic categories. These categories reflect the key areas of discussion and allow for a structured examination of various aspects of juvenile justice. The first category focuses on the alignment of national systems with international standards, particularly the CRC. The second addresses the gap between legal frameworks and everyday judicial practice. The third explores the challenges in applying rehabilitative and non-custodial measures for juveniles. Finally, the fourth and final category examines the perceived effectiveness and fairness of current procedures. This division enabled a comparative analysis of the Croatian and Hungarian approaches within clearly defined thematic areas.

The interviewed Croatian judge serves as a judge at the Municipal Criminal Court in Croatia and is the Head of the Juvenile Department. In her role, she deals directly with cases involving juvenile offenders and is responsible for overseeing legal proceedings that involve young people in conflict with the law. With her expertise, she provided insight into the current state of Croatia's juvenile justice system, its alignment with international standards, and the key challenges faced in practice, such as the lack of specialized institutions and the difficulties of implementing restorative justice measures. The Hungarian judge whom I had interviewed is the former Vice President of the Supreme Court of Hungary. Before holding this high-ranking position, he worked extensively as a judge specializing in cases involving juvenile offenders. His long-standing experience in this field makes him a highly knowledgeable source on juvenile justice in Hungary. For this purpose, he shared his perspective on how the Hungarian system has developed in regard to juvenile offenders.

a) Croatia

When focusing on the legislative framework and international standards, the Croatian judge agrees that Croatia's juvenile justice legislation aligns with international standards. However, its practical implementation faces challenges. One of the main issues is the absence of specialized juvenile detention facilities. Juveniles are accommodated with adult offenders due to the lack of appropriate logistics, which raises concerns about their rehabilitation and protection. Additionally, the judge emphasized that Croatia lacks dedicated institutions for juveniles with intellectual disabilities. While one facility for male offenders exists, it is undergoing deinstitutionalization, and there is no equivalent institution for female offenders. Another problem is the lack of clear regulations on the implementation of sanctions, particularly concerning the

transport of juveniles to educational institutions in urgent situations. In that context, when comparing Croatia's system to those in Western European countries, the judge noted that restorative justice is highly developed in places like Norway and Switzerland. In these countries, probation services play a crucial role in preventing criminal proceedings. Croatia, in contrast, still lacks a strong understanding and implementation of restorative justice. According to the judge, Croatia's experience with the Homeland War continues to influence juvenile crime. Ethnic tensions occasionally manifest in juvenile offenses, including hate crimes and peer violence. In urban centers, youth criminal activities are sometimes linked to football fan groups and acts of aggression toward marginalized communities. The judge identifies the need for reforms in the enforcement of juvenile sanctions. Deinstitutionalization has created a gap in institutional care, leaving some juveniles without adequate treatment options. Expanding specialized juvenile facilities and developing clear procedural guidelines for juvenile offenders are critical areas requiring legislative attention.

Furthermore, Croatian courts apply the Youth Courts Act when dealing with juvenile offenders, ensuring that juveniles receive special legal treatment. European Union regulations on juvenile rights are incorporated into Croatia's legal system, granting juveniles legal representation, healthcare access, and the right to have an accompanying person during proceedings. In that regard, judges' experience shows that the juvenile justice system in Croatia prioritizes rehabilitation and reintegration over punishment. Prosecutors often use discretionary powers to divert cases before trial, applying the principle of expediency. This approach ensures that many cases do not proceed to court unless necessary. Defense attorneys also play a key role in rehabilitation by explaining legal rights to juveniles and advocating for their best interests. Moreover, as the judge noticed, the biggest challenge Croatia faces is the slow and incomplete deinstitutionalization process. While the goal is to shift from institutional treatment to community-based rehabilitation, the lack of alternative facilities makes it difficult to address all juvenile cases appropriately. Some juveniles require removal from their family environment for structured rehabilitation, but the system currently lacks adequate resources to provide such care.

Croatia has only a few juvenile correctional facilities, with Turopolje housing male offenders and Požega accommodating female offenders. While the conditions in these facilities are generally considered acceptable, there are concerns about their limited capacity and resources.

One major issue is the lack of specialized detention centers, leading to some juveniles being situated together with adult offenders. This arrangement contradicts international best practices, which emphasize the separation of juvenile and adult inmates to ensure appropriate rehabilitation. Hence, educational and vocational training programs exist within juvenile correctional institutions, but their effectiveness is difficult to measure due to limited research on recidivism rates. Some juveniles continue to commit offenses after release, indicating that the system may not be fully effective in preventing reoffending. The judge suggests that Croatia should increase the capacity of juvenile correctional institutions, improve psychological and psychiatric support services for juvenile offenders and expand the availability of educational and vocational programs in detention facilities.

One of the last aspects addressed during the interview was the future direction of juvenile justice, whereas restorative justice is seen as a promising approach for juvenile offenders in Croatia, but its implementation has faced challenges. As to the knowledge of the judge, an attempt was made to introduce the Dutch "STOP Program"⁴⁴⁹ as an alternative to formal punishment for minor offenses. However, due to poor preparation and lack of institutional support, the program was not widely accepted and was eventually discontinued. Currently, Croatia's policy focus is on addressing broader issues like domestic violence, leaving juvenile justice reform as a lower priority. In that context, the judge believes that more efforts should be directed toward improving the juvenile justice system by strengthening restorative justice programs, increasing training for professionals working with juveniles and ensuring that correctional institutions have sufficient resources to provide meaningful rehabilitation.

The judge concluded that while Croatia's juvenile justice system aligns with international standards, its implementation faces challenges due to limited facilities, inadequate restorative justice programs, and a lack of specialized resources. Expanding institutional capacity and improving rehabilitation services would significantly enhance the effectiveness of juvenile justice in Croatia.

⁴⁴⁹ The Dutch STOP programme targets children under the age of 12 who have committed minor offences, offering early intervention through an educational rather than punitive approach. It involves parental involvement, guided conversations, apologies, and symbolic reparation to promote awareness and prevent reoffending. Successful completion of the programme means the child avoids any further legal consequences.

b) Hungary

When evaluating the legislative framework and international standards, the Hungarian judge concluded that Hungary's juvenile justice system complies with international standards and prioritizes preventive measures. However, Hungary diverges from many European countries by setting the minimum age of criminal responsibility at 12 for the most serious crimes, while for other offenses, the general threshold remains 14. This approach is legally permissible under international treaties, which do not set a mandatory minimum age, but it remains a subject of debate in a broad community. As the judge emphasized, Hungary has made significant efforts to integrate child-friendly justice principles into its legal system. This includes the introduction of specialized child hearing rooms in police departments and the implementation of preventive probation measures to keep juveniles out of the formal justice system. The judge believes that while Hungary's legal framework is strong, the practical application by legal professionals needs improvement. Sensitization training for judges and prosecutors is necessary to ensure that juvenile cases are handled with an emphasis on rehabilitation rather than punishment.

Regarding juvenile law in practice, the judge said Hungary's Criminal Code includes a dedicated chapter on juvenile offenders, emphasizing minimal intervention and prioritizing education over punishment. Courts follow the principle that imprisonment should only be used as a last resort. According to the judge, the one distinctive feature of Hungary's system is the role of judicial probation officers, who assess cases and provide recommendations on rehabilitative measures. Probation officers also play an active role in developing probation plans and offering tailored programs, such as aggression management training. In this context, one of the biggest challenges facing Hungary's juvenile justice system is the high volume of cases, which puts pressure on legal professionals. While alternative measures like mediation and conditional prosecutorial suspensions exist, their practical application depends on the discretion of judges and prosecutors. Another issue is the shortage of trained professionals in juvenile correctional institutions, probation services, and other rehabilitative sectors.

Hungary has dedicated juvenile detention facilities that separate young offenders from adult prisoners, ensuring compliance with international best practices. These facilities provide educational and vocational training programs, psychological and social support services and family therapy sessions to encourage reintegration. Despite these efforts, the effectiveness of rehabilitation programs depends on the availability of trained professionals. In that regard,

Hungary has attempted to address this issue by incorporating reintegration officers and expanding support services. As the judge recognized, to strengthen the juvenile detention system, Hungary should increase investments in training and retaining professionals, expand the availability of specialized rehabilitation programs and ensure that reintegration programs effectively prepare juveniles for life after release.

At the end of the interview, we tackled the question of the future path for juvenile justice. In that regard, the judge familiarized us with the recently expanded application of restorative justice measures. New legislation broadens the use of mediation, diversion, and reparative measures for juvenile offenders. Conditional prosecutorial suspensions are now applicable to a wider range of offenses, while one of the most significant reforms is the increased flexibility in handling juvenile cases. Unlike before, prosecutors and judges now have greater discretion to apply restorative solutions, such as victim-offender mediation, rather than proceeding with criminal trials, but are also exploring how emerging technologies, such as artificial intelligence, can be used to improve case management and rehabilitation tracking.

At the very end of our conversation, the judge concluded that Hungary has developed a well-structured juvenile justice system with strong legal safeguards, dedicated probation officers, and a focus on rehabilitation. While challenges remain, particularly in the retention of professionals, Hungary is actively working to enhance restorative justice and improve its juvenile correctional facilities with structured approach to diversion and probation.

5.3. Perspectives from Juvenile Correctional Facilities

To further explore how juvenile justice functions in practice, I conducted interviews with staff members from juvenile detention and correctional facilities in both Croatia and Hungary. This part of the research aimed to capture the institutional realities that shape the everyday lives of young offenders and the professionals responsible for their care, supervision, and rehabilitation. Unlike the judiciary, which primarily deals with legal procedures and sentencing, institutional staff offer a direct, first-hand perspective on what happens after a juvenile enters the correctional system.

I conducted interviews with the directors of three different facilities: Turopolje correctional facility for boys in Croatia and the Budapest Juvenile Correctional Institution and Rákospalota correctional facility for girls. These directors provided an overview of institutional management,

policy implementation, and systemic obstacles faced in both national contexts. Their insights were essential for understanding the administrative and operational frameworks within which rehabilitation is expected to occur.

Beyond facility directors, I spoke with a range of professionals actively involved in the daily functioning of these institutions. These included psychologists, pedagogues, teachers, correctional officers, and youth educators. Engaging with this broad spectrum of employees was important in gaining a comprehensive understanding of the correctional environment. Each professional interacts with juveniles in a unique way and contributes to different dimensions of their rehabilitation. For example, psychologists offer insight into mental health challenges and therapeutic interventions, while pedagogues and teachers are responsible for educational development and cognitive engagement. Correctional officers and youth educators observe behavioral patterns, manage discipline, and often build the closest interpersonal relationships with the juveniles, making their observations particularly valuable.

The interviews with these employees were guided by a semi-structured questions that addressed a number of key thematic areas. These included the organization of daily life within the facility and the extent of staff engagement with juveniles, the accessibility and quality of educational programs, approaches to motivating personal growth and development, the availability of religious and medical support, institutional cooperation with social services and the challenges of aftercare, capacity constraints and material conditions within the facilities, perceived gaps in the legal and administrative frameworks and finally, employee reflections on their own commitment and views on potential reforms. By speaking directly with those responsible for delivering juvenile rehabilitation in practice, this segment of the research provides essential insight into the practical realities behind institutional care. Their testimonies reveal a vital perspective on understanding how broader legal goals, such as rehabilitation, reintegration, and the protection of minors, are either supported or undermined at the institutional level.

a) Croatia

The interview conducted with the director of the Juvenile Correctional Facility in Turopolje, Croatia, offered a comprehensive and experientially grounded perspective on the institutional dimension of juvenile justice. With over two decades of professional engagement in the field, including early work with criminally non-labile minors under the age of fourteen, the

director's insights reflect both practical wisdom and critical awareness of systemic constraints. Central to his approach is the conviction that constructive, human-centred interaction with juveniles is foundational to any rehabilitative process. He underscored the fragility of trust within institutional settings, noting that once juveniles perceive manipulation or insincerity from staff, opportunities for behavioural change significantly diminish. While the director acknowledged that Croatia's normative framework is largely harmonized with international standards, he identified persistent challenges at the level of implementation. Leading challenges he emphasized included chronic staff shortages, insufficient specialized facilities, and the absence of a coherent post-penal support system. Although juveniles may acquire vocational skills and develop motivation during their institutional stay, the lack of structured aftercare, especially in terms of housing and employment, often provokes reoffending and reintegration into the adult criminal justice system.

The institutional structure in Turopolje is semi-open, with both closed and partially open wards, designed to maintain order while supporting rehabilitation. The presence of judicial police and a system of internal discipline strengthen behavioural expectations. The director emphasized the difficulty of working with adolescents, citing their emotional instability, impulsivity, and lack of self-regulation. As he underscored, exactly that is the reason for a different operational philosophy than that applied to adult offenders. Rehabilitation in this context is organized around individualized treatment plans. Each new arrival undergoes a diagnostic process, resulting in a tailored intervention plan jointly developed by professionals from the institution, the social welfare centre, and the judiciary. Nevertheless, the director critically observed that the planned parallel intervention aimed at the family environment is rarely implemented in practice. He attributed this failure to systemic overburdening of social welfare centers and proposed the establishment of a specialized juvenile probation service. Such a service, he argued, would be more functionally aligned with the rehabilitative needs of this population and more capable of supporting meaningful community reintegration.

Moreover, education and vocational training represent core components of the institutional programme. Juveniles are afforded the opportunity to complete primary education or acquire micro-qualifications in trades such as metalworking, culinary arts, or hospitality. Importantly, their certificates do not reference the correctional facility, in an effort to mitigate social stigma. However, the director warned that without coordinated post-release planning, such qualifications may fail to serve their intended purpose. He further identified significant legislative and

institutional gaps, particularly the absence of adequate facilities for pre-trial juvenile detention and for offenders with cognitive or behavioural disorders. He advocated for the creation of a centralized facility to execute all juvenile sanctions, including educational measures, juvenile imprisonment, and pre-trial detention.

In addition to the insights provided by institutional leadership, interviews with frontline staff, including educators, psychologists, pedagogues, and social pedagogues, revealed the operational and emotional complexities of delivering rehabilitation within a constrained juvenile justice framework. These professionals, who interact daily with juveniles across a range of therapeutic, educational, and supervisory contexts, offered insight on both systemic limitations and deeply human engagement with the youth in their care.

A key topic that emerged from the conversations was the dual nature of their roles: balancing administrative responsibilities with direct therapeutic work. Staff operate in two shifts, while morning shifts are consumed with paperwork and documentation, afternoon shifts are dedicated to individual and group interventions. Programs are designed to address specific behavioral risks, such as violence, gambling addiction, or deficits in social skills. Yet staff consistently reported that administrative burdens reduce their ability to offer sustained and meaningful interaction with the juveniles. This constraint is particularly problematic given that most youth respond positively to individualized attention, and many show openness to change when they feel genuinely seen and supported. Furthermore, as highlighted by the employees, education is widely perceived as one of the most effective rehabilitative tools within the institution. Each juvenile follows a personalized educational plan, allowing them to complete primary school or obtain micro-qualifications in trades such as cooking, welding, or hospitality. However, staff emphasized the acute shortage of qualified teachers. This staffing gap has led to instances where subjects are taught by non-specialists, which has raised questions about the quality and sustainability of educational outcomes. On top of that, many arrive with disrupted educational histories but gradually reengage with schooling and rebuild their sense of worth and capacity. Religious and medical needs were also addressed. Monthly visits by religious organizations provide opportunities for spiritual reflection, while dietary and prayer accommodations are offered upon request.

Despite strong individual commitment, staff described the most significant challenge as the absence of an adequate post-release support structure. One of the many examples they gave

was about the young boy, upon turning 18, who was placed in a shelter for elderly psychiatric patients due to the lack of transitional housing. They had also referred to a previously state-supported ‘halfway house’ initiative that was discontinued due to financial constraints. This lack of continuity post-release often weakens the progress made during institutionalization and contributes to cycles of recidivism. Staff expressed frustration at being tasked with preparing youth for reintegration, only to see their efforts undermined by systemic neglect once juveniles exit the facility. Moreover, institutional conditions were another concern. Overcrowding, underfunding, and the absence of specialized facilities for juveniles with serious psychiatric disorders create ethically problematic placements that compromise the well-being of both affected and unaffected youth. Nevertheless, despite all the mentioned obstacles, staff expressed a high level of professional commitment. They often remain in contact with former juvenile offenders, celebrating their successes, such as finding employment after release. However, without structural reforms to address staff shortages, inadequate aftercare, and the continued lack of specialized therapeutic institutions, the long-term impact of their work remains unclear.

b) Hungary

The interview conducted with the director of the Budapest Juvenile Correctional Institute, Hungary’s primary pre-trial detention facility for juvenile boys, offered a critical institutional perspective on the current state of juvenile justice in Hungary. With over 15 years of experience in the system, the director provided an informed, though cautiously optimistic, overview of how the national juvenile justice framework aligns with international legal standards, while simultaneously highlighting operational and structural challenges.

From a legal-normative perspective, the director affirmed that Hungary’s practices are, in principle, consistent with international conventions. Juveniles are afforded basic rights during pre-trial detention, including continued access to formal education (primary and secondary) and psychological services. However, he was quick to emphasize that alignment *on paper* is often undermined by a lack of resources, insufficient professional staffing, and inadequate post-penal support. Similar to the Croatian legal system, one of the most pressing concerns expressed was the complete absence of structured post-release reintegration mechanisms. The institution currently lacks the capacity to engage in sustained work with juveniles’ families or to coordinate holistic reintegration plans. As the director noted, most young offenders return to the same socio-

environmental contexts, very often marked by poverty, neglect, or criminality, that initially contributed to their deviant behavior. This structural failure is intensified by the fact that roughly 90% of the juveniles are of Roma origin, reflecting broader patterns of ethnic marginalization and social exclusion.

Although I was not permitted to speak directly with the juveniles or to visit their rooms, the director provided a detailed description of the conditions. Juveniles are housed in three-person rooms. Most offenses are property-related (e.g., theft and robbery), though the director observed a worrying rise in sexual offenses, particularly of an online nature. While violent conflict within the facility is rare, there have been cases of disrespect toward staff, usually directed at older or more lenient personnel. In that regard, it was explained that more authoritative figures tend to exert control with greater assertiveness, reflecting a continued preference for hierarchical over therapeutic modes of governance. The facility offers daily structured activities, which the juveniles, according to the director, generally appreciate. The stability of routine is often described as a positive contrast to the chaotic environments many of them come. However, vocational education is entirely absent due to the lack of infrastructure for practice-based learning. This gap significantly limits the juveniles' prospects for successful reintegration and long-term distance from criminal activities. Another major issue is the chronic underfunding of the juvenile justice system. As the director stated, salaries for institutional staff are so low that many employees are forced to take on secondary jobs. This financial insecurity not only jeopardizes staff retention but also negatively affects the quality and consistency of care provided to the juveniles.

Finally, the director pointed to the lack of professional specialization as a systemic weakness. There are no dedicated experts in Hungary who focus exclusively on juvenile offending, and family involvement in treatment or rehabilitation is minimal to non-existent. This absence further reinforces the institutional detachment of care, making it difficult to create meaningful and sustainable outcomes.

Due to the high-security classification of the juvenile detention facility I initially sought to access in Hungary, I was not granted permission to speak directly with the minors or to enter the living area of the minors. Faced with these constraints, I redirected my research efforts and arranged a visit to the Rákospalota Girls' Reformatory Institution, which operates under Hungary's child protection system. This shift in location allowed me to engage in discussions with key personnel, including Head of Training and Head of the Correctional Facility.

The institution houses girls between the ages of 12 and 21 who have been sentenced to juvenile correctional education (*javítóintézeti nevelés*) for periods ranging from one to four years. Similarly to already previously stated, the most common offenses include theft and robbery. In addition to its core capacity for sentenced girls, the institution also includes a pre-trial detention unit with 20 places. These girls, awaiting trial, are held under stricter conditions and have fewer rights than their sentenced counterparts, including more limited visitation and phone privileges. In addition to that, the facility includes a special unit that accommodates juvenile mothers and their children. At the time of the visit, the youngest mother was just 13 years old.

Upon admission, each resident undergoes a psychological evaluation and anamnesis, which informs both their therapeutic plan and group placement. The daily structure is carefully organized to foster routine, discipline, and a sense of personal responsibility. Mornings are dedicated to education, both primary and secondary, delivered in small groups. An accelerated academic program enables the completion of a full academic year in a single semester. Afternoons are reserved for therapeutic group sessions, outdoor activities, and communal responsibilities such as preparing and cleaning up after meals. The institution places strong emphasis on creative and expressive therapeutic modalities. Besides the psychotherapy, available programs include dance therapy, art therapy, drama therapy, tale therapy, and previously, animal-assisted therapy involving dogs and horses. These methods are intended not only to support emotional regulation and trauma recovery but also to encourage socialization and self-expression through non-verbal channels. Despite clear efforts to humanize and structure institutional life, some fundamental problems persist. One of the most pressing issues is the widely acknowledged and problematic practice of the cohabitation of pre-trial detainees and girls with special psychological needs. Another troubling issue involves discriminatory practices.⁴⁵⁰

In regard to the capacity of staff, employees stated their levels are currently considered adequate. However, many employees are forced to take on secondary jobs due to low wages. During conversations, there was a strong emphasis on the need for systemic reforms, including the expansion of vocational training, the development of specialized roles for professionals working exclusively with juvenile offenders, and improved aftercare programs. Moreover, religious needs

⁴⁵⁰ For example, as it was mentioned during my visit, in certain Hungarian institutions, girls are forbidden from cutting their hair short or openly identifying as LGBTQ+, based on assumptions that such expressions indicate deviance.

are addressed through monthly church services, and small symbolic privileges are used to encourage good behavior.⁴⁵¹

At the time of my visit during April 2025, a striking demographic feature is that roughly 90% of the residents belong to the Roma community, reflecting a wider pattern of ethnic overrepresentation in the juvenile justice system. While the institution provides a relatively well-structured and humane environment during custody, reintegration support is seriously lacking. Girls who reach the end of their sentence without family support are placed in state care, often in long-term foster settings if they are aged 18 to 21. Others are simply released into independence without sustained guidance or follow-up. This absence of structured aftercare is widely recognized as a major contributor to recidivism. As witnessed by employees, most girls do not return to the same reformatory, but many reoffend as adults and end up in the prison system.

5.4. Perspectives from Juvenile Offenders

Engaging directly with juvenile offenders proved to be the most challenging aspect of this research, particularly because I do not have a background in psychology or sociology, and therefore lack formal training in how to approach this vulnerable population with the appropriate sensitivity and ethical caution. As a result, I had to rely on instinct, empathy, and careful observation to build trust and encourage open conversation. My interviews were conducted exclusively with juvenile offenders in Croatia, as I was not granted permission to speak with minors in Hungary due to my status as a non-Hungarian national.

The primary aim of these interviews was to explore the young participants' perceptions of the justice system, both judicial and correctional, as a form of experiential feedback from those directly affected by its mechanisms. The process was illustrating, not only for what the respondents said but also for how their tone, language, and emotional posture revealed deeper insights into their relationship with institutional authority, rehabilitation, and personal change. On that note, I must underline that a significant difference emerged between two subgroups: the first group included 14-18 years old juveniles currently residing in the juvenile correctional facility, while the second included individuals who had been placed in juvenile prison but had since reached

⁴⁵¹ For example, girls are allowed two cigarettes per day, a practice justified by staff as an incentive to foster compliance and routine.

adulthood, having committed their offenses while still minors. The younger generation tended to frame their experiences in terms of immediate impact, focusing on rules, relationships with staff, and the day-to-day reality of institutional life. In contrast, the older participants, now legally adults, reflected more critically on the justice system as a whole. Their narratives included longer-term perspectives, disappointment with post-institutional support, and a deeper awareness of systemic gaps that often hinder reintegration. This generational and developmental contrast offered a valuable lens through which to examine not only the subjective experience of incarceration, but also the broader implications of how age, maturity, and institutional context shape one's understanding of justice and rehabilitation.

In the following section, I present a synthesis of insights gathered through interviews conducted with juvenile offenders aged between 14 and 18, all of whom were serving court-ordered measures in a juvenile correctional institution in Croatia. In order to ensure thematic coherence, the interviews were systematically structured into four core thematic sections - legal background and judicial proceedings, conditions within the correctional facility, access to education and rehabilitation, and post-release perspectives and reintegration.

For most of the juveniles interviewed, the legal proceedings they underwent were broadly comprehensible, particularly in cases where legal representation was consistently present. Several participants affirmed understanding the charges brought against them and recognized the role of their defence lawyers, often appointed *ex officio*. However, a few admitted to being emotionally or intellectually unprepared to fully grasp the implications of their legal situations at the time, suggesting that the procedural safeguards intended to ensure meaningful participation may not always be applied with due regard to the cognitive and emotional development of minors. While perceptions of fairness in the judicial process varied, many expressed the view that their sentence, in this sense deprivation of liberty, was not unjustified. Several juveniles explicitly stated that their institutional placement served as a wake-up call, encouraging a sense of accountability or offering structure they previously lacked. Nevertheless, others hinted at a missed opportunity for less restrictive alternatives, such as community-based measures or placement in residential care settings, which they believed might have led to similar or even better rehabilitative outcomes without the stigma and rigidity associated with detention.

Institutional life, as described by the participants, followed a structured daily routine consisting of morning wake-up, shared cleaning duties, outdoor activities, educational programs,

and periods of rest and recreation. Most respondents emphasized that this structure brought a form of stability that was absent from their pre-institutional lives. Living conditions were described as generally adequate, with rooms typically shared by two to three individuals, access to personal storage, and acceptable hygiene and nutrition standards. Relationships with staff were largely reciprocal, as one young person remarked, *the way I treat them is the way they treat me*, underscoring the mutual respect that often governed daily interactions. However, some minors did mention variability in staff conduct, with specific criticism directed at correctional officers perceived as lacking empathy or professional suitability for work with adolescents.

Education emerged as one of the most valued aspects of institutional life. Many of the juveniles, including those with severely disrupted educational histories, expressed renewed interest in learning, often facilitated by individualized attention from teachers and mental health professionals. Vocational training, particularly in fields such as hospitality and welding, was frequently mentioned as a meaningful tool for future employment. These programs were seen not only as tools for personal development but also as tangible pathways to economic independence post-release. Nonetheless, limited resources and staff shortages occasionally obstructed continuity and depth of educational engagement. Furthermore, participation in rehabilitative programs varied, but a majority of the interviewed youth reported attending group-based interventions such as social skills training and programs focused on violence or substance abuse prevention. Individual psychological support was available and generally appreciated, especially when accessed voluntarily. Notably, several juveniles described these interventions as helpful but not necessarily transformative. In that regard, they emphasized that real change depends more on personal motivation and support networks than on institutional programming alone.

Finally, a critical gap identified by almost all participants was the lack of structured support for post-release reintegration. While most maintained contact with family and viewed family ties as a foundation for future stability, few reported receiving systematic guidance or mentorship related to life after institutionalization. Some had clear plans in the form of seeking employment in construction, gastronomy, or even military service, while others showed uncertainty, especially regarding housing or further education.

This section presents insights from male participants aged 17 to 23, sentenced for various offenses, including theft, robbery, sexual exploitation, and homicide, based on interviews conducted with individuals held in Croatian correctional institutions. Their perspectives provide a

unique view of institutional life, the functioning of the judiciary, the role of rehabilitative efforts, and the challenges of post-release reintegration. Importantly, all participants committed their offenses as minors, and thus their cases fell within the domain of juvenile justice, though some had by the time of the interview reached legal adulthood.

To facilitate structured comparison and thematic clarity, the interviews employed the same methodology as those in the correctional facility, grouping questions into four analytical categories: legal background and court proceedings, conditions within the correctional institution, access to education and rehabilitative programming, and prospects for reintegration after release. Most respondents expressed at least partial understanding of the legal processes they had undergone. All reported being represented by a lawyer, though the depth of engagement with their defence varied. While some juveniles felt adequately supported, others conveyed a more passive experience of their trial, suggesting that age-appropriate legal communication was not always ensured. A few also raised concerns regarding the fairness of their sentencing, particularly those who felt that less restrictive alternatives were never seriously considered or proposed.

Life inside the juvenile prison was described in largely pragmatic terms, grounded in structured daily routines. Respondents consistently described similar schedules across institutions, consisting of waking early, engaging in assigned labor (primarily agricultural work), followed by lunch, rest, and occasional access to leisure spaces such as libraries or gyms. Shared rooms were the norm, often housing up to five individuals. In terms of safety, while most juveniles described the environment as generally secure, some emphasized that trust and mutual respect among peers and staff were essential to maintaining order. Moreover, the inconsistency or inadequacy of rehabilitative services was a recurring topic in nearly all interviews. Educational programs, where available, were seen as a valuable opportunity, particularly for those with disrupted school histories. Vocational training, including culinary and mechanical workshops, was complemented, but often limited by staffing shortages and a lack of certified instructors. On the psychological front, most respondents reported an absence of structured psychosocial treatment or noted that such interventions were either unavailable or poorly matched to their needs. One older interviewee characterized the justice system as indifferent: *They don't look at anything. They just convict and that's it.*

Restorative justice approaches, such as mediation with the victim, were universally absent from these juveniles' experiences. While a few expressed willingness to the idea, none had been

offered participation in such programs. Similarly, alternatives to incarceration had rarely been discussed during sentencing. Most juveniles indicated that no other options were presented, with several stating that even if alternatives existed, they were unaware of them. Lastly, reintegration appeared as the most fragile link in the rehabilitative chain. Some inmates had concrete plans, including returning to family, continuing education, or joining pre-arranged employment, while others expressed uncertainty, particularly due to the lack of post-release guidance or support structures. What is particularly concerning is that some of the interviewed inmates expressed a desire for revenge against the justice system staff, but also indicated plans to return to criminal activities, though, as they noted, with greater caution this time. Such statements raise serious doubts on the effectiveness of rehabilitation within these institutions and compel us to question whether they serve their intended purpose at all.

5.5. Comparative Analysis of Interview Findings

By integrating perspectives from these distinct yet interdependent actors, such as, judiciary, institutional staff, and juveniles, in both Croatia and Hungary, this analysis provides a multi-dimensional understanding of how juvenile justice is constructed, practiced, and experienced. It is precisely this triangulated approach that represents one of the most significant contributions of this research. Through the voices of those who shape, implement, and endure the system, this chapter reveals both shared challenges and national specifics, shedding light on underlying systemic issues and possibilities for reform. Across both jurisdictions, judicial actors emphasized formal alignment with international standards. However, both judges acknowledged that compliance at the legislative level is often undermined by challenges in practical implementation. In Croatia, the judge highlighted the lack of specialized juvenile facilities, insufficient post-penal support structures, and the slow pace of deinstitutionalization. Similarly, in Hungary, while legal safeguards exist, such as child-friendly procedures and diversionary measures, their application is uneven and constrained by high caseloads, limited resources, and a lack of professional specialization. Both judges also recognized the promise of restorative justice approaches, though efforts to embed them meaningfully into practice have faced operational and institutional resistance.

Institutional staff across both countries highlighted many of these concerns, offering detailed insights into the day-to-day realities of juvenile rehabilitation. In Croatia, staff described

a system stretched thin by chronic underfunding, staffing shortages, and inconsistent aftercare. Although individualized educational and therapeutic programs are provided, they are often undermined by administrative overload and a lack of qualified personnel. Hungarian staff similarly pointed to low wages, high turnover, and minimal engagement with families as key barriers to effective rehabilitation. Notably, in both contexts, professionals expressed deep personal commitment to the juveniles under their care but felt that their efforts were systematically diminished by structural neglect and insufficient state support.

From the perspective of the juveniles interviewed in Croatia, offering a rare insight into the internal variation of experiences within the same national justice system. A clear distinction emerged between two groups: minors placed in juvenile correctional facilities and those incarcerated in juvenile prisons, despite all participants having committed offenses as minors. Respondents from the correctional facilities, aged between 14 and 18, tended to express a forward-looking and hopeful perspective. Their narratives frequently centered on access to education, vocational training, and the desire for personal improvement. Many described the institutional structure as stabilizing and even welcomed the opportunity to re-engage with schooling or develop new skills. For them, institutionalization was not only a sanction but also a turning point. In contrast, those held in juvenile prisons, often older youth who had since reached adulthood, presented a far more disillusioned view. Their reflections were marked by cynicism and emotional detachment. Most viewed incarceration as something to endure rather than engage with, having lost confidence in the rehabilitative promises of the justice system. Educational or psychological programs were either unavailable or seen as superficial, and few expressed belief that the system had done anything meaningful to support their reintegration. As one respondent bluntly noted, *you're just here to wait it out*. This contrast underscores how institutional setting, age, and cumulative experience with the justice system shape different attitudes toward rehabilitation.

A shared topic across all stakeholder groups is the recognition that punitive measures alone are insufficient. While there is rhetorical commitment to rehabilitation, the reality is often marked by inadequate coordination between institutions and weak support for reintegration. Both countries struggle to provide meaningful, individualized care in environments shaped by resource deficiency and political ambivalence. Moreover, the overrepresentation of Roma youth in both Croatian and especially Hungarian institutions point to deeper structural inequalities, ranging from educational marginalization to ethnic discrimination, that juvenile justice systems alone cannot address, but

which they often reproduce. International evidence on alternative care systems provides further support for this interpretation. UNICEF's comparative analysis of alternative care across 28 countries demonstrates that children from marginalised ethnic minorities and socially excluded communities are disproportionately represented in institutional and residential care settings.⁴⁵² The report highlights that poverty, discrimination and limited access to education and family support services significantly increase the likelihood of placement in alternative care, particularly where preventive and family-strengthening measures are weak.⁴⁵³ These patterns indicate that alternative care systems, much like juvenile justice systems, risk reproducing existing social inequalities unless embedded within broader social inclusion and anti-discrimination frameworks.⁴⁵⁴ These patterns are consistent with broader child welfare research showing that socioeconomic contextual factors such as poverty, unemployment, public welfare access, and residential instability influence placement outcomes and contribute to racial disparities within foster care systems. For example, recent analysis of U.S. foster care data found that higher rates of SNAP⁴⁵⁵ participation and residential mobility are linked with greater placement instability, and that macro-level socioeconomic conditions interacted with race to shape children's experiences in care.⁴⁵⁶

Lastly, this triangulated insight demonstrates that no single reform effort can succeed in isolation. Legislative advances will remain void without operational investment, therapeutic programs will fail without professional support and the goals of rehabilitation and reintegration will be unmet unless juveniles are heard, supported, and prepared for life beyond institutional walls. It is through this layered, comparative approach that the research reveals the full complexity of juvenile justice, not as a linear process, but as a network of interdependent actors, policies, and realities that must be aligned if the system is to fulfil its rehabilitative requirements.

⁴⁵² UNICEF, 2010, pp. 26 – 27.

⁴⁵³ Ibid., p. 52.

⁴⁵⁴ Ibid., pp. 87 – 89.

⁴⁵⁵ SNAP (Supplemental Nutrition Assistance Program) is a United States federal food assistance programme providing benefits to low-income households. In research contexts, participation in SNAP is commonly used as a proxy indicator of household-level socioeconomic disadvantage and poverty.

⁴⁵⁶ Heaton, Sabol, Baumann, Harison and Goodell, 2025, pp. 11 – 12.

CHAPTER 6: HYPOTHESIS TESTING

6.1. Analysis of Hypothesis No.1

H1: The legal provisions governing the treatment of juvenile offenders vary significantly among Central and Eastern European countries, with only a subset fully aligning with international children's rights standards. (normative hypothesis)

This chapter examines the normative hypothesis that the legal provisions governing the treatment of juvenile offenders vary significantly across Central and Eastern European countries, and that only a subset of these states have fully aligned their legal frameworks with international children's rights standards. The aim is to assess the extent to which national juvenile justice laws correspond to obligations derived from the CRC and other relevant international documents. The hypothesis is explored through a normative comparative analysis, focusing on Croatia, Serbia, Slovenia, Hungary, Slovakia, the Czech Republic, and Poland.

The methodological framework integrates structured normative indicators, including the MACR, the nature and scope of sanctions (rehabilitative versus punitive), the availability and implementation of alternative and restorative measures, procedural guarantees, and the existence of specialized institutions and personnel for juvenile cases.

The analysis reveals considerable variation in the alignment of national laws with international standards. Croatia and Slovenia demonstrate high levels of compliance. Both countries have established MACRs of at least 14 years, employ specialized juvenile courts and professionals trained in child development and justice, and emphasize educational and reintegrative measures over incarceration. Detention is explicitly a last resort, and legal frameworks actively promote child reintegration through individualized interventions, mediation, and restorative justice mechanisms. In contrast, Serbia, Hungary, and Poland exhibit partial compliance. In these countries, key obstacles to full implementation include insufficient infrastructure for non-custodial and rehabilitative measures, inconsistent application of procedural safeguards, and limited availability of trained personnel specialized in juvenile justice. Moreover, institutional inertia and a remaining punitive orientation within prosecutorial and judicial practices often obstruct the practical realization of child-centered principles, despite the existence of formal legal provisions. In Serbia, although the MACR is also 14 and the legal framework allows for a

broad set of educational measures, including non-penal educational orders and court-imposed educational measures, the practical and sufficient rehabilitative infrastructure weakens full compliance. Hungary demonstrates similar issues. While the legislative structure aligns formally with international norms, reports indicate continued use of pretrial detention and an underdeveloped system of alternative sanctions. In Poland, although juvenile offenders may benefit from educational and corrective measures, procedural safeguards such as legal representation and the use of child-sensitive proceedings are inconsistently applied. Institutional specialization remains uneven across regions, and there is limited nationwide support for restorative justice mechanisms. Slovakia and the Czech Republic show the lowest degree of normative alignment. The MACR is formally established but has been criticized for lacking clear guidelines for individualized assessment and for limited use of diversion. A key example is the handling of juvenile cases in general criminal courts, which often fail to accommodate juvenile-specific needs such as individualized assessment, privacy protections, and child-sensitive procedures. For instance, hearings may be conducted in intimidating environments without the presence of child psychologists or trained juvenile specialists, and judges may lack specialized training in developmental psychology or children's rights, resulting in proceedings that are procedurally uniform but developmentally inappropriate. These systems lack comprehensive institutional specialization, and their legal responses are often more retributive than rehabilitative. There is limited evidence of restorative justice practices or diversion mechanisms, and children are frequently processed in environments not adequately adapted to their age or developmental needs.

The findings support the hypothesis that substantial legal and practical divergence exists among CEE states, with only a minority fully implementing international standards in both law and practice. The observed discrepancies cannot be attributed solely to differences in legal texts, but rather stem from deeper structural, cultural, and political factors that influence the operation of juvenile justice systems. Many countries demonstrate formal compliance without corresponding changes in institutional culture, professional training, or resource distribution. This implementation gap compromises the effectiveness and fairness of juvenile justice systems and often undermines the principles of the best interests of the child.

To address these challenges, the chapter proposes several strategic recommendations. These include strengthening the institutional and professional capacity of juvenile justice systems

through targeted training, increasing transparency in statistical reporting and monitoring practices, fostering regional cooperation and knowledge exchange, and establishing oversight mechanisms to ensure that formal legal standards translate into meaningful protection and rehabilitation for children in conflict with the law. Furthermore, child participation in the design and evaluation of juvenile justice policies should be institutionalized to ensure that systems reflect the realities and needs of their primary stakeholders.

In conclusion, the hypothesis is confirmed. Significant normative discrepancies persist across Central and Eastern European countries in the treatment of juvenile offenders, and only a limited number have achieved full alignment with international children's rights standards. The findings highlight the importance of bridging the gap between *de iure* harmonization and *de facto* implementation to create juvenile justice systems that are not only compliant but truly child centered.

6.2. Analysis of Hypothesis No.2

H2: Statistical trends show that juvenile justice in Croatia and Hungary prioritizes punitive sanctions, while rehabilitation and reintegration programs within correctional facilities remain insufficient, limiting successful reintegration into society. (implementation hypothesis)

This part critically examines the implementation hypothesis that juvenile justice in Croatia and Hungary continues to prioritize punitive sanctions, while rehabilitation and reintegration programs within correctional facilities remain insufficient, ultimately limiting the successful reintegration of juvenile offenders into society. Looking at statistical trends from the past decade and qualitative insights from judicial actors, institutional staff, and juveniles themselves, this analysis reveals persistent systemic challenges that undermine the rehabilitative objectives of both countries' juvenile justice systems.

Quantitative data from 2014 to 2023 demonstrate that both Croatia and Hungary have made substantial progress in reducing formal incarceration rates for juveniles. In Croatia, custodial sentences remained notably rare, while Hungary saw a measurable decline. At first glance, these data suggest a shift toward less punitive responses. However, the broader patterns of sanctioning indicate a more complex picture. In both countries, intermediate measures, such as probation in Hungary and surveillance in Croatia, continue to serve as default sanctions. Notably, Hungary's

use of probation, while extensive, has shown greater irregularity over time, revealing a justice system more reactive to external pressures such as socio-economic shifts and pandemic-related disruptions. Croatia, on the other hand, exhibits more stable trends, possibly indicative of a justice model embedded in diversion and preventive practice. Yet, the persistent use of institutional placements in both jurisdictions, including correctional and reformatory facilities, signals a continued reliance on structured confinement over fully community-based solutions. The insufficiency of reintegration support and rehabilitative infrastructure within these facilities becomes even more apparent when viewed through the lens of institutional practice. Interviews with correctional staff and facility directors in both countries expose consistent challenges. For instance, in Croatia, while vocational training and individualized educational plans are present, chronic staff shortages, administrative burdens, and an underdeveloped post-release support system significantly diminish their impact. In Hungary, the situation is similarly painted. Although formal education and psychological support are nominally available in juvenile detention centers, vocational training is often absent, and the reintegration process lacks coherent institutional planning. Critical perspectives on the school-to-prison pipeline help contextualise these findings highlighting how educational exclusion and weak institutional support systematically contribute to justice system involvement. Disciplinary school practices, restricted access to meaningful educational opportunities, and the criminalisation of behavioural difficulties disproportionately affect already marginalised children, increasing their likelihood of contact with the justice system and placement in custodial settings.⁴⁵⁷ This pattern reveals that insufficiencies in educational approach and reintegration planning reflect systemic issues rather than separated institutional failings, forming part of a wider pipeline linking educational marginalisation to penal involvement. Staff across Hungarian facilities report low wages, high turnover, and minimal collaboration with families or community services, all of which decrease the stability and effectiveness of the rehabilitative process. Crucially, the voices of juveniles themselves further highlight the gap between legal commitments to rehabilitation and the lived experience of institutionalization. Interviews conducted with incarcerated youths in Croatia reveal a distinct perception between those placed in correctional institutions and those sent to juvenile prisons. While the former often viewed their placement as an opportunity to re-engage with education and build new skills, the

⁴⁵⁷ Crawley, 2020, pp. 3 – 12; see also in: Hemez, 2019; Carter, 2025.

latter expressed deep dissatisfaction with the system. These older juveniles described institutional life as emotionally alienating and without meaningful rehabilitative support.

Empirical research on justice-involved youth indicates that adjustment difficulties within confinement settings are not incidental but are closely tied to the structural conditions of incarceration.⁴⁵⁸ The institutional environment frequently undermines the psychological well-being of young people by exposing them to stress, insecurity, and disruptions in social relationships.⁴⁵⁹ Moreover, studies of adjustment in custodial settings show that these environments are poorly aligned with adolescents' developmental needs, often exacerbating internalising difficulties such as anxiety and depression, especially among younger and first-time detainees.⁴⁶⁰ Moreover, the absence of structured aftercare emerged as a major concern, with several respondents voicing uncertainty about their future prospects or, more alarmingly, an intent to reoffend in more premeditated ways. Judicial perspectives further emphasize this implementation gap. Judges from both countries acknowledged that while national legislation largely complies with international standards, the realities of practice tell a different story. In Croatia, the judge emphasized the lack of specialized juvenile facilities and the slow, incomplete process of deinstitutionalization. Similarly, the Hungarian judge noted that although probation and child-sensitive procedures exist in law, their effective application depends on the discretion of overburdened professionals operating in an under-resourced system. Both judges identified restorative justice as a promising, but underutilized area of reform, delayed by systemic resistance to change and inadequate training of professionals.

Taken together, the statistical trends and qualitative accounts confirm the implementation hypothesis. Despite formal advances and declining incarceration rates, juvenile justice in Croatia and Hungary continues to exhibit a structurally punitive orientation. Rehabilitation is promoted theoretically but remains inconsistently practiced due to fragmented institutional frameworks, inadequate staffing, and a profound lack of structured post-release support. The persistence of these deficiencies not only diminishes the possibility of successful reintegration but also contributes to cycles of recidivism and social exclusion. Moving away from punitive paradigms will require not only harmonizing domestic legislation with international norms but also

⁴⁵⁸ Duchschere, Carter and Collins, 2022, pp. 45 – 59.

⁴⁵⁹ Cesaroni, and Peterson-Badali, 2010, pp. 48 – 50.

⁴⁶⁰ Ibid., pp. 42 – 45.

committing to sustained investment in professional development, cross-sector coordination, and the systematic implementation of tailored, community-based reintegration mechanisms that go beyond a juvenile's release.

CHAPTER 7: CONCLUSION AND RECOMMENDATIONS

7.1. Summary of Findings

This dissertation examines the normative and implementation dimensions of juvenile justice in Croatia and Hungary, framed through two central hypotheses concerning legal alignment with international standards and the effectiveness of rehabilitative practices. The preceding chapter provided detailed analyses to confirm both hypotheses on the basis of legislative review, statistical analysis, and fieldwork-based qualitative data. This final synthesis aims to reflect on what these findings imply for the functioning, development, and reform of juvenile justice systems in post-socialist Central and Eastern Europe.

The research affirms that normative alignment, while essential, is not itself a guarantee of juvenile justice that is aligned with human rights standards or focused on rehabilitation. Both Croatia and Hungary have developed legislative frameworks that incorporate key principles from the Convention on the Rights of the Child. However, as international studies underline, effective implementation of children's rights in juvenile justice requires careful attention to domestic legal traditions, institutional capacities and socio-economic contexts, since universal standards operate within diverse national frameworks that retain significant discretion in practice.⁴⁶¹ A significant insight from this study is that formal legal harmonization obscures deeper structural and cultural continuities with earlier, more punitive legal traditions. The presence of international standards within legislation does not always ensure their consistent application in practice. This tension is particularly visible in the persistent gap between what the law prescribes and what institutional and professional capacities witness. Moreover, fieldwork revealed that the real effectiveness of juvenile justice is shaped not only by legal provisions but equally by how professionals interpret and apply them, how institutions are structured, and whether adequate staff and resources are

⁴⁶¹ Liefwaard, 2020, p. 294.

available. Empirical research on organizational implementation demonstrates that even when staff express strong support for evidence-based or rights-based practices, system-level structural barriers, such as limited service capacity, weak inter-agency communication and insufficient leadership support, significantly limit their consistent implementation.⁴⁶² Even when rehabilitation is emphasized in official discourse, institutions often lack the structural support, such as sufficient funding, proper aftercare programs, and trained personnel, needed to implement it effectively. This gap highlights that aligning laws with international standards is not enough. It must be supported by effective policy execution, cross-sector collaboration, and adequate resource allocation.

Another important point in the findings relates to how justice is perceived and experienced differently by key actors within the system. Judges, institutional staff, and juvenile offenders do not just perform different functions. Rather, they approach the juvenile justice system from various perspectives shaped by their roles, responsibilities, and institutional settings, even though they all operate within the same legal framework. Judges emphasize procedural guarantees and diversion mechanisms, staff focus on discipline and structure, while juveniles speak of everyday life in the system. Some research show that dividing children into categories such as offenders and non-offenders can obscure the complex social realities they share and risk allowing a single aspect of a child's identity to shape institutional responses.⁴⁶³ These perspectives reveal the fragmentation within the system and highlight how legal and institutional reforms must be adapted to the lived experience of those most affected by them. Crucially, the comparative nature of this research revealed that progress in juvenile justice is not always linear or uniform, even among states with shared histories or similar legal commitments. Although Hungary has expanded its use of preventive measures such as probation, its juvenile justice system still leans heavily on institutional discipline even in less severe cases. Croatia, though formally committed to restorative and educational approaches, struggles with infrastructural limitations that obstruct the consistent application of those values. These differences reflect how juvenile justice evolves within specific national contexts, where historical legacies, political priorities, and institutional norms all significantly shape its trajectory. Comparative criminological analyses further demonstrate that global narratives of juvenile justice reform oscillate between rights-based optimism and penal

⁴⁶² Johnson-Kwochka, Dir, Salyers and Aalsma, 2020, pp. 8 – 9.

⁴⁶³ McGhee and Waterhouse, 2007, pp. 13 – 114.

severity, with welfare and punitive logics frequently co-existing within the same system.⁴⁶⁴ Moreover, the findings challenge the assumption that a decline in incarceration rates automatically signals a rehabilitative turn. As shown in the statistical review, both countries have reduced formal custodial sentences yet continue to rely heavily on institutional placements and lack mechanisms for reintegration. Research on changing patterns of juvenile court intervention indicates that reductions in the most severe sanctions can coincide with an expansion of less severe, but more frequent, forms of formal control, effectively widening the net of system involvement rather than transforming its nature.⁴⁶⁵ International research on alternative care systems provides important context for understanding the ongoing reliance on institutional placements. Based on a comparative analysis of alternative care policies and practices in 28 countries, UNICEF emphasises that although many nations have committed to deinstitutionalisation, residential and institutional care continues to be widely used, especially in contexts where community-based services and reintegration mechanisms remain insufficiently developed.⁴⁶⁶ The mentioned report implicitly suggests that prolonged or repeated institutional placement, particularly in the absence of structured aftercare and family-based alternatives, increases children's vulnerability and undermines long-term social inclusion.⁴⁶⁷ These findings reinforce the conclusion that reducing custodial sentences alone is insufficient if not accompanied by a coherent alternative care framework that prioritises family-based care, continuity of support and effective reintegration mechanisms.⁴⁶⁸ From this perspective, rehabilitation functions more as a guiding principle than as a systematically implemented policy, with its application varying widely across legal and institutional settings. Comparative studies on juvenile justice support this conclusion by demonstrating that reductions in custody, when pursued in isolation, do not necessarily produce rehabilitative outcomes. Research shows that without sustained investment in community-based alternatives, family support structures, and reintegration services, decarceration risks becoming a symbolic rather than transformative reform.⁴⁶⁹ In such contexts, rehabilitation remains a guiding

⁴⁶⁴ Muncie, 2013, p. 44.

⁴⁶⁵ Powell, 2024, p. 373.

⁴⁶⁶ UNICEF, 2010, pp. 23 – 25.

⁴⁶⁷ Ibid., p. 53.

⁴⁶⁸ Ibid., pp. 45 – 47.

⁴⁶⁹ Goldson and Muncie, 2006, pp. 94 – 96; Muncie, 2008, pp. 113 – 116.

ideal rather than a possible reality, as systems lack the structure to support children beyond formal justice intervention.⁴⁷⁰

Finally, the research draws attention to an often overlooked dimension of juvenile justice played by transitional legal cultures in shaping reform outcomes. Croatia and Hungary, like many post-socialist states, continue to navigate between inherited authoritarian legal logics and imported rights-based models. This tension manifests not only in legislative ambiguity but also in professional scepticism toward non-punitive approaches.⁴⁷¹ Therefore, meaningful reform requires more than formal compliance.⁴⁷² It calls for a fundamental shift in legal attitudes, educational frameworks, and institutional reorientation in which justice is administered. The findings of this dissertation reinforce earlier arguments that achieving child-centred justice in Central and Eastern Europe requires more than formal compliance with international standards. It demands a definitive institutional shift toward restorative and rehabilitative justice models.⁴⁷³ As presented, the findings of this dissertation confirm both the normative and implementation hypotheses, but more importantly, they reveal how legal frameworks, institutional resources, and the actions of individuals interact in shaping justice. These findings emphasize the need for a holistic approach and comprehensive reform that connects legal innovation with institutional support. Only when that approach is fully embraced, the real reform can only be expected.

7.2. Policy Implications

Before presenting concrete policy recommendations, it is essential to understand the structural weaknesses that continue to limit the effective functioning of juvenile justice systems in the analysed countries. The findings of this research reveal that many of the challenges observed at the implementation level are not incidental or case-specific, but are rooted in deeper institutional and systemic deficiencies. At the core of these deficiencies lies a persistent lack of political prioritization. Although both countries have taken formal steps toward legislative alignment with international norms, juvenile justice reform remains a relatively marginal issue in national policymaking. Comparative research on juveniles demonstrate that policy lines are frequently

⁴⁷⁰ Bateman, 2020, pp. 32 – 35.

⁴⁷¹ Magen and Morlino, 2009, p.8; p. 15.

⁴⁷² Künnecke, 2013, pp. 61 – 64.

⁴⁷³ Gašparić, 2025, p. 63.

shaped more by shifting political imperatives than by coherent philosophical or rights-based rationales, resulting in fragmented and unstable reform agendas.⁴⁷⁴ This lack of political will tends to stall long-term strategic planning and limits investment in rehabilitation-focused infrastructure.

Closely tied to this is the issue of insufficient funding and resource allocation. Many of the programs that embody international standards require not only legal permission but also stable financing and staff support. In both Croatia and Hungary, funding for such initiatives remains limited or short-term in scope. International standards emphasise that the implementation of a child-specific justice system requires specialised authorities, institutions and adequately resourced services.⁴⁷⁵

Another major weakness is poor interagency coordination and fragmented institutional management. Juvenile justice inherently cuts across multiple sectors, including education, social welfare, courts, and correctional services. Yet cooperation among these institutions is often lacking formalized procedures or shared objectives. This disconnection certainly disables continuity of care and reduces the effectiveness of rehabilitative efforts. International children's rights bodies consistently call for the development of a comprehensive and coordinated national juvenile justice policy integrating prevention, diversion and reintegration measures across all sectors involved.⁴⁷⁶

Professional training and staff capacity also emerge as recurring obstacles. Even when laws are in place, their implementation depends on whether judges, prosecutors, social workers, and institutional staff are adequately trained to apply child-centered approaches. In both countries, training remains inconsistent, and professional cultures still often reflect a punitive approach. The CRC framework requires that all professionals involved in child justice possess specific knowledge of child development and be trained to ensure age-appropriate treatment throughout all stages of proceedings.⁴⁷⁷

As the figure below illustrates, foundational challenges, such as limited political commitment, inadequate funding, weak inter-sector communication and coordination, and insufficient professional training, represent the core obstacles to effective juvenile justice reform. To achieve lasting reform, it is crucial to look beyond the symptoms and address the underlying institutional and systemic deficiencies illustrated.

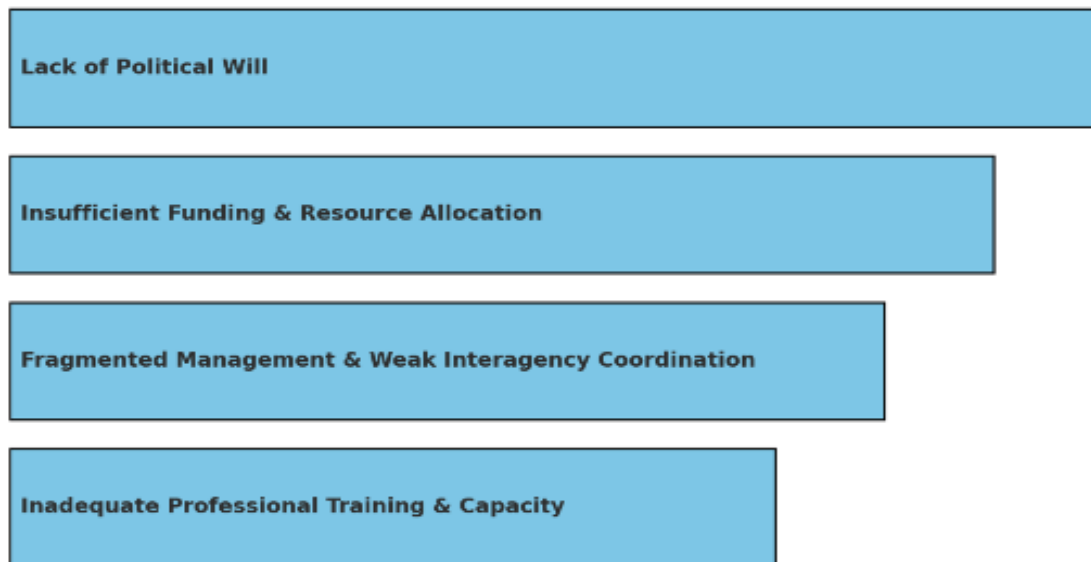
⁴⁷⁴ Goldson and Muncie, 2006, pp. 91 – 92.

⁴⁷⁵ Todres and King, 2020, pp. 280 – 281.

⁴⁷⁶ Ibid., pp. 281 – 281.

⁴⁷⁷ Kilkelly and Pleysier, 2023, p. 136.

Figure 6 *Conceptual Framework of Systemic Barriers in Juvenile Justice*



**The illustration shows a hierarchical structure of systemic barriers in juvenile justice, showing how foundational weaknesses accumulate to undermine political commitment and effective reform.*

In the remainder of this chapter, a series of policy recommendations will be proposed for both Croatia and Hungary, but will, however, bear a significance for the whole CEE region. These are designed to target key points of weakness identified throughout the research, while also advancing practical strategies for building a more coherent, rehabilitative, and rights-based juvenile justice system.

For better clarity, the recommendations are organized according to the main stakeholders responsible for their incorporation. These include legislators and policymakers, judiciary, correctional and professional training institutions. Although each group has a different role, the recommendations are closely interconnected and should be implemented as part of a unified strategy for juvenile justice reform.

7.2.1. Recommendations for Legislators and Policymakers

At the legislative and policy level, priority should be given to strengthening the legal and strategic foundations of diversion, restorative justice, rehabilitation, and reintegration. Legislative

reform should be accompanied by clear implementation mechanisms, sustainable funding, and measurable policy objectives.

One of the most pressing areas for reform in both Croatia and Hungary is the expansion and utilization of diversion mechanisms. While diversion is formally available in both systems, its practical use is uneven and dependent on the discretion of judicial actors. To address this, both countries should strengthen pre-trial diversion pathways through clear protocols, cross-sectoral coordination⁴⁷⁸ and continuous investment in community-based alternatives. Diversion should be treated not as an exception, but as the default response to non-violent offenses and first-time juvenile offenders. According to the Committee on the Rights of the Child, diversion should be the preferred manner of dealing with children in the majority of cases and should constitute an integral part of the child justice system.⁴⁷⁹ This policy orientation is also consistent with the Child First approach developed in England and Wales, which explicitly reframes responses to children in conflict with the law through the lens of welfare, development and early intervention.⁴⁸⁰ Research demonstrates that early, diversionary responses grounded in children's needs are more effective in reducing reoffending than formal criminal justice processing.⁴⁸¹ The Child First model emphasises that addressing underlying vulnerabilities, such as family instability, educational disengagement and unmet needs, at the earliest stage is crucial to preventing deeper system entrenchment.⁴⁸² By prioritising support over punishment, early intervention strategies seek not only to reduce criminalisation but to promote long-term social inclusion and positive developmental outcomes.⁴⁸³ Croatia, which already shows signs of institutional stability in its use of alternative measures, can build on this foundation by investing in locally accessible services across all regions. Likewise, Hungary needs to address regional inequalities in the availability of diversion and provide more precise legal guidance on when it should be used, in order to reduce the constant use of institutional placements.

At the policy level, diversion should therefore be supported by stable funding and accessible community-based services. In that regard, special attention should be given to regional

⁴⁷⁸ For example with social services and schools.

⁴⁷⁹ Kilkelly and Pleysier, 2023 p. 137.

⁴⁸⁰ Centre for Analysis of Social Exclusion, 2018, pp. 6 – 9.

⁴⁸¹ Centre for Analysis of Social Exclusion, 2018, pp. 14 – 18; Petrosino, Turpin-Petrosino and Guckenburg, 2010, pp. 12 – 15.

⁴⁸² Haines and Case, 2015, pp. 29 – 34; Centre for Analysis of Social Exclusion, 2018, pp. 3 – 6.

⁴⁸³ Lipsey, 2009, p. 147.

disparities in the availability of such services, so that the practical possibility of diversion does not depend on where a child lives or on the resources of the institution involved.

Closely related to diversion is the need to expand restorative justice programs, particularly those that actively engage victims, families, and community actors. Although these programs are mentioned in national legislation, they remain marginal in practice. Governments should adopt policy initiatives to promote restorative models, including formal partnerships with civil society organizations, the establishment of pilot programs within existing institutions, and the integration of restorative principles into formal judicial training. In Croatia, restorative justice could be more systematically embedded within the work of correctional institutions and juvenile courts. In Hungary, the restorative field remains even more underdeveloped, and its expansion would require both legislative reform and long-term investment in training and institutional awareness.

Legislators and policymakers should also develop long-term national juvenile justice strategies that clearly define institutional responsibilities, funding priorities, and measurable objects for diversion, rehabilitation, restorative justice, and reintegration. Such strategies would help reduce divided and short-term policy responses and provide a more stable framework for implementing international children's rights standards.

7.2.2. Recommendations for Judicial Stakeholders

Judicial actors, particularly judges and prosecutors, have a main role in translating legislative text into practice. Their decisions directly influence the use of diversion, alternative measures, and deprivation of liberty, making judicial practice a critical element of juvenile justice reform.

Judicial actors should therefore be provided with clearer guidance and continuous professional support concerning the use of diversion, non-custodial measures, proportionality, while the principle that deprivation of liberty should be used only as a measure of last resort. In that regard, consistency in the application of these principles would help minimise differences in practice and further reinforce the child-centred approach to juvenile justice. Moreover, judicial practice should also give better consideration to the participation of children and, where appropriate, restorative approaches. Children should be provided with meaningful opportunities to understand and participate in proceedings affecting them, in accordance with their age and maturity.

Another critical implication concerns the reintegration process following institutionalization. As this study has shown, insufficient aftercare support, particularly in housing, education and employment, disables the rehabilitative goals of both systems. Policy in this area should aim to maintain uninterrupted support before, during, and after institutionalization, reflecting a true commitment to continuity of care. Croatia might consider formalizing cooperation between correctional institutions and local services, while Hungary would benefit from developing national guidelines for reintegration planning that go beyond short-term institutional exit procedures.

7.2.3. Recommendations for Correctional and Community-Based Services

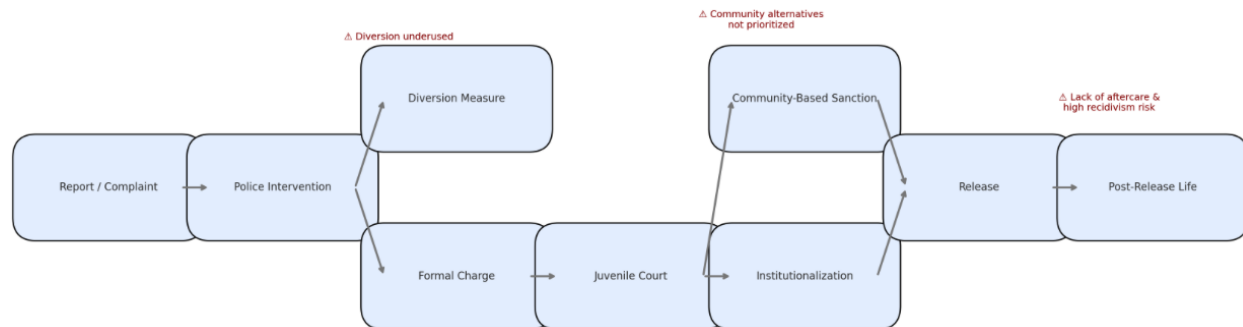
Correctional and community-based services should be responsible not only for responding to offending behaviour, but also for ensuring rehabilitation and reintegration. The findings of this research indicate that support should begin before release and continue after a child returns to the community. Individualized reintegration plans should therefore be developed before release from institutional care and implemented in cooperation with social welfare, education, employment, housing, and other relevant community services. Furthermore, correctional institutions should also strengthen rehabilitative and restorative programmes and ensure that institutional practices are consistent with the developmental needs and rights of children. This requires not only effective programmes but also appropriate staffing and institutional capacity to ensure their effective implementation.

These reforms should not be viewed in isolation but as part of a broader shift in institutional culture. Investing in continuous professional training for judges, prosecutors, and correctional staff is essential to ensure that rehabilitative principles are incorporated into daily practice at all levels of decision-making. Investing in institutional development and staff training should not only be supported by national governments, but also prioritized more explicitly as a matter of political will. Greater commitment at the policy level is needed to ensure that such efforts are adequately funded, strategically coordinated.

Finally, this study's findings directly respond to its initial hypotheses, normative and implementation, suggesting that reform must operate on two interdependent levels: legal

consistency with international obligations, and the institutional and cultural capacity (and willingness!) to carry those obligations into effect.

Figure 7 Typical Pathway of a Child Through the Juvenile Justice System



**The illustration shows the typical pathway of a child through the juvenile justice system, emphasizing key decision points and areas where systemic support is often lacking.*

7.3. Contribution to Academic Discourse

This research contributes to the academic discourse on juvenile justice in several important ways, particularly by addressing the underexplored context of Central and Eastern Europe CEE. While much of the existing literature has focused on Western European or Anglo-American models, few studies have undertaken a comparative, in-depth examination on juvenile justice systems in CEE countries. Comparative research itself acknowledge that rigorous cross-national analyses of youth justice remain relatively rare, particularly where statistical, institutional and procedural dimensions are examined simultaneously.⁴⁸⁴ By focusing specifically on Croatia and Hungary, this study fills a gap in regional scholarship and offers insights into how transitional legal cultures influence the interpretation, institutionalization, and practice of child-friendly justice.

The study's normative and implementation-based hypotheses respond directly to two repeated shortcomings in the literature. First, it questions the common assumption that ratifying international standards automatically ensures their effective implementation at the national level. Research on measuring compliance with children's rights standards demonstrates that the mere existence of international norms does not guarantee meaningful compliance in domestic juvenile

⁴⁸⁴ Campistol and Aebi, 2018, p. 56.

justice systems, and that systematic evaluating of those standards is necessary to assess real progress.⁴⁸⁵ Through its comparative legal analysis, the research reveals not only divergence among CEE countries, but also internal inconsistencies within national systems that claim formal adherence to international standards. Second, the study emphasizes that the implementation gap is not merely the result of administrative delays, but reflects deeper structural issues within the justice system. In this way, the research moves academic discussions from abstract legal compliance to a more practical analysis.

In terms of concrete contributions, the study offers a structured assessment of juvenile justice frameworks using both legal and practice-based methods. It offers a detailed analysis of how international standards are applied (or not applied) in institutional contexts. Comparative European research has stressed the need for comprehensive and updated analyses of juvenile justice systems that integrate legal provisions, procedural structures and sanctioning practices, especially in post-socialist states.⁴⁸⁶ This layered analysis allows for a more holistic academic understanding of the barriers to child-centered justice and sets the ground for more targeted empirical research in the future. Moreover, the research proposes a set of reform priorities that can serve both academic and policy-oriented debates. Another key academic contribution lies in the integration of legal, sociological, and institutional perspectives. The research does not isolate legal texts from their context of application but instead examines how laws function within broader systems influenced by cultural attitudes, institutional practices, and political priorities. On that note, international children's rights research increasingly recognises that understanding the implementation of children's rights requires analysis that goes beyond doctrinal interpretation to include institutional, political and socio-cultural dimensions.⁴⁸⁷ This interdisciplinary lens helps bridge the gap, particularly common in transitional legal systems, between legal theory and reality. Finally, this study offers a framework that can be replicated or adapted for analysis in other CEE jurisdictions. Its methodological approach of combining comparative legal analysis with an examination of institutional performance provides a template for future research across post-socialist systems. At the European level, large-scale comparative projects have explicitly highlighted the importance of unified terminology, shared methodological frameworks and

⁴⁸⁵ Kilkelly, 2008, pp. 188 – 189.

⁴⁸⁶ Grzywa, Horsfield and Pruin, 2010, pp. 3 – 4.

⁴⁸⁷ Kilkelly and Liefwaard, 2019, pp. 617 – 618.

systematic data collection in order to make meaningful cross-national evaluation possible.⁴⁸⁸ In doing so, this research invites other academics to think more deeply about how legal reforms can actually work in a real-life context.

⁴⁸⁸ Campistol and Aebi, 2018, p. 56 – 57.

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APPENDIX: Interview questions

Appendix A: Interview Questions for Judges

1. Legislative Framework and International Standards

- How well do you think Croatian/Hungarian juvenile justice legislation aligns with international standards, particularly the United Nations Convention on the Rights of the Child? How does it compare to other countries in Central and Eastern Europe? What key changes have you observed in the treatment of juvenile offenders over the years?
- Are there unique regional or historical factors that you believe explain the variance in how Central and Eastern European countries handle juvenile justice compared to Western Europe?
- What legislative reforms, if any, do you believe are most urgently needed in Croatian/Hungarian juvenile justice system?

2. Juvenile Justice in Practice

- How do Croatian/Hungarian courts currently address the specific needs of juveniles compared to adults? In your experience, do the current juvenile justice practices in Hungary prioritize the well-being and future reintegration of the child, or is there more focus on punishment? What role do prosecutors and defence attorneys play in promoting rehabilitation over punishment in juvenile cases?
- In your opinion, what are the main challenges facing the juvenile justice system in Croatia/Hungary today (e.g. regarding diversion programs)? How can these challenges be addressed to better align with international standards?

3. Prison System for Juveniles

- Could you share your views on the current state of juvenile detention facilities in Croatia/Hungary? Are they adequately equipped to support rehabilitation and prevent recidivism?
- Are there specific programs in juvenile detention centers aimed at education, vocational training, or mental health support for juveniles? To your knowledge, how effective are these programs?

4. Future Directions in Juvenile Justice

- How do you see the role of restorative justice evolving in the Croatian/Hungarian juvenile justice system? Are there any upcoming reforms or initiatives that you find particularly promising?
- What is your perspective on the implementation of restorative justice practices for juvenile offenders in Croatia/Hungary? Are there successful models or programs you would recommend?
- What advice would you give to policymakers and researchers working to improve juvenile justice in Croatia/Hungary?

Appendix B: Interview Questions for Prison Staff

1. General Information and Position

- How many residents/inmates are currently in this institution?
- What is the current state of the institution?
- Could you describe your role in this institution and how long you have been working here?
- What is your professional background – lawyer, social worker, psychologist, educator?

2. Legal Framework and Application of the Law in Practice

- How would you describe the differences between juvenile and adult criminal justice?
- To what extent are legal provisions aligned with international standards (e.g., the Convention on the Rights of the Child, Beijing Rules)?
- Do you consider that the legal norms are applied in practice in a manner that is in the best interest of the minor?
- Are there challenges in applying alternative measures (e.g., educational measures, community service, probation)?

3. Conditions in the Institution

- Could you describe the conditions in this institution – resources, accommodation capacity, security measures?
- Are there problems with overcrowding?
- How is the protection of minors from violence by other inmates or staff ensured?
- To what extent is the institution adapted to the needs of minors (e.g., educational programs, sports, cultural activities, therapies)?

4. Educational and Rehabilitation Programs

- To what extent are the educational programs in your institution tailored to the needs of juvenile offenders? How effective are the educational programs in this institution? Do minors have the opportunity to complete formal education?
- Are there obstacles in organizing classes and vocational training within the institution?
- What percentage of minors complete an educational program during their stay here?
- Are vocational training programs available, and to what extent are they utilized? Are the training programs aligned with labor market needs? Do minors have realistic chances of finding employment after release?
- What legal and practical steps should be taken to promote broader implementation of restorative justice in the juvenile justice system?
- To what extent does the institution provide support to minors after release? Are there post-penal programs (e.g., counselling, housing, financial support)?
- How motivated are minors to participate in rehabilitation programs?
- What are the main factors contributing to recidivism?
- Is there coordination between social services, institutions, schools, and employers to facilitate reintegration?
- What are the main obstacles to providing long-term support to minors after leaving the institution?
- What changes in legislation or the institutional framework would be necessary to ensure better reintegration of young people?

5. Challenges in Practice and Perspectives for Reform

- What are the biggest challenges you face when working with minors?
- Is there sufficient professional staff (educators, social workers, lawyers) and resources?
- How do you evaluate cooperation with other institutions (e.g., courts, social services, police)?
- What reforms would be necessary to make the juvenile justice system more effective?
- What role do international standards and organizations play in improving juvenile justice?

- Do you consider it useful to introduce more restorative justice programs and alternative measures into the juvenile justice system?

Appendix C: Interview Questions for Juvenile Offenders

1. Legal Background and Court Procedure

- Can you describe how the proceedings against you took place? Did you understand the charges brought against you?
- Did you have a lawyer? Did you understand their role and how they represented you?
- Were you aware of your rights as a minor during the proceedings?
- Did judges, prosecutors, and lawyers treat you differently compared to adults in similar situations?
- How would you assess the way the justice system treated you in relation to your age? In your opinion, was the decision fair?

2. Conditions in the Prison/Correctional Facility

- Can you describe what a typical day looks like for you here?
- What are the conditions like in the institution in terms of space, hygiene, and food?
- What is the relationship like between staff and you or other minors?
- Do you feel safe here? Are there conflicts among inmates/residents?

3. Access to Education and Rehabilitation

- Are educational programs available to you in this institution that are aligned with the regular school system? Do you have access to vocational workshops or training for future employment?
- If you attended school before coming here, were you able to continue your education without interruption? If not, why?
- Are the teachers and educators here qualified to work with youth in your situation?
- Do you have the opportunity to participate in vocational training programs? Are these programs useful to you?
- Are psychological counselling or therapy programs available? Have you participated in them?

- Were you offered the opportunity to contribute to the community through community service or another alternative measure instead of imprisonment?
- Before coming to this institution, did you have the chance to participate in restorative justice (e.g., reconciliation with the victim, mediation)? If not, would it have been useful?
- Do you think your case could have been resolved in a way that did not involve incarceration, i.e., exclusion from your environment? If yes, how?
- How would you evaluate the support you received during your stay regarding rehabilitation and acquiring new skills? How do you perceive the value and significance of these programs for your life after release?

4. Post-Release Perspectives and Reintegration

- Did you receive any kind of support (mentoring programs, social workers) during your stay to help prepare you for release?
- Were you in contact with your family during your stay? Do you feel you will have their support after release? Do you have support from external institutions for reintegration?
- What are your plans after release – school, work, or another option?
- Are you afraid that you might reoffend after release? What could help you stay on the right path?
- What would you change in the system to make it easier for young people like you to return to normal life?
- If you could change something in the juvenile justice system based on your experience, what would it be?

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