

THE STATUS OF JUVENILE WITNESSES IN JUVENILE CRIMINAL LEGISLATION OF SERBIA AND EU STANDARDS

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Abstract

Juveniles have a special status in criminal procedure, in whatever capacity they take part in the procedure – as offenders, as witnesses, or as victims. Their special status is the result of understanding of specific characteristics of their biopsychic and social development and the level of their maturity, which distinguish them from adults. Consequently, their involvement in criminal procedure is adjusted to these specific characteristics. This is the situation in most of national legal systems, as well as in the Republic of Serbia. Serbia has a separate juvenile criminal legislation, which regulates the position of juvenile offenders, and their position and protection when they appear as witnesses and victims in a criminal procedure. In the paper, author analyzes the position of juvenile witnesses of criminal offences according to the juvenile criminal legislation of Serbia. Then, EU standards related to juvenile witnesses will be analyzed, because EU has plentiful legislative activity related to this. The aim is to compare Serbian regulations related to juvenile witnesses with EU standards and propose some useful guidelines for their further development and improvement.

Key words: juveniles, witnesses, law of criminal procedure, juvenile criminal law, EU standards

INTRODUCTION

In the 20th century the special status of juveniles in criminal legal system was established and developed, separately from the status of adults. The development of biological and psychological sciences pointed to the new understanding of the juvenile age and its characteristics. Namely, the special biophysical, psychological and social development, as well as maturity of juveniles, requires completely different status of juveniles within the criminal law system, separate and divers from the status of adults (Soković & Bejatović 2009, 44). Consequently, the special procedural bodies were established with necessary specialization of all authorized actors within this apparatus, the special rules of procedure were developed, less formalized, and the special system of criminal sanctions applicable only to juveniles was established.

As this practice was flourishing in many countries across the world, the idea of international standardization of rules related to juveniles within the criminal legal system was born. Consequently, many international documents related to juvenile delinquency and the position of juveniles in criminal law were adopted, based on

the examples of good practice and the new knowledge about characteristics of juvenile age (Van Bueren 1998, xv-xix). There are many universal international documents, adopted within the United Nations, such as The Convention on the right of the child from 1989, Standards Minimal Rules for the Administration of Juvenile Justice from 1985 (*Beijing rules*), Rules for the protection of Juveniles Deprived of their Liberty from 1990 (*Havana rules*) etc. Also, there are many regional international documents, for example those adopted by the Council of Europe, such as Guidelines of the Committee of Ministers of the Council of Europe on the child-friendly justice from 2010.

One of the features of new understanding of characteristics of juvenile age is that the position of juveniles within the criminal legal system should be regulated separately and differently from the position of adults, not only when they are perpetrators of criminal offences, but also when they are victims and witnesses of criminal offences. In the situations where juveniles appear as victims or witnesses of criminal offences, it is recognized that their position in criminal procedures should be particularly and carefully regulated. Above all, their treatment during the criminal procedure should be regulated more sensitively and child-friendly, and measures for their protection should be raised to a higher level.

In the juvenile criminal legal system of the Republic of Serbia there is a particular law which regulates the position of juveniles when they are perpetrators of criminal offences, but also when they are victims or witnesses of criminal offences. As there are many international, universal and regional standards which regulate these specifics of juvenile justice, the aim of this paper is to present and analyze relevant provisions of juvenile criminal law of the Republic of Serbia and compare it with relevant international standards of juvenile justice.

THE GENERAL SPECIFICS OF JUVENILE WITNESSES

Participation in criminal procedure as a witness could be very stressful for any person and this could be particularly expressed if the witness is a juvenile. Taking in account that the juvenile will appear in criminal procedure as a witness mostly when he is also an injured party, the attention should be paid to the fact that the juvenile has already suffered harm as a consequence of the committed criminal offence. Consequently, his appearance before the court, lack of knowledge about criminal procedures and the formalism of the procedure could have an intimidating effect to the juvenile. Furthermore, the fact that the juvenile has to testify about past events related to the committed criminal offence could, by itself, be very stressful for the juvenile.

During one part of history there was a presumption that juveniles are not competent to testify because of their young age, their questionable capacity to memorize all circumstances of the committed criminal offence, their questionable capacity to recall a critical event and to reproduce it correctly and precisely before the court, and finally, their suggestibility. This means that the credibility of juvenile witnesses was questionable. Later, it turned out that in some circumstances juvenile witnesses can provide a more accurate testimony than adults, and that their testimony is very valuable for the criminal procedure and conviction of the offender, especially when the juvenile is at the same time the injured party and the only witness.

According to all specific characteristics of the juvenile age, especially the specifics of their biophysical, psychological and social development and maturity, lack of life experience, extreme suggestibility and rich fantasy (Simonović 2012, 178), it was obvious that the position of juveniles as witnesses in criminal procedure should be regulated differently from the position of adult witnesses, in a manner which is more sensitive and child-friendly. In this sense, specific rules were being developed related to the way of questioning the juvenile witnesses, the place and atmosphere of questioning and the characteristics of all persons who interact with the juvenile witnesses during the criminal procedure, especially those who ask him/her the questions.

At the same time with the increased interest in all aspects of juveniles` testimony, the great number of researches were conducted related to the outcomes of testimony for juveniles who testify in criminal court and of procedure that could be child-friendly oriented and reduce potential trauma for juvenile witnesses resulted from participation in criminal proceedings (Troxel and others 2009, 150). In that sense, some of the guidelines for questioning juvenile witnesses were developed and are considered to present the good practice examples. The most important guidelines are the following. The person who asks questions should be specialized for this type of witnesses, meaning that he has to acquire knowledge in the area of child rights, child protection and child psychology, as well as experience in working with juveniles. In order to conduct the interview in the way which is in the best interest of the child and in order to obtain reliable evidence, it is necessary to prepare the interview and to obtain all relevant personal information about the juvenile. Also, in order to mitigate the formalism of criminal procedure, the interview should be conducted in the premises which are adapted to the every day experience and the age of the juvenile witness. It is crucial to establish a good and trusting relationship with the juvenile witness in order to rid him of fear and get reliable evidence. Finally, the aim should be to conduct only one interview of the juvenile witness, and if it is not possible the number of interviews should be limited (Simonović 2012, 179-180).

Also, nowadays it is recommended to conduct the testimony of a juvenile witness before the court by the use of audio-visual technologies, such as closed-circuit television, video links etc., in order to avoid direct contact between the juvenile witness and the offender. Furthermore, the first interview of a juvenile witness should be audio-video recorded and allowed to be presented later before the court as evidence (Škulić 2003, 513; Troxel and others 2009, 158-161).

The status of juvenile witnesses in juvenile criminal legislation of Serbia

In the Republic of Serbia there is a special *Law on juvenile perpetrators of criminal offences and criminal law protection of juveniles*,¹³⁹ through which adoption Serbia got comprehensive legal regulation of juveniles` position within criminal law system, separate from legal regulation of adults` position within this system. Separate regulation of juveniles` status within criminal law system reflects the

¹³⁹ *Law on juvenile perpetrators of criminal offences and criminal law protection of juveniles*, "Službeni glasnik RS" no. 85/2005

recognition of all specifics and characteristics of juveniles` biopsychic and social development and maturity. The Law on juvenile perpetrators of criminal offences and criminal law protection of juveniles, as it is seen from its title, regulates the position of juveniles when they appear as perpetrators of criminal offences, and criminal law protection of juveniles which refers to situation when they appear as victims and witnesses of criminal offences.

According to the topic of our paper, the subject of the analysis will be the position of juveniles as witnesses in a criminal procedure. Article from 150 to 157 of the Law refers to juvenile witnesses, and from its content we can distinguish the main characteristics of the procedure where the juvenile appears as an injured party and the witness: the types of criminal offences which should be committed against juveniles in order to apply this specific Law; the functional jurisdiction of trial chambers in the criminal procedure against the person who has committed some of these types of criminal offences, and the way and jurisdiction for the initiation of the criminal procedure; the functional jurisdiction for investigation, involvement of specialized law enforcement officials in investigation; and special protection of the juvenile as an injured party (Soković and Bejatović 2009, 209).

Bearing in mind that juvenile can be injured through perpetration of any criminal offence, it is undisputable that some criminal offences, because of their nature, injure juveniles more than other criminal offences and more than adults. Guided by this idea, Serbian legislator decided to determine specific criminal offences, in the case of which perpetration by an adult against a juvenile, the provisions of the Law on juvenile perpetrators of criminal offences and criminal law protection of juveniles will be applied in the criminal procedure. Some of these criminal offences are: serious murder, abduction, rape, intercession in prostitution, displaying pornographic material and exploiting children for pornography, family violence, change of family status, neglect and abusing the minor, robbery, enabling the use of drugs, human trafficking, children trafficking for adoption, war crime against civilians etc. (article 150. par. 1. of the Law). These criminal offences are determined by the *numerus clausus* principle, and, as it was stated, in the case of their perpetration against juvenile special provisions of the Law on juvenile perpetrators of criminal offences and criminal law protection of juveniles will be applied, while in the case of perpetration of any other criminal offence by an adult against juvenile general provisions of *Code of criminal procedure*¹⁴⁰ will be applied during the procedure. If we look at the systematics of these criminal offences, we can see that they belong to many different groups of criminal offences from *Criminal code*¹⁴¹ of Serbia, such as criminal offences against life and body, criminal offences against sexual freedom, criminal offences against family, criminal offences against property, criminal offences against human health and criminal offences against humanity and other goods protected by international law. As groups of criminal offences in Criminal code of Serbia are divided according to the object of protection, the legislator`s intention to provide special protection when the *actus*

¹⁴⁰ *Code of criminal procedure*, „Službeni glasnik RS“, no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014

¹⁴¹ *Criminal code*, „Službeni glasnik RS“, no. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016

reus of criminal offence is directed towards juvenile as a holder of the object of protection is clear and obvious. Some of listed criminal offences are serious whomever they are committed against, other could be committed only against juvenile according to legal description of the specific criminal offence where juvenile age is determined as material element, and others are specific because the fact that they are committed against juvenile is prescribed as a qualifying circumstance which creates a more severe form of the specific criminal offence and a more severe punishment (Perić 2007, 261).

As these are very serious criminal offences, especially when they are committed against juveniles, because of their nature and very negative and long-lasting consequences to injured juveniles, their *numerus clausus* determination within the Law on juvenile perpetrators of criminal offences and criminal law protection of juveniles reflects the legislator's intention to apply special provisions of this Law whenever some of these criminal offences are committed against a juvenile. However, the legislator didn't disregard the fact that some other criminal offences could be very severe when they are committed against juveniles, according to their nature, circumstances of the perpetration and personal characteristics of specific juvenile. Consequently, it is prescribed that prosecutor who acquired special knowledge about child rights and criminal law protection of children will initiate criminal procedure against an adult perpetrator of other criminal offences prescribed within Criminal code, when they are committed against juveniles, when he assesses that it is necessary because of the special protection of personality of a juvenile as an injured party in a criminal procedure (article 150. par. 2. of the Law). This means that the prosecutor has to decide if the juvenile needs a special protection on the base of his own discretionary assessment (Knežević 2010, 325).

Regarding the functional jurisdiction and composition of trial chambers in the criminal procedure against an adult who has committed a criminal offence against a juvenile person, the relevant provisions of Code of criminal procedure will be applied, except in the case when some of the listed criminal offences have been committed against a juvenile person, when the presiding judge must be the judge who has acquired special knowledge on the rights of the child and criminal law protection of children (article 150. par. 1. of the Law). The specialization required for the presiding judge in the field of the rights of the child and criminal law protection of children is also prescribed for the investigative judge authorized to conduct investigation in the case of perpetration of any of the listed criminal offences against a juvenile, and for the law enforcement officers who take part in the investigation (article 151. par. 2. and 3. of the Law). The required specialization is a very important provision, because it allows all persons authorized to act in the criminal procedure where a juvenile is an injured party to act 'child friendly' and to take care of his protection and treatment. As it will be explained later, specialization of all authorized persons who take part in the procedure where a juvenile is an injured party and a witness is one of the most relevant international standards of juvenile justice, so it can be stated that the Serbian legislator keeps pace with modern international ideas and solutions in this sense.

As a juvenile appears as an injured party and a witness, particular attention is paid to the protection of the juvenile within the Law on juvenile perpetrators of criminal

offences and criminal law protection of juveniles. *Firstly*, during the procedure for the criminal offences committed against a juvenile, the prosecutor and the chamber judges will treat him according to his age, personality, education and circumstances he lives in, and they will endeavor to avoid all possible harmful consequences to his personality and development. The hearing of these juveniles will be conducted with the help of a psychologist, pedagogue or other qualified person (article 152. par. 1. of the Law). This solution also reflects modern knowledge and the understanding of specific characteristics of juvenile age and maturity, whereas all persons who interact with them during the criminal procedure have to behave according to these characteristics, with the help of professionals qualified to work with children and juveniles.

Secondly, the number of hearings of juvenile witness who is injured by any of the listed criminal offences is limited to two times. Only if it is necessary because of the purpose of criminal procedure the juvenile witness can be heard more than twice, in which case the judge is obliged to pay particular attention to the protection of personality and the development of the juvenile (article 152. par. 2. of the Law).

Thirdly, the hearing of the juvenile can be conducted by the use of technical means for sound and picture transmission, while the juvenile is placed in a separate room in the absence of parties and other procedure participants. Parties and other authorized persons can ask him questions through a judge, psychologist, pedagogue, social worker or other qualified person. This way of hearing will be conducted if the judge assesses that it is necessary according to the characteristics of the criminal offence and personality features of the juvenile (article 152. par. 3. of the Law).

Fourthly, it is possible to conduct the hearing of the juvenile as injured party and the witness in his place of living or other room, or in the authorized institution - organization, professionally trained for questioning of juveniles. In this case, the judge can order that measures for the previous article 152. par. 3. of the Law could be applied (article 152. par. 4. of the Law). In the cases of the hearing of the juvenile according to article 152. par. 2., 3. and 4. of the Law, the record of his statement will always be read at the trial, or the recording of the hearing will be played (article 152. par. 5. of the Law).

Fifthly, there is a prohibition of confrontation between the juvenile witness and the defendant, if the witness is particularly sensitive, i.e. if he is in a particularly difficult mental state, because of the nature of the criminal offence, its consequences and other circumstances (article 153. of the Law).

Sixthly, the juvenile as injured party has to have legal counsel from the defendants` first hearing, and if he doesn`t appoint a legal counsel, one will be appointed by the court president from the ranks of attorneys who acquired special knowledge in the filed of rights of the child and criminal law protection of children (article 154. of the Law).

Seventhly, the recognition of the defendant by an injured juvenile is also regulated in a particular way, because in that case the court has to act particularly cautiously, and in all phases of criminal procedure the recognition will be conducted in the way which absolutely disables the defendant to see the juvenile (article 155. of the Law).

Eighthly, in the cases where any of the listed criminal offences is committed against a juvenile, the *principle of urgency of criminal procedure* must be respected (article

157. of the Law). All persons, organs and institutions authorized to take part in criminal procedure have to respect this principle, and to conduct urgently all acts they are authorized to. The aim of the principle of urgency is to protect the well-being of an injured juvenile as much as possible, bearing in mind that he has already suffered harm as a result of the criminal offence.

UNIVERSAL AND EU STANDARDS RELATED TO JUVENILE WITNESSES

Consideration of EU standards related to juvenile witnesses would not be comprehensive if conducted isolated from *UN Convention on the rights of the child*¹⁴², as a basic and comprehensive document which regulates five main groups of human rights - political, civil, economic, social and cultural, when their titular is a child (Vranješević 2006, 469-471). Bearing in mind that this Convention is almost universally adopted (with the exception of USA and Somalia), it is understandable that every analysis of children's rights should start with provisions of this Convention.

The Convention on the rights of the child promotes four main principles that should be respected in each case where a child is involved: the principle of non-discrimination (article 2.), the principle of the best interest of the child (article 3.), child's right to life (article 6), and child's right to express his views freely in all matters that affects him (article 12.). As these principles are applicable in all matters affecting the child, they should also be applied and respected in the cases where the child appears as witness in the criminal procedure. Consequently, all persons who have contact with the child witness during the criminal procedure should act in accordance with these four principles.

From the child witness perspective the most important aspect is his right to express his view freely if he is capable of forming his own view, and the views of the child will be given due weight in accordance with the age and maturity of the child. According to the Convention, this particularly relates to the opportunity of the child to be heard in any judicial proceeding that affects him, either directly, or through a representative or an appropriate body, in a manner consistent with the national procedural rules (article 12. par. 2.). Consequently, when the child takes part in a criminal procedure as a witness, his testimony will be assessed in accordance with his age and maturity. In relation with the right of the child to express his own views is his right to be informed on all relevant issues related to his participation in a criminal procedure, such as availability of health, psychological and social services, their role in the procedure, the manner of questioning, availability of protective measures, possibility of reparation etc.¹⁴³

Furthermore, there is an obligation for state parties to take all legislative, administrative, social and educational measures to protect every child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of

¹⁴² *United Nations Convention on the rights of the child*, Adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 of 20 November 1989.

¹⁴³ United Nations, Committee on the Rights of the Child, *General Comment No. 12 (2009)*, The right of the child to be heard, CRC/C/GC/12, 20 July 2009, par. 62-64.

parents, legal guardians or any other person who has to care of the child (article 19. par. 1.). This is particularly important provision in the case when a child participates in criminal procedure as a witness, because it provides him/her with protection from all kinds of mistreatment. There is an obligation for anyone who interacts with the child witness during the criminal procedure to avoid all listed acts of mistreatment because of its harmful effect to the child.

The other important UN document are *Guidelines for action on children in the criminal justice system*,¹⁴⁴ whose main aim is to provide a framework for the implementation of the UN Convention on the rights of the child and its goals with regard to children in the context of the administration of juvenile justice, as well as for the use and application of UN standards and norms in juvenile justice.

Part III of the Guidelines refers to child victims and witnesses. Above all, it is prescribed that all child victims and witnesses should be provided with appropriate access to justice and fair treatment, restitution, compensation and social assistance (guideline 43.). In accordance with the awareness of specific developmental characteristics of children and their maturity, it is prescribed that child witnesses need assistance in the judicial processes, and in the cases of children who are witnesses of the crime, their rights have to be fully protected in evidential and procedural law of the states. Further, the direct contact between the child victim and the offender should be avoided as much as possible during the investigation, prosecution and trial hearings. The identification of the child victim in the media should be prohibited when it is necessary in order to protect the privacy of the child (guideline 49.).

It is recommended for the states to allow in their penal codes videotaping of child's testimony and its presentation in the court as an official piece of evidence. Police officers, prosecutors and judges should apply more child-friendly practices, for example, during the police operations and interviews of child witnesses (guideline 50.).

Finally, the responsiveness of judicial processes to the needs of child victims and witnesses should be facilitated by: a) informing child victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved; b) encouraging the development of child witness preparation schemes to familiarize children with the criminal justice process prior to giving evidence. Appropriate assistance should be provided to child victims and witnesses throughout the legal process; d) taking measures to minimize delays in the criminal justice process, protecting the privacy of child victims and witnesses and, when necessary, ensuring their safety from intimidation and retaliation (guideline 51.).

The third relevant UN document which regulates the position of juveniles as witnesses are *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*,¹⁴⁵ the adoption of which is the result of the recognition that children who are victims and witnesses of a crime are particularly vulnerable and

¹⁴⁴ *Guidelines for action on children in the criminal justice system*, Recommended by Economic and Social Council resolution 1997/30 of 21 July 1997

¹⁴⁵ United Nations, The Economic and Social Council, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, ECOSOC Resolution 2005/20, 22 July 2005

need special protection, assistance and support appropriate to their age, level of maturity and unique needs in order to prevent further hardship and trauma that may result from their participation in the criminal proceedings. Also, the drafters were aware of the serious physical, psychological and emotional consequences of crime and victimization for child victims and witnesses, and of the fact that participation of child victims and witnesses in criminal proceedings is necessary for effective prosecutions, in particular where the child victim may be the only witness. The Guidelines reflect the good practice based on the contemporary knowledge and relevant international and regional norms, standards and principles, and each country should implement them in accordance with its national legal system and legal, social, economic, cultural and geographical conditions. Beside the fact that the Guidelines present the soft law instrument, they should be implemented in national legal systems because they provide a lot of useful solutions for the regulation of the position of juvenile victims and witnesses in criminal procedure (Stevanović 2017, 78).

This document sets forth four main principles that must be respected by all professional and other persons who come in contact with a juvenile witness during a criminal procedure: dignity, non-discrimination, best interest of the child and the right to participation. These principles are the same as principles set forth in The Convention on the rights of the child.

According to the definition, the term `child victims and witnesses` refers to children and adolescents, under the age of 18, who are victims of a crime or witnesses to a crime regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders.

Furthermore, relevant rights to which juvenile witnesses are authorized during the criminal procedure are also listed. Those are the following rights: the right to be treated with dignity and compassion, the right to be protected from discrimination, the right to be informed, the right to be heard and to express views and concerns, the right to effective assistance, the right to privacy, the right to be protected from hardship during the justice process, the right to safety and the right to special preventive measures.

Beside these universal international acts, adopted within United Nations, there is an extensive legislative activity within European Union related to child witnesses. The most important and comprehensive EU document that regulates the position of juveniles as witnesses in criminal procedures is *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*¹⁴⁶. Fundamental principles of the Guidelines, which have to be respected in relation to any juvenile within the justice system, are participation, best interest of the child, dignity, protection from discrimination and rule of law.

There are several guidelines related to evidence/statements of children. *First*, the specialization of persons authorized to interview and gather the statements from children is promoted, stating that it should be carried out, as far as possible, by trained professionals. In this sense, children should give their statement in the most

¹⁴⁶ *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies

favorable settings and under the most suitable conditions, taking into account their age, maturity and level of understanding and any communication difficulties they may have (guideline 64.). *Second*, audiovisual statements from children who are victims or witnesses are promoted and encouraged (guideline 65.). *Third*, it is desirable to conduct only one interview of the juvenile, but in the case that more than one interview is necessary, it is in the best interest of the child if it is carried out by the same person (guideline 66.). Furthermore, the number of interviews should be limited as much as possible and their length should be adapted to the child's age and attention span (guideline 66.). *Fourth*, direct contact, confrontation or interaction between a child victim or witness with alleged perpetrator should be avoided, unless at the request of the child victim (guideline 67.), and children should be given the opportunity to give evidence in criminal cases without the presence of the alleged perpetrator (guideline 68.). *Fifth*, the formalism of criminal procedure should be mitigated when children take part as witnesses. In this sense, less strict rules should be applied, such as absence of the requirement for oath and other child-friendly procedural measures, interview protocols that take into account different stages of child's development which should be designed and implemented in order to underpin the validity of children's evidence. Also, leading questions should be avoided. Furthermore, taking statements of child victims and witnesses in specially designed child-friendly facilities and child-friendly environment is promoted (guidelines 70., 71. and 74.). *Sixth*, the judge should be authorized to allow a child not to testify if it is in the best interest of the child and his well-being (guideline 72.). *Seventh*, according to the modern understanding of children's developmental capacities and maturity, it is proscribed that a child's statements and evidence should never be presumed invalid or untrustworthy by reason only of the child's age (guideline 73.).

CONCLUSION

There are a few main international standards that refer to position of juvenile witnesses within criminal law, and they are defined mostly in the same manner in all analyzed international universal and EU documents. These are: 1. the principle of non-discrimination, the principle of the best interest of the child, child's right to life and child's right to express his views freely in all matters that affect him; 2. protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation; 3. availability of special protective measures suitable for juvenile age; 4. the right to be informed on all relevant issues related to his/her participation in criminal procedure; 5. juvenile witness preparation schemes to familiarize juvenile with the criminal justice process before the testimony; 6. the specialization of all persons authorized to interview and gather the statement from the juvenile; 7. only one interview of the juvenile witness is preferable; 8. direct contact, confrontation or interaction between the juvenile witness and the offender should be avoided; 9. juvenile's statement should be audiovisual recorded and it should be allowed to be used as evidence latter during the criminal procedure; 10. the juvenile witness should be interviewed in the premises and atmosphere which are child-friendly; 11. the protection of the juvenile

witness's privacy is recommended; 12. the promotion of measures to minimize delays in criminal procedure where juvenile is a witness.

When these main standards are compared to relevant provisions of the Serbian Law on juvenile perpetrators of criminal offences and criminal law protection of juveniles, it can be concluded that most of these standards are incorporated into these provisions. Serbian Law highlights the specialization of all persons authorized to act in criminal procedure where a juvenile is a witness, as a very important standard. Also, the number of interviews of the juvenile witness is limited, and the confrontation between the juvenile witness and the offender is prohibited. The statement of the juvenile witness could be conducted by the use of technical means, can be audiovisual recorded and used latter during the criminal procedure.

However, it seems that some additional provisions related to child-friendly ambient in which the interview of the juvenile witness takes place are necessary, as well as the provision which is emphasized in all relevant international standards related to the right of the juvenile witness to express his views and concerns in all matters that affect him and to be informed on all relevant issues related to his participation in criminal procedure.

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