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FROM REACTIVE TO STRUCTURED PROSECUTION: IMPLEMENTING SPECIALIZED PROSECUTORIAL GUIDELINES IN DOMESTIC VIOLENCE CASES IN MONTENEGRO

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Introduction

Domestic violence cases represent one of the most complex challenges for criminal justice systems. Prosecutors are expected not only to ensure an effective criminal justice response, but also to protect victims from secondary victimization, coordinate with multiple institutions, respond urgently to safety risks, and address the specific vulnerabilities of women and children affected by violence.

In October 2024, the Supreme State Prosecutor of Montenegro adopted the Instruction for proceeding of state prosecutor's offices in cases of domestic violence^[1], introducing mandatory operational guidelines for prosecutors, standardizing prosecutorial practice nationwide, and strengthening institutional accountability in domestic violence proceedings. The Instruction was developed in line

[1] Available at the official website of the Supreme State Prosecutor's Office <https://tuzilastvo.me/en/vrhovno-drzavno-tuzilastvo/vdt-biblioteka/vdt-biblioteka-uputstva/>

with the standards prescribed by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

To ensure consistent implementation, the Instruction introduced a monitoring mechanism under which designated coordinators submit quarterly and annual reports on implementation to the Supreme State Prosecutor.

The first full year of implementation demonstrated measurable results while also revealing important operational challenges relevant to many prosecution services.

Expanding Prosecutorial Responsibility

One of the most significant changes introduced by the Instruction is the obligation to formally register all reported domestic violence incidents, regardless of whether the conduct was initially assessed as a criminal offence or a misdemeanor. This represented a major shift from previous practice, where misdemeanor proceedings were predominantly handled by the police, enabling full prosecutorial involvement from the very moment a criminal complaint is filed.

The impact of this reform became immediately visible in statistical trends. During 2025, prosecution offices registered a total of 1,877 domestic violence-related cases. Criminal proceedings were initiated against 1,213 adults and 28 juveniles, while prosecutors also filed 584 misdemeanor requests under the Law on Protection from Domestic Violence.

Compared to 2024, the number of reported criminal offences increased by 24.2%. Although misdemeanor statistics cannot be directly compared because the Instruction entered into force only in the final quarter of 2024, the most significant increase was recorded precisely in misdemeanor proceedings. This reflects the transfer of responsibility for misdemeanor prosecution from the police to state prosecutors, resulting in broader prosecutorial involvement, more consistent case assessment, and stronger institutional protection of victims.

An additional positive effect of this reform was reflected in appellate practice in misdemeanor proceedings. During 2025, prosecutors filed appeals against misdemeanor court decisions in domestic violence cases, contributing to the development of more consistent misdemeanor case law and legal interpretation. Prior to the adoption of the Instruction, appeals in such proceedings had not been filed in practice.

Maintaining Efficiency Under Increased Caseload

Despite the substantial increase in prosecutorial responsibilities and caseload, the reform did not reduce procedural efficiency. Victims were heard within 48 hours in 86% of cases, while no cases became statute-barred during the reporting period. Courts issued convictions in 96.33% of completed

criminal proceedings, indicating that expedited prosecutorial action did not undermine the quality of investigations or evidentiary standards.

At the same time, the implementation of the Instruction contributed to strengthening victim protection measures. Prosecutors systematically collected information regarding prior violence, risk assessments, previous protective measures, and criminal or misdemeanor records of perpetrators. In cases involving suspected firearm possession, searches of premises were initiated to secure weapons and reduce risks to victims.

Reducing Secondary Victimization

The Instruction also strengthened safeguards intended to reduce secondary victimization. Victims were heard without the presence of the suspect in 98% of cases, while only 2% of victims were interviewed in the presence of the suspect, thereby significantly reducing the risk of intimidation during the early stages of proceedings.

Prosecutors were instructed to prioritize urgent victim interviews because domestic violence victims are frequently exposed to intimidation, emotional pressure, economic dependency, or family influence that may later affect their willingness to testify.

Protection of Child Victims and Witnesses

Particular attention was devoted to child victims and child witnesses. Experience demonstrated that repeated questioning of children in domestic violence proceedings may itself become a source of trauma and emotional harm. Prosecutors therefore increasingly relied on specialized forensic interviewing methods and multidisciplinary psychological assessments in order to avoid unnecessary repeated examinations of children.

In cases involving retraumatization risks, parental conflict, emotional instability, or signs of parental alienation, professional service often recommended that children should not testify in standard criminal proceedings. Instead, evidence was obtained through multidisciplinary assessments involving child psychologists and child psychiatrists, while ensuring the protection of the best interests of the child.

The Importance of Interinstitutional Cooperation

The first year of implementation also confirmed that effective domestic violence prosecution requires continuous institutional development and strong interinstitutional cooperation. The practical application of the Instruction highlighted the importance of further strengthening technical capacities, specialized resources, and coordination mechanisms among institutions involved in victim protection.

These cases require intensive cooperation with police, social services, healthcare providers, and NGOs, as well as the use of specialized methods when working with vulnerable victims and children.

The experience gained during implementation further strengthened coordinated and victim-sensitive responses in domestic violence cases.

Conclusion

Despite the complexity and growing caseload, the implementation of specialized prosecutorial guidelines has already produced positive effects. Prosecutorial practice became more standardized, institutional cooperation improved, victims received faster protection, and appellate review contributed to more consistent misdemeanor case law.

The Montenegrin experience demonstrates that clear operational guidelines can strengthen prosecutorial responses to domestic violence even in resource-limited systems. However, sustainable progress requires continued investment in training, technical equipment, multidisciplinary cooperation, and victim-centered approaches.

Domestic violence cases cannot be treated as routine criminal matters. Effective prosecution requires not only legal intervention, but also a coordinated institutional response capable of recognizing trauma, protecting vulnerable victims, and preventing repeated violence.

The experience from Montenegro confirms that structured prosecutorial practice and strong interinstitutional cooperation can improve both efficiency and victim protection, while also offering useful operational insights for other prosecution services developing specialized domestic violence response mechanisms.
