# SAFEGUARDS FOR THE PROTECTION OF THE FUNDAMENTAL RIGHTS OF CHILDREN IN CONFLICT WITH THE LAW

**SEE NPM Network**
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The rights of minors in conflict with the law are monitored by the **Ombudsman for Children**

**Convention on the Rights of the Child (1989) Art 40.**

*States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.*

# THE ROLE OF THE OMBUDSMAN WITHIN THE NPM FOR MINORS IN CONFLICT WITH THE LAW

- as part of the work of the National Preventive Mechanism in the prison system
- visiting correctional institutions and prisons where minors and young adults are held
- checking treatment of minors deprived of liberty, accommodation conditions, exercise of rights, maintenance of order and security, and handling of complaints
- cooperation with special ombudspersons as necessary

# CRIMINAL AND MISDEMEANOR LIABILITY OF CHILDREN IN THE REPUBLIC OF CROATIA

Convention on the Rights of the Child: "child" is defined as any person under the age of 18

Within the scope of juvenile criminal law: "child" encompasses individuals under the age of 14 who commit acts constituting a criminal offense but who are entirely exempt from criminal liability

Individuals who commit a criminal offense between the ages of 14 and 18 are classified **as juveniles**

Divided into two categories: younger juveniles (aged 14–16) and older juveniles (aged 16–18)

# REGULATION OF JUVENILE LAW

**The Juvenile Courts Act** —enacted in 1997—the first legislation in the Republic of Croatia to regulate the handling of juvenile offenders

Encompass:

-procedural rules

-substantive law

-enforcement of juvenile sanctions.

This Act governs provisions applicable to young offenders—specifically, juveniles and young adults (those who, at the time of the offense, have reached the age of 18 but are under 21).

-*jurisdiction of the Ombudswoman*

# PRINCIPLES

**The principle of individualization**

**The principle of subsidiarity and gradualism**

**The principle of modifiability**

**Principle of urgency**

**Principle of confidentiality**

**Principle of timeliness**

# SPECIFICS OF CRIMINAL PROCEEDINGS INVOLVING JUVENILES

**Key institutions:** Police, State Attorney's Office, Court, Social welfare center

**Criteria**: Judges, state attorneys and defense counsel for juveniles: understanding the upbringing, needs, and best interests of young people possess foundational knowledge in criminology, social pedagogy, adolescent psychology, and social work with youth

**The Croatian Institute for Social Work**: involved in the proceedings from the very beginning

**The Ordinance on the Work of Non-Legal Professionals in Matters of Juvenile Delinquency and the Criminal Law Protection of Children within State Attorney's Offices and Courts:** defines the roles of these professionals

**Police investigations:** police officers specializing in youth related matters

**Notice of rights** -ensures minors are able to follow the proceedings

**Arrest and questioning before a juvenile judge** – shorter time limits than for adult

**Principle of expediency** (discretionary prosecution): the State Attorney's Office

# TYPES OF SANCTIONS IMPOSED ON JUVENILES

Minors are not given sentences, but **educational measures**

-judicial reprimand
-special obligations
-enhanced care and supervision
-enhanced care and supervision combined with attendance at an educational institution during the day
-placement in a disciplinary center
-placement in an educational institution
-placement in a correctional institution
-placement in a specialized educational institution

**Sentence:**
-juvenile imprisonment – may be imposed on an older minor (16-18)

# SPECIFICS OF EDUCATIONAL MEASURES

-the decision does not specify its exact duration - may last for a period within the range prescribed by law - In other words, an educational measure is not imposed—like a prison sentence—for a fixed, precise duration

-during the enforcement phase, the type of educational measure may be modified—either to a less or a more intensive measure—or it may be terminated altogether

## Juvenile imprisonment

- a custodial sentence (deprivation of liberty)

- may be imposed on an older juvenile (**16-18**)

**The Act on the execution of sanctions imposed on juveniles for criminal offenses and misdemeanors** governs the execution of sanctions imposed on juveniles and young adults in criminal proceedings

# PRE-TRIAL DETENTION OF A JUVENILE

**measure of last resort** - only when the objective cannot be achieved through a precautionary measure, a provisional measure, or house arrest

***Another specific feature*** – **the interim measures**- the court may decide to place the juvenile under the temporary supervision of the Croatian Institute for Social Work during the proceedings.
In practice, juvenile court judges **often** use this measure as an alternative to pre-trial detention (detention pending trial), which serves as a measure of last resort - determined in proportion to the gravity of the offense and the expected sanction, always prioritizing the best interests of the child

**The Law on Juvenile Courts** stipulates that juveniles will serve pretrial detention in a closed institution.
**Fact:** continue to serve the measure of pretrial detention in special prison units located in prisons, where adults are also held - ***not possible to provide juveniles with rights to upbringing and education*** !

*NUMBER OF JUVENILES IN PRE-REQUISITION PRISON IN 2025:

80 male and 14 female juveniles were newly admitted

## SPECIAL EDUCATIONAL INSTITUTION

- a juvenile with psychophysical impairments, the court may impose a measure of placement in a special educational institution
- **Duration**: for as long as is necessary for treatment, but no longer than 3 years
- Protection of minors: **every 6 months renews of necessity**
- In Croatia: one institution, „LUG"- works with children, youth and adoults with various developmental disabilities
- Target group: age 14 to 21- children laking adequate parental care and subyect to temporary educational measures
- **A need for special educational institutions** – specific educational and social components and medical staff

## How to motivate proffesionals?

# FORENSIC PSYCHIATRY FOR MINORS

Department for Child and Adolescent Psychiatry and Child Forensic Psychiatry

- opened in February 2026

- Designed to house minors eho have been declared legally unaccountable

**The unit is not yet operational -** *a shortage of specialists* !



# JUVENILE IMPRISONMENT

-the most severe juvenile sanction, imposed on an **older juvenile** for a criminal offense for which the law prescribes a prison sentence of up to 3 years and more

- Cannot be shorter than 6 months or longer than 5 years—**exceptionally** up to 10 years
- **Conditional release from juvenile prison** – available if at least one-third of the sentence has been served

**Location:** Juvenile imprisonment:

* for women, this is served in special units within the **Požega Penitentiary**

* for men, it is served in a specialized unit for the execution of juvenile prison sentences located in **Turopolje** (or under open conditions at the **Valtura Penitentiary**).



# NEW INSTITUTE

An amendment to the Act on Juvenile Courts is in the process of being adopted

- the possibility of imposing **a sentence of life imprisonment for younger adults** (persons aged 18 to 21)

- This applies exclusively to situations where the law provides for a life sentence for the committed crime, and if it is estimated that, given the nature of the crime and the personality of the perpetrator, it would not be justified to impose a regular prison sentence for the youth

## MOST COMMON TYPES OF CRIMINAL OFFENSES COMMITTED BY JUVENILES

- property-related offenses
- offenses against personal liberty
- violent behavior by children and juveniles—occurring in various settings and directed at different victims
- sexual offenses
- drug abuse

# 2025 (on December 31)

**EDUCATIONAL MEASURES**

67 (M) / 13 (F) 80

**JUVENILE PRISON**

16 (M) / 1 (F) 17

**PRISON**

2597 (M) / 158 (F) 2753

# CONCLUSION

**The Juvenile Courts Act** guarantees that minors and young adults in conflict with the law are subject to procedures and sanctions aimed at providing protection, care, assistance, and supervision, as well as ensuring general and vocational education

1. The Juvenile Courts Act stipulates that juveniles in pre-trial detention are to be held in a closed-type correctional facility - Continue to serve this measure in **specialized prison units** - **The urgent necessity of establishing dedicated closed-type correctional facilities**

2. Children in conflict with the law increasingly struggle with mental health issues - **No specialized educational institution for minors with psychophysical impairments has been established**

3. A Forensic department for child and adolescent psychiatry and child forensics has been established **It is not yet operational**

4. There is a rising number of juvenile offenders who are not mentally incompetent perpetrators (lacking capacity), but have **"diminished capacity"**

**Where should juvenile offenders be placed?**

Thank you

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