NPM NETWORK FOR SOUTH EAST EUROPEAN COUNTRIES

Safeguards for the Protection of Fundamental Rights of Children in Conflict with the Law

Montenegrin legal framework and NPM findings on the Prison Administration (UIKS) and the Public Institution Centre “Ljubović”

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International standards of protection

Key instruments

Treatment of juveniles in conflict with the law rests on the UN Convention on the Rights of the Child. The UN Havana Rules and European standards require humane, dignified treatment.

Core aim

The aim is not only punishment, but above all upbringing, successful resocialization and social reintegration of the juvenile.

Legal framework in Montenegro

The Law on Treatment of Juveniles in Criminal Proceedings is the legal pillar, together with constitutional guarantees (Article 81) and the Ombudsman acting as the NPM.

Best interest of the child

Priority in all decisions of courts, social work centres and closed institutions.

Individualization

Procedure and treatment adapted to age, mental development and personal needs.

Ultima ratio

Deprivation of liberty only as a last resort, for the shortest possible time.

Individual treatment programmes

Formally

Every juvenile serving a prison sentence has an individual programme based on personality, age and family circumstances.

In practice

Plans are often generic and template-based. Goals repeat without clear, measurable, time-bound indicators of progress.

Recommendation

Plans must be “living documents”, regularly revised according to real progress or regression.

Resocialization and conflicts

Training in 2024–2025

Literacy courses were attended by 2 juveniles and social skills training completed by 4. Scope and frequency do not meet needs.

Conflicts

Frequent tension and conflicts, driven by impulsivity, low tolerance for frustration and poor anger control.

Response

Intensive psychosocial work, non-violent conflict resolution training and impulse control.

Working conditions and staff training

Security vs. treatment

Order and security often push educational and treatment work into the background.

No adequate space

Most pavilions lack dedicated rooms for individual talks, counselling and group workshops.

Specialized training

Security officers need training tailored to adolescents (communication, de-escalation), repeatedly flagged by the NPM.

Profile and capacity of the Centre

30
places in institutional treatment

10
places in day care

16–18
users at the time of visit

9
places in the shelter for child trafficking victims

Who it serves

A non-correctional social and child protection institution for children with behavioural problems, of both sexes, domestic and foreign nationals.

Main cause

Disturbed family relations: most children come from dysfunctional settings where they were neglected. The shelter (since 2024) is physically separate.

Health care and pharmacotherapy

No medical staff

No permanent medical staff or equipped clinic. A paediatrician comes on call; a child psychiatrist 1–2 times a week.

Reliance on medication

Psychotropic drugs are administered by educators. Written consent of the guardian is missing, which is a required CPT and WHO standard.

Self-harm

Self-harm occurs about once a week on average, so a more precise protocol and intervention measures are needed.

The “time-out” room

Used for short-term separation of users in marked agitation, to help emotional self-regulation and calming down.



Time-out room interior; it was previously equipped with a mat. Source: NPM report.

Shortcomings

Fully tiled, with no window or ventilation; the mat was removed. Safety and dignity standards are not fully met.

NPM recommendation

Urgently adapt the room (soft padding) to provide a safe setting for crisis interventions.

Unused potential of the Day Care service

1 of 10

children using the service during the visit

Why it matters

A unique preventive measure at national level for primary-school children with behavioural problems.

Causes

Weak referral by social work centres, schools and health institutions. Cooperation, promotion and a psychologist are needed.

NPM recommendations for UIKS

Train security staff

Additional, continuous training for officers on working with juveniles and adolescence.

Structured programmes

A permanent programme of education, sports, vocational training and recreation.

Community support

A system of continuous social support and post-penal reintegration.

NPM recommendations for Centre “Ljubović”

Written consent

Include the guardian’s written consent in the records before psychotropic drugs are given.

Psychosocial support

Strengthen psychosocial interventions as a complement or alternative to medication.

Time-out room

Adapt the room functionally and materially to safety and human rights standards.

Recommendations for the Ministry of Social Welfare

Strengthen Day Care

Improve capacity and availability through better inter-sectoral cooperation and wider coverage.

Better referrals

Improve referral of children from local communities and social work centres.

Professional staff

Hire specialist profiles, such as psychologists, for the Day Care service.

CONCLUSION

From formal plans to real protection

Solid foundations

The legislative framework and international standards set a solid basis for protecting children in conflict with the law.

Gap in practice

Formal plans exist, but treatment needs real individualization, stronger professional staff and better premises.

Focus

Prevention, resocialization and multi-sector cooperation to secure the best interest of the child.