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

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1. PLACES OF DEPRIVATION OF LIBERTY

1.1. Residential social care institutions - juvenile correctional facilities:

- under the ministry of social welfare;
- for criminally non-responsible children *in conflict with parents and the community* (by referral of the center for social work) and for criminally responsible children sentenced to the correctional institutional measure (by judicial decision);
- 3 institutions in the country:
    1) Niš: capacity 36, March '24 8 correctional measure + 2 in residential care;
    2) Knjaževac: capacity 32, June '26 8 in residential care
    3) Belgrade: capacity 36, October '23 9 residents (residential care + correctional measure)

Knjaževac



Niš



Belgrade



1. PLACES OF DEPRIVATION OF LIBERTY

1.2. Institutions for the enforcement of penal sanctions:

- under the ministry of justice;
- 1 Home (Kruševac) for children sentenced to the educational-correctional measure: capacity 320, April ’21 178;
- 2 Penal-Correctional Institution:

  1) Valjevo, for male children sentenced to juvenile prison: capacity N/A, December ’25 12 (2 biological minors).

  2) Požarevac Women's prison, for female children sentenced to juvenile prison: capacity N/A, occupancy 0
- All prisons for pre-trial detention.

Juvenile Correctional Facility Kruševac





Penal-Correctional Institution for Juveniles in Valjevo





1. PLACES OF DEPRIVATION OF LIBERTY

1.3. Police stations:

- excluded in criminal proceedings (up to 48 hours);
- possible in misdemeanor proceedings (up to 24 hours);
- possible in traffic control (up to 12 or 24 hours).

2. SAFEGUARDS

1. Notification of custody
2. Access to a lawyer
3. Access to a doctor
4. Information on rights
5. Custody records
6. Complaints procedures
7. Inspection mechanisms

2. SAFEGUARDS

2.1. Notification of custody

- Distinct from contact with the outside world: Notification of parents, guardians or another appropriate person about a child's deprivation of liberty is a separate safeguard from the child's right to communicate with family and others.
- Institutions for minors: No significant shortcomings identified in notifying parents or guardians of admission.
- Police custody: Shortcomings in documenting whether a family member or another close person was notified.
- Pre-trial detention: Failure to notify families of admission sometimes delayes detainees' first contact with relatives.

2. SAFEGUARDS

2.2. Access to a lawyer

- Police custody: Gaps in documenting access to a lawyer and the suspect's choice of counsel.
- Residential institutions: Limited access to independent free legal assistance; minors need better information and practical support to obtain it.
- Good practice – Kruševac: Legal assistance in disciplinary proceedings.

2. SAFEGUARDS

2.3. Access to a doctor

- Uneven access to healthcare: residential institutions lack on-site healthcare professionals.
- Preventive care: Regular systematic health examinations are not consistently ensured.
- Documentation: Medical reports do not always adequately record minors' accounts of injuries or the doctor's assessment of their consistency with the use of force.
- Good practices – Kruševac: Regular medical examinations and a developed healthcare service; Valjevo: detailed documentation of injuries following the use of force; Belgrade: an on-site nurse and a child-oriented, well-equipped medical room.

2. SAFEGUARDS

2.4. Information on rights

- Residential institutions: Information is mainly provided orally; comprehensive written information is not consistently available.
- Access to information: Limited information on complaint procedures, legal assistance and practical arrangements for exercising rights.
- Good practice –Valjevo: Rights and house rules explained upon admission; rules displayed throughout the facility.

2. SAFEGUARDS

2.5. Custody records

- Residential institutions: Daily records are used to document incidents and movements of minors; practices and level of detail vary.
- Record accuracy: In Kruševac, discrepancies were found between incident records and data reported to the NPM.
- Police custody: Records improved in most visited police stations, particularly regarding safeguards; however, shortcomings remained.

2. SAFEGUARDS

2.6. Complaints procedures

- Effectiveness: Formal procedures do not always ensure effective examination of complaints.
- Accessibility: In residential institutions, complaints are rarely submitted formally; dissatisfaction is more often raised informally; mechanisms are not sufficiently adapted to minors - many may need guidance and practical support to submit a formal complaint.
- Legal compliance: Internal complaint procedures in residential institutions were not fully aligned with the legislation.

2. SAFEGUARDS

2.7. Inspection mechanisms

- Judicial supervision: Regular reports are submitted to juvenile judges and prosecutors, but direct visits to minors are not always sufficiently frequent.
- Institutional inspections: Regular inspections are conducted by the relevant ministries.
- Guardianship supervision: Social work centers do not visit minors regularly, partly due to insufficient resources.
- Scope of oversight: Inspections do not necessarily focus specifically on the treatment and protection of minors.
- Independent monitoring: Civil society organizations may be present to provide support, but this does not amount to independent monitoring; the NPM conducts regular visits to institutions (last 5 years: Knjaževac 2 x, Niš 2x, Beograd 1x, Kruševac 2x, Valjevo 1x exclusively for minors).

3. CONCLUSIONS

Notification of custody: Notification practices are generally established;

Access to a lawyer: Access to independent legal assistance is uneven, and minors do not always receive sufficient practical support to exercise this right;

Access to a doctor: Access to healthcare varies considerably between institutions, with concerns about preventive care and documentation of injuries following the use of force.

Information on rights: Minors are usually informed orally, but comprehensive written information is not consistently provided.

Custody records: Record-keeping practices vary, and deficiencies in documenting incidents and procedural safeguards can undermine accountability.

Complaints procedures: Formal mechanisms exist, but are not always child-friendly or effective; concerns are often raised informally.

Inspection mechanisms: Several layers of oversight are in place, but visits may be irregular and do not always focus specifically on minors' treatment and rights; Shortcomings in guardianship supervision; The NPM provides periodic independent monitoring and follow-up.

THANK YOU for your attention!

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