

AD CENTAR „EKVISTA“



Centar za građansko obrazovanje



SIGURNA ŽENSKA KUĆA



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LATVIJAS
CILVĒKĪESĪBU
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LATVIAN CENTRE
FOR HUMAN
RIGHTS

Final assessment on the fulfillment of recommendations presented in the report:

Respect for human rights of residents of the public institution the Centre for children and juveniles “Ljubović”



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Introduction

As part of the project "Monitoring Respect for Human Rights in Closed Institutions in Montenegro"¹, on 8 December 2012 NGOs Human Rights Action (HRA), the project leader, Centre for Anti-discrimination "EQUISTA", Centre for Civic Education (CCE) and Women's Safe House (Shelter) published, on 29 November 2011, the report Respect for human rights of residents of the public institution the Centre for children and juveniles "Ljubović" (hereinafter: the Report).²

The Report presents the degree of implementation of 9 recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe (CPT) aimed at the promotion of the respect for human rights of residents placed at the Centre for children and juveniles "Ljubović" and published in CPT's Report on the visit to Montenegro in September 2008.³ Within the conclusions of the Report, NGO monitoring team gave a total of 36 recommendations, including 5 repeated recommendations of the CPT. Recommendations are addressed to: Director of the Centre for children and juveniles "Ljubović", Ministry of Labour and Social Welfare, Ministry of Justice, social welfare centres, courts (basic and high courts and the Supreme Court of Montenegro) and Protector of Human Rights and Freedoms of Montenegro, with the aim to protect and improve the respect for human rights of residents placed at the Centre for children and juveniles "Ljubović".

More than a year after the publication of the Report with recommendations, in February 2013 the monitoring team of NGOs made a final assessment on the fulfillment of recommendations.

The final assessment is based on the following sources of information:

1. responses received from the Director of the Centre for children and juveniles "Ljubović" (hereinafter: the Centre);
2. responses received from the staff at the Centre;

¹ Details about the project available at: <http://www.hracion.org/?p=1444>.

² Report with recommendations available at: <http://www.hracion.org/wp-content/uploads/Report-Ljubovic-Centre.pdf>.

³ The original report is available in English language at <http://www.cpt.coe.int/documents/mne/2010-03-inf-eng.htm> and in Montenegrin at <http://www.cpt.coe.int/documents/mne/2010-03-inf-mne.pdf>

3. data collected during monitoring visits to the Centre in 2012 (9 July, 16 November, and 6 December) and 2013 (8 February and 18 February)⁴;
4. data provided by the Centre for Judicial Education of Montenegro;
5. monitoring of the media coverage of proceedings against juveniles;
6. data contained in the Report of the Supreme State Prosecutor of Montenegro on the work of the State Prosecution in 2011⁵ (Report for 2012 has not yet been completed or submitted to the Parliament for consideration and adoption);
7. data published in the Annual Report on the work of the courts in 2011, adopted by the Judicial Council.⁶

Below is a table containing recommendations, current status, and assessment of their implementation.

NOTE: Five recommendations given by the CPT are clearly indicated in the table. All other recommendations are by given by the NGO monitoring team.

Abbreviations:

LTJCP - Law on the Treatment of Juveniles in Criminal Proceedings

CPT – European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

Ombudsman – Protector of Human Rights and Freedoms of Montenegro

MT – monitoring team composed of NGO representatives participating in the project implementation

Report – Report on the respect for human rights of residents in the public institution Centre for children and juveniles “Ljubović” of 29 November 2011

Assessment of the fulfillment of recommendations relating to the public institution Centre for children and juveniles “Ljubović” (hereinafter: the Centre)

⁴ Monitoring visits were carried out by Danilo Ajković, jurist and Jovana Hajduković, social worker. The visit carried out on 18 February was not announced.

⁵ Report available at: <http://www.tuzilastvoscg.co.me/lzvjestaj%20o%20radu%20Drzavnog%20tuzilastva%20za%202011.god.pdf>.

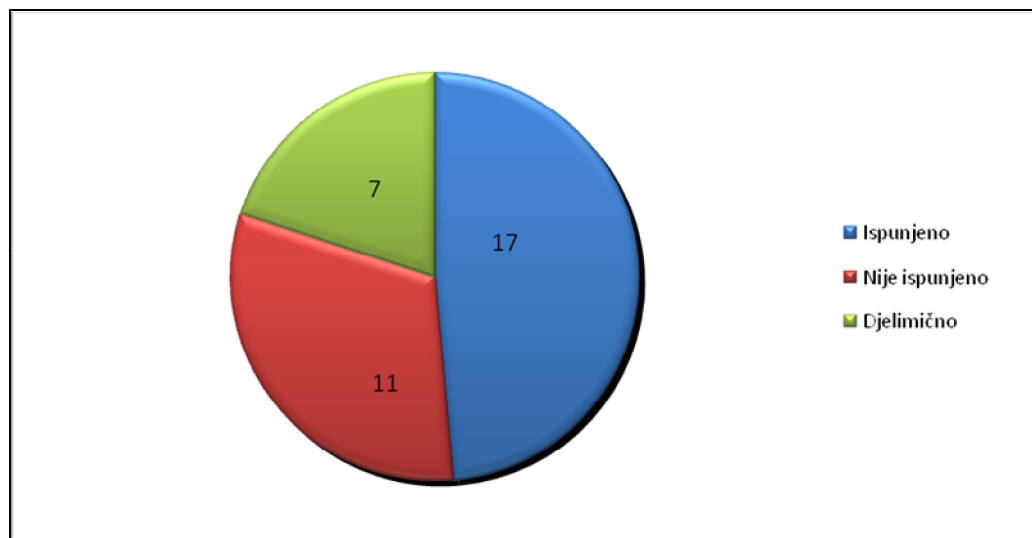
⁶ Report available at: http://sudovi.me/podaci/vrhs/depo/depo_ink/25-04-2012-GODISNI%20IZVJESTAJ%202011.G.pdf.

Of a total of 36 recommendations of the NGO monitoring team, 20 were fully implemented (55%), 6 partially (17%), while 10 recommendations were not implemented (28%).

Out of 10 unfulfilled recommendations, 5 is addressed to the Centre, 4 to the Ministry of Labour and Social Welfare, and 1 to the Ministry of Justice and courts (for the Centre for Judicial Education of Montenegro).

As regards 5 recommendations of the CPT from 2009, 4 were fully implemented while 1 remains unfulfilled. The recommendation concerns the provision of a special accommodation, located outside the Centre, for abused, neglected or abandoned children, as well as a functioning system of foster families.

CENTRE FOR CHILDREN AND JUVENILES LJUBOVIĆ – FULFILMENT OF RECOMMENDATIONS



■ Fulfilled

■ Not fulfilled

■ Partially fulfilled

No.	Recommendation addressed to:	Recommendation	Current situation	Assessment of the fulfillment
1.	Ministry of Justice	Amend the Draft Law on the Treatment of Juveniles in Criminal Proceedings by prescribing deadlines for taking actions in proceedings, to ensure their urgency.	The Law on the Treatment of Juveniles in Criminal Proceedings (LTJCP) does not specify deadlines for taking actions, but provides for the obligation of a judge who acts in juvenile proceedings to inform the court president each month about the juvenile cases that are not resolved and the reasons why certain cases are still pending, as well as the obligation of the court president to take measures to accelerate the proceedings (Art. 82).	Recommendation partially fulfilled.
2.	Ministry of Justice, basic courts, and Judicial Training Centre	Ensure that every judge, who acts in juvenile proceedings, spends at least one day at the Centre "Ljubović", as part of the training, and one day in the juvenile prison in the Institution for Execution of Criminal Sanctions.	The Ministry of Justice and Judicial Council should include visits to this type of institutions, i.e. juvenile correctional institutions, in the training of judges (carried out by Judicial Training Centre).	Recommendation not fulfilled.
3.	Ministry of Justice and Supreme Court	Ensure that only specially trained judges and prosecutors, who own a certificate for training completion, act in juvenile cases.	Juvenile judges act in cases conducted against minors, specially appointed for each court in all instances. In the high state prosecutor's offices in Podgorica and Bijelo Polje deputy prosecutors for minors have been appointed, as well as in major basic state prosecutor's offices. Judges and prosecutors are trained in the field of juvenile crime / justice / mediation in seminars outside the country	Recommendation fulfilled.

			as well as the programs of the Centre for Judicial Education of Montenegro. In 2012 the Centre for Judicial Education held three roundtables: "LTJCP for judicial and state officials ⁷ " on 3 July, "Initial training for state prosecutors, deputy state prosecutor and the Police officers who handle cases involving minors ⁸ " on 19 July and on 20 December "Application of the LTJCP ⁹ ".	
4.	Ministry of Labour and Social Welfare	Amend Art. 83 and 175 of the Family Act which enable courts and Centres for Social Work to place due to "behavior disorders" children even less than 14 years in the Centre "Ljubović" without any time limit, according to Art. 175 (on this basis there were cases when a child resided at the Centre for more than a year, although the institutional protection is the last option in the range of corrective measures in	Amendments have not been made nor any legal procedure, regarding the issue, has been launched	Recommendation not fulfilled.

⁷ According to the Centre, the roundtable was attended by 31 participants: 10 representatives of the judiciary, 8 of the prosecution, 8 from the Social Welfare Centre, 1 from the Police and 1 from the Institution for Execution of Criminal Sanctions.

⁸ According to the Centre, the roundtable was attended by a total of 25 participants: 16 representatives of the Prosecutor's Office and 9 representatives of the Police.

⁹ According to the Centre, the roundtable was attended by a total of 24 participants: 8 representatives each of the Prosecutor's Office, Police and judiciary.

		accordance with the UN standards ¹⁰ (page 11 of the Report).		
5.	Ministry of Labour and Social Welfare	Provide special shelter for abused, abandoned or neglected children.	Rulebook ¹¹ on residence of children in the Centre's shelter prescribes that children who are suspected to have been abused can not be placed in the Centre. There are no children that have been subject to an abuse in the Centre, according to the director. However, as the special shelter has not been provided, when it is required to relocate a child from the family environment, Centre for Social Work still place abused the abused child in the Centre. The Centre still remains the main reception station for abandoned and neglected children, as well as for children foreigners without a residence permit ¹² which is unacceptable because it leads to the mixing of juvenile offenders with children in social need.	Recommendation not fulfilled.
6.	Basic and high courts	Courts should consistently comply with the principle of urgency while acting in cases related to juveniles, in order to prevent referring adults to the Centre for juveniles.	Courts have been more efficient compared to the previous years: there has been no delay in the proceedings in juvenile cases, based on the Report on the work of the courts in 2011 ¹³ and media coverage of proceedings against juveniles.	Recommendation fulfilled.

¹⁰ Please see General Assembly Resolution UN 64/142 of February 2010. - Guidelines for the Alternative Care of Children, para 14. The report is available at www.hracion.org or the link <http://www.hracion.org/wp-content/uploads/Report-Ljubovic-Centre.pdf>

¹¹ Rulebook on residence of children in the reception station and the shelter has been adopted in December 2012.

¹² Rulebook on treatment of minors residing at the Centre without residence permit was adopted in July 2012

¹³ Report available at: http://sudovi.me/podaci/vrhs/depo/depo_ink/25-04-2012-GODISNJI%20IZVJESTAJ%202011.G.pdf. Report on the work of courts in 2012 will be available in April 2013.

7.	Centre for children and juveniles "Ljubović"	Ensure division of different juveniles' categories of different profiles and needs upon completion of the construction of apartments for residents.	Recommendation put into practice. After the construction of new facilities, children have been classified by gender or imposed educational measure and placed to separate facilities.	Recommendation fulfilled.
8.	Centre for children and juveniles "Ljubović"	Mark male and female rooms.	All rooms have a label, both graphic and narrative.	Recommendation fulfilled.
9.	Ministry of Labour and Social Welfare	Provide special accommodations for abused, neglected or abandoned children and establish a functional system of foster families (and unrelated) in the territory of the capital city and other major municipalities where these children would be referred from the Reception Station, pursuant to the Family Law (<u>CPT's recommendation from 2008</u>) ¹⁴ .	There are still no educated and on duty foster families. As outlined in the recommendation no. 4, the Centre is still a receiving station for the territory of the entire country for juveniles in need (abused, neglected children), so there is still mixing with the juveniles in conflict with law. Although they have not been placed in the same room, they still perform their daily activities together. As this period cannot be labelled as "transitional" after the full 4 years of the CPT recommendations, urgent measures should be taken to address this issue.	Recommendation not fulfilled. The Ministry of Work and Social Welfare urgently needs to provide specialised foster families in which children, who should not reside in the Centre, could be accommodated in a proper family environment.
10.	Centre for children	Provide toys and adjust the	Recommendation put into practice.	Recommendation fulfilled.

¹⁴ CPT Report on its 2008 visit to Montenegro, page 60 available at www.cpt.coe.int/documents/mne/2010-03-inf-mne.pdf

	and juveniles "Ljubović"	Reception Station for younger children, to help them adjust to the environment unfamiliar to them.	All facilities have been equipped with computers, chess boards, games (dominoes, board games, sports equipment and toys).	
11.	Centre for children and juveniles "Ljubović"	Remove bars from the premises of the Day Centre.	None of the rooms where children spend their time have bars on the windows.	Recommendation fulfilled.
12.	Centre for children and juveniles "Ljubović"	Remove cameras from the Day Centre (premises for daily stay) and install them at the Centre's gates or in front of the entrance to the building.	After moving into the new facilities, day care centres have been relocated to apartment buildings where educators and other staff members have constant supervision over residents.	Recommendation fulfilled.
13.	Centre for children and juveniles "Ljubović"	Separate the Admissions department with diagnostics from other organizational units.	Reception station and Admissions department operate as separate Centre units, physically separated from the area accommodating residents in institutional care.	Recommendation fulfilled.
14.	Centre for children and juveniles "Ljubović"	Enrich the library with newer titles, adjusted to the age and interests of children.	Library has been enriched with new titles for children's age. Modest donations further expand the library.	Recommendation fulfilled.
15.	Centre for children and juveniles	Ensure equal treatment of male and female residents	Female residents who show interest in the newly equipped kitchen and knitting - tailor shop have the	Recommendation fulfilled.

	“Ljubović”	of the Centre in terms of professional training, and provide girls with the opportunity to acquire crafts skills.	option of further training. At the time of our visit, two girls attended the training. It is necessary to provide a choice for professional training to both boys and girls (avoid gender stereotypes).	
16.	Centre for children and juveniles “Ljubović”	Promote products produced by children in the locksmith workshop or in the future in other workshops.	According to the Centre management, locksmith workshop products were marketed in a booklet developed back in 2010. We did not notice that the Centre has invested additional efforts to inform the general public about the sale of items produced by residents from the time of the publication of the report in 2011 (see p. 18 of the Report).	Recommendation not fulfilled.
17.	Centre for children and juveniles “Ljubović”	Ensure that children have fruit at all times. <u>(based on the CPT recommendation from 2008)</u>	Fruit is always available to children, as confirmed to the monitoring team in direct conversation with the residents.	Recommendation fulfilled.
18.	Centre for children and juveniles “Ljubović”	Develop a work plan that will allow all employees to work in all three shifts, i.e. to prevent the same people from always working the night shift.	All employees at the Reception station (engaging five educators) work during night shifts as well. At the institutional care unit (accommodating residents with the imposed measure), engaging seven educators, three same educators always work night shifts, but have themselves expressed such desire, as indicated by the Centre administration. Compared to the period before the publication of the Report, when three educators worked only at night, there are now eight of them who perform	Recommendation is partially fulfilled.

			night shift work. This continues the practice of the same people always working night shifts at the institutional care unit, as indicated in the preliminary report (pages 19 and 20).	
19.	Centre for children and juveniles "Ljubović"	Dismiss from work, especially from work with children, employees prosecuted in criminal proceedings on suspicion of having committed the crime of sexual abuse in relation with conducting their duty, until the final and enforceable completion of the procedure.	According to the Centre administration, two employees prosecuted in criminal proceedings on suspicion of having committed the crime of sexual abuse in conducting their duties, relating to the former residents of the Centre, have not been dismissed, but temporarily deployed to other positions, until the end of the procedure (janitor, central heating maintenance worker), where they do not have contact with children. However, the Labour Law clearly states that they must be suspended until the end of criminal proceedings (see the Report, p. 20).	Recommendation not fulfilled.
20.	Ministry of Labour and Social Welfare and Centre for children and juveniles "Ljubović"	Provide the means for education of employees, especially those whose job description involves regular work with children, in the country and abroad.	In 2012, the Centre education service staff visited the institutions of this type in Serbia (in Niš, Knjaževac, Novi Sad, Belgrade), namely: Institution for Juvenile Education (with the receiving station) in Niš, Institution for Children and Juveniles in Knjaževac, Institution for Education of Children and Juveniles (with the receiving station in Belgrade), Children's Village in Sremska Kamenica and the Social Welfare Centre in Novi Sad, which includes a Women's safe house, Shelter and Day care centre. In addition to sharing experiences with colleagues from these institutions, the Centre has arranged the	Recommendation fulfilled.

			<p>reestablishment of once traditional meetings of homes in the region which accommodate children in conflict with the law.</p> <p>One educator was engaged in the work of the Commission for drafting the Law on Social and Child Care and Law on the Treatment of Juveniles in Criminal Proceedings. Two educators attended a two-day seminar in Bečići on domestic violence, while two educators attended a one-day seminar on inclusion organized by the Ministry of Education.</p>	
21.	Centre for children and juveniles "Ljubović"	Regularly inform the employees about the recommendations made by both international and national bodies/institutions responsible for monitoring of the respect for human rights of juveniles.	At the Expert team meetings staff are informed about all the reports that they always have access to.	Recommendation fulfilled.
22.	Centre for children and juveniles "Ljubović"	Organize workshops (group work with children) at least once a week and keep proper documentation about them that will provide an overview of the work done,	Every day interactive group work with children is organised, according to the educator, which deserves compliments. However, workshops with children are still not organized on a weekly basis. The Centre employs sufficient number of qualified staff (pedagogues, psychologists, defectologists, social workers, etc.) and all the conditions have been met for the organization of	Recommendation not fulfilled.

		purpose of the workshop and outcome.	educational workshops and orderly keeping of records. Based on the insight into the documentation, workshops have not been organized in 2013 (to 8 February), although the staff claim the opposite – that workshops were held, but not recorded into relevant books. In 2012, according to the available documentation, workshops were organized only during the first four months, while there is no record for the rest of the year, which is an unusually long period to be justified by disorderly kept documentation. Available reports from the workshops do not contain information on how each resident separately acted, although such information - based on their participation and reactions - could provide a recommendation to the court for their further treatment / stay, or possible termination of the institutional treatment. According to available reports, the majority of residents participated in the workshops, except those who have been justifiably absent due to illness or family visit.	
23.	Centre for children and juveniles "Ljubović"	Increase psychotherapeutic work with residents through activities that are acceptable and interesting to them (workshops, group work, psychodrama, etc.)	Residents who participated in the group work - workshops were active and responded well to the topics that were discussed. However, as pointed out in the description of the application of recommendation no. 21, there is no written record on their individual involvement or regular organization of these group sessions.	Recommendation not fulfilled. It should be noted that not all residents go home for the weekends and that some stay in the Centre. Their time besides the entertainment should be complemented with other

				activities as well (without limiting to a locksmith workshop) aimed to foster their development and increase willingness to participate in the community life.
24.	Centre for children and juveniles "Ljubović"	Organize work in workshops with an instructor on weekends, when residents are not in school and have more free time.	According to the response of the Centre representatives, work in a locksmith workshop takes place every weekday on a voluntary basis. They emphasized that older minors are usually trained in the locksmith workshop, who 'outgrew' their schooling, so the Ministry of Education provided them with an opportunity to obtain a vocational qualification (II degree). Centre representatives further stated that children rest on weekends, usually at home with their families, after having various commitments over weekdays and concluded that this recommendation was unacceptable.	Recommendation not fulfilled. It should be borne in mind that not all residents go home during weekends, but stay at the Centre. This time period, in addition to entertainment, should be spent in other activities that would help residents' development and increase their readiness to participate in the community.
25.	Centre for children and juveniles "Ljubović" and social welfare centres	Establish meaningful communication with the families of juveniles; include the social welfare centres in these activities, which would supervise juveniles after discharge	According to the information obtained from the Centre employees, they seek to maintain regular communication with the families of the residents, but, according to them, a significant number of families are "not functional". The Centre conducts activities that are within its competence (paying a visit to resident's family by education service), however, both staff and residents emphasized the	Recommendation partially fulfilled.

		from the Centre.	tardiness of the social welfare centres, which "forget" about residents after they have been placed at the Centre. After reviewing documentation on one of such visits, MT concluded that the Centre education service had an unsuccessful trip to one of the municipalities in the far north of the country due to the neglect of the competent social welfare centre.	
26.	Ministry of Labour and Social Welfare	Provide funds for the purchase of a mini van that would frequently take residents out of the Centre on field trips or other educational activities (performances, children's concerts, cinema).	The Centre still does not own a mini-van, but 4 official vehicles which, with regard to the number of residents (during the last visit - ten), can meet its current needs. It would be desirable to purchase a mini van for carrying out group visits, as the one in February 2012, when the educational services and residents visited several religious buildings (Catholic Church in Podgorica, Mosque in Podgorica Old Town and Ostrog monastery).	Recommendation partially fulfilled.
27.	Centre for children and juveniles "Ljubović"	Establish cooperation with NGOs for both further educational and training programs for residents, and staff in order to acquire knowledge and skills through non-formal education.	In the previous period the Centre has maintained communication with NGOs - NGO "Our Podgorica", Students Community and Volunteer Club of "Slobodan Škerović" High School, whose members cheered the residents with gifts (books, clothes, Christmas gifts), but there is no information about the organization of additional educational programs to fulfil residents' free time and achieve their social reintegration.	Recommendation partially fulfilled.
28.	Centre for children and juveniles	Establish formal collaboration with the	Centre has maintained good cooperation with the Law Faculty of the University of Montenegro and the Faculty	Recommendation fulfilled.

	“Ljubović”	Faculty of Political Science and the Faculty of Philosophy of the University of Montenegro, in order to carry out practical training of students of these faculties at the Centre.	of Special Education and Rehabilitation from Belgrade. Students of the Faculty of Political Science, major in Social Policy and Social Work, have had a five-day practice period at the Centre, which is not the case with the Faculty of Philosophy of the University of Montenegro – Psychology major. In the future it is necessary to put more effort in order to stimulate young professionals to work in this institution.	
29.	Ministry of Labour and Social Welfare	Expand the composition of the Administration Board of the Centre by engaging representatives of the civil society, universities, organizations for children's and human rights, etc.	Administrative Board still includes only state representatives and Centre staff.	Recommendation not fulfilled.
30.	Parliament of Montenegro and Protector of Human Rights and Freedoms of Montenegro	Ensure that the Office of the Ombudsman has the capacity to continuously monitor the Centre.	Cooperation with the Ombudsman is very good, and the Centre held several workshops with Ombudsman representatives related to children's rights. In the building lobby there is a mailbox for complaints set up by the Ombudsman.	Recommendation fulfilled.
31.	Centre for children and juveniles “Ljubović”	Display the House Rules in visible places in common rooms, so that the residents can be informed about their rights and	The Centre displayed excerpts from the Convention on the Rights of the Child and the Schedule of daily activities of residents in institutional care, which has been translated into several foreign languages (English, French, Arabic and Albanian) in the premises for the stay	Recommendation fulfilled.

		obligations during the stay at the Centre.	of foreigners It is commendable that following the publication of the Report, the Centre has adopted several by-laws under its competence (Rules of the stay of children at the Reception Station, Rules on the treatment of minor foreign persons residing at the Centre, as well as the Proposal of Rules on the execution of educational measure of referral to a non-institutional type of facility from 6 months to 2 years).	
32.	Centre for children and juveniles "Ljubović"	Display the Rules on Disciplinary Procedures and Sanctions in clearly visible places in common rooms (<u>CPT's recommendation from 2008</u>) ¹⁵	Rules on Rewards and Disciplinary Procedures are placed in a visible location in the living room.	Recommendation fulfilled.
33.	Centre for children and juveniles "Ljubović"	Next to the mailbox for complaints to the Ombudsman, display the instructions in a manner comprehensive to children.	According to the Centre management, Ombudsman has informed the children about the mailbox and how to use it. Given the constant arrival of new residents, we believe that this is not enough, as the Ombudsman is not a person engaged / present at the Centre at all times. Monitors did not notice an explanation / instructions that would explain the children in a manner comprehensive to them what the mailbox is for and also that they can not bear any consequences for addressing a complaint, in	Recommendation not fulfilled.

¹⁵ CPT Report on its 2008 visit to Montenegro.

			both Cyrillic and Latin alphabet.	
34.	Centre for children and juveniles "Ljubović"	Display the signs – labels of offices of the director and other employees of the Centre, labels for other rooms that are intended for the use of children, to ensure easy orientation at the Centre and openness of the institution.	Labels were set up.	Recommendation fulfilled.
35.	Centre for children and juveniles "Ljubović"	Enable residents to acquire additional knowledge in the field of the health promotion and health care, especially for high-risk areas (the use of psychoactive substances, alcohol, tobacco, excessive use of pills and artificial proteins, sexual activity, etc.).	Recommendation put into practice. The Centre has an employee in charge of the medical care of residents, who organizes workshops with them in the field of prevention and health preservation. The Centre also cooperates with NGOs dealing with these issues, which occasionally organize workshops in this area.	Recommendation fulfilled. This practice needs to continue; it is necessary to organize regular interactive lectures in the areas of health prevention and health care.
36.	Centre for children and juveniles "Ljubović"	Prohibit the use of tobacco products among residents and prohibit employees from providing tobacco products to residents. Find	Employees noted to MT that smoking is strictly prohibited in the Centre, but also that they can not control residents during their free time (out in town) and while in school. As opposed to the visit before publishing the Report, MT did not find any residents who smoked cigarettes.	Recommendation fulfilled.

		appropriate pedagogical method which will convincingly present the hazards of smoking, particularly to underage juveniles.		
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Conclusion:

In relation to visits carried out prior to the presentation of the Report on the human rights of residents at the Centre for Children and Juveniles "Ljubović" in November 2011, when the Centre operated in emergency conditions due to the construction of new housing units, the situation is quite different now:

Centre has four new apartment-type buildings that are fully equipped and meet the needs of residents and employees. Residents have been classified in accordance with the measures imposed, while professional personnel have possibility for constant supervision and contact with residents.

Reception station operates separately from other units, achieving thus separation of residents who are in full-time treatment and those who are there temporarily.

Professional staff has been reinforced with eight interns (a defectologist, psychologists and social workers) who will have their training at the Centre over the next nine months, under the Government program.

Human rights and freedoms of residents at the Centre for Children and Juveniles "Ljubović" are respected. We have not noticed nor received any information about the assault, inhuman or degrading treatment by professional staff of the Centre's residents.

We commend the fact that more than 2/3 of MT's recommendations have been applied fully or partially in the past year.

We emphasize that the Ministry of Labour and Social Welfare did not applied the CPT recommendation to provide special accommodation for children in need (abused, abandoned, vagrants), or to establish a system of specialized foster care (including unrelated foster families) since it is not acceptable for these children to live in an institution for juveniles in conflict with the law.

In order to further improve the guarantees for protection of the rights of residents, we note the following:

Educational / psychological workshops with residents do not take place regularly (or at least it is not possible to conclude that on the basis documents reviewed, with regard to recommendation no. 21 given by the monitoring team). Therefore, the recommendation to conduct a reorganisation of work in this direction is reiterated. Also, propose activities for children who stay in the Centre during weekends.

Include, beside representatives of the state agencies and employees, representatives of civil society organizations in the Administration Board of the Centre "Ljubović".

Employees accused of sexual assault against former female residents still work at the Centre. Although it has been more than a year since making the recommendation to suspend the two employees (educator and doorkeeper), currently prosecuted in criminal proceedings on charges of having committed the criminal offense of "Sexual assault or unnatural sexual intercourse through abuse of power" for a prolonged period of time against former residents of the Centre, this has not been done, although the Labour Law clearly prescribes such action, without exception. This also raises the question of the respect the right to a reasonable trial and responsibility of the judiciary (especially given the fact that the victims are two underage girls), who have been working on this case for eight years.¹⁶

The recommendation that the Ministry of Labour and Social Welfare should initiate emergency amendments to Articles 83 and 175 of the Family Law, allowing courts and social welfare centres to place children in "Ljubović" Centre, even children under 14 years of age, under the phrase "behavioural disorders" still remains. Art. 175 does not even specify the duration of the stay, so it happens that a child resides at the Centre for more than a year due to common anti-social behaviour, which is unacceptable because institutional protection is the last resort in the range of corrective measures.

It would be desirable if NGOs are more included in the offer of the activities for residents of the Centre and to establish cooperation between the Faculty of Philosophy in Niksic (the departments for psychology and pedagogy) and the Centre.

¹⁶ Basic State Prosecutor issued an indictment on 2 August 2005, however, judge N.B. was charged with this case only seven months later, and in the next four years there was no judgment in the case. In 2010 judge J.P.K. was charged with the case and adopted a first instance judgment on 14 June 2011, six years after issuing the indictment. The judgment was revoked on appeal by the High Court in Podgorica and the case was returned for retrial. Judge J.P.K. passed a judgment which was also appealed, and eight years after issuing the indictment the case is now for the second time in the appellate procedure before the High Court in Podgorica.