



**RESPECT FOR HUMAN RIGHTS OF RESIDENTS OF THE
PUBLIC INSTITUTION CENTRE FOR CHILDREN AND
JUVENILES „LJUBOVIĆ“**

**REPORT OF NGO MONITORING TEAM
HUMAN RIGHTS ACTION
CENTRE FOR ANTIDISCRIMINATION “EQUISTA”
CENTRE FOR CIVIC EDUCATION
WOMEN'S SAFE HOUSE**



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1. Introduction

1.1. Project

The project "Monitoring Respect for Human Rights in Closed Institutions in Montenegro", the aim of which is to improve human rights of residents in these institutions, is conducted by NGOs "Human Rights Action" (HRA), as the project leader; Centre for Antidiscrimination "EQUISTA"; Center for Civic Education (CCE); Women's Safe House (Shelter) and funded by the European Union through the Delegation of the European Union to Montenegro and the Embassy of the Federal Republic of Germany.

Within the project, an agreement on cooperation between the project leader NGO "Human Rights Action", the Ministry of Labour and Social Welfare and the Public Institution Centre for Children and Juveniles "Ljubović" (hereinafter: the Centre) was concluded on 17 June 2011. The Centre is an institution in which children and juveniles in conflict with the law are placed, educated and trained for return to their families and/or independent life in the community. The agreement includes unannounced visits of NGO monitors to this institution, presentation of the report on visits and discussions about the report at the round table, preparation of handbooks on the rights of residents of the institution and cooperation on a public campaign aimed at bringing closer the needs and rights of residents to general public.

The project includes preparation of a report on the extent of adoption of recommendations for improvement of the respect for the rights of residents of the Centre, given to Montenegro by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after a visit to the Centre in September 2008.¹ The report also contains specific recommendations of non-governmental organizations involved in this project. This is the first report, developed on the basis of information provided during the visits to the institution in the period from 29 July to 10 November 2011 and from other sources. The final report, which will ultimately assess the progress in implementing all of the recommendations, is to be published at the end of the project in September 2012.

1.2. Visits

For the purposes of this report, the monitors visited the Centre "Ljubović" five times during the period from July to 20 November 2011.

First visit was conducted on 29 July 2011. The team was composed of: Tea Gorjanc-Prelević, legal expert, Project Coordinator, HRA; Danilo Ajković, legal expert, Assistant Project Coordinator, CCE; Luka Stijepović, legal expert, monitor, HRA; Dragana Otašević, social worker, monitor, CCE. The visit was announced, in order to ensure an interview with the director, Dragan Pajović, and the organizer of educational work, Novo Vukićević. In addition to interviews with the administration members, the monitors visited the Centre premises, spoke with the staff and three residents who were at the Center at the time.

¹ Report on the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Montenegro, conducted from 15 to 22 September 2008, available at: http://www.cpt.coe.int/documents/mne/2010-03-inf-eng.htm#_ftnref23.

Second visit was conducted on 22 September 2011. The visit was also announced, and the team was composed of: Maja Raičević, Assistant Project Coordinator, Shelter; Jovana Hajduković, social worker, monitor, Shelter; Dragana Otašević, social worker, monitor, CCE; Danilo Ajković, legal expert, Assistant Project Coordinator, CCE. On this occasion, monitors had an interview with the assistant director Milorad Šćekić. After that, monitors also interviewed the staff and visited some of the Centre premises.

Third, unannounced visit, was conducted on Saturday, 1 October 2011 by Danilo Ajković, legal expert, Assistant Project Coordinator, CCE and Dragana Otašević, social worker, monitor, CCE. They interviewed an assistant educator and night duty educator, and after that the residents.

Fourth, unannounced visits, was conducted on 8 November 2011 by Dragana Otašević, social worker, monitor, CCE.

Fifth announced visit was conducted on 9 November 2011. The visit was conducted by Luka Stijepović, legal expert, monitor, HRA and Dragana Otašević, social worker, monitor, CCE.

1.3. Subject and aim of the report, research methods and sources of information

The subject of the report is a description and assessment of the respect for human rights of residents of the Centre, in particular in terms of observance of the prohibition of their abuse or other inhuman or degrading treatment or punishment. The aim of the report is to contribute to the improvement of living conditions of residents at the Centre and their social reintegration, pointing to the monitors' observations of good practice and shortcomings in the work of the Centre.

The report was developed after five visits to the Centre, which lasted several hours, and is based on personal observations of monitors and interviews with administration and staff of the institution, as well as with residents of the Centre. Visits were conducted by monitors, who are legal experts and social workers, additionally trained at a training held from 12 to 14 May 2011 in Podgorica.²

For the purpose of the preparation of this report, the monitors used international standards and recommendations³; applicable regulations in Montenegro concerning social and health

² The training was conducted by experienced and prominent trainers from partner organizations – Belgrade Centre for Human Rights and Latvian Centre for Human Rights, with years of experience in similar monitoring.

³ Universal Declaration of Human Rights, the United Nations General Assembly (A/RES/217, 10 December 1948); European Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 4 November 1950, entered into force on 3 December 1953; Convention on the Rights of the Child (A/RES/44/25 from 20 November 1989, entered into force 2 September 1990); UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), A/RES/40/33, 29 November 1985; UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (A/RES/45/112, of 14 December 1990); UN Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules) (A/RES/45/113, 1990); Vienna Guidelines for Action on Children in the Criminal Justice System, the Economic and Social Council, resolution 1997/30 from 21 July 1997; General Comment of the Committee on the Rights of the Child no. 10 (CRC/C/GC/10) on the rights of children in the juvenile justice system; reports of CPT on visits to juvenile

care for children in conflict with the law; laws governing the proceedings in which a child is imposed a measure of being placed in an institution and laws parts of which are directly related to children whose rights are the subject of this report⁴; the subordinate regulations of the Centre; materials from the training for monitors; reports of the CPT⁵ and the Ombudsman⁶ and their recommendations, as well as the available international standards for this type of institution⁷.

All these sources, along with the report, are available on the project's website: [www.hraction.org/monitoring_u_ustanovama_zatvorenog_tipa](http://www.hrraction.org/monitoring_u_ustanovama_zatvorenog_tipa).

During the preparation of the report, the following methods were used: qualitative and quantitative research, content analysis methods, analysis of compliance of national legislation with international standards and recommendations, as well as the analysis of the application of regulations. Scientific research techniques used include observation techniques and interviews.

1.4. History of the Centre

First educational and correctional institution in Montenegro was established by the Ministry of Health in 1948 in Donja Lastva near Tivat, and its residents were mostly war orphans. The institution operated until 1952, when it was closed for unknown reasons; prior to 1965 there were no similar institutions in Montenegro.

In 1965, the Parliament of Montenegro established the Shelter for Educationally Neglected Children and Juveniles with tasks to:

- accommodate educationally neglected children and juveniles under 18 years of age;
- classify residents with the aim of placing them in appropriate institutions or chosen families;

prisons and social institutions for juvenile perpetrators of criminal acts in member states of the Council of Europe, etc.

⁴ Law on Health care (*Sl. list RCG*, 39/2004 and 14/2010), Law on Social and Child Welfare (*Sl. list RCG*, 78/2005), Criminal Code of Montenegro (*Sl. list RCG*, 70/03...25/10), Family Law (*Sl. list RCG*, 1/07), Criminal Procedure Code (*Sl. list RCG*, 71/2003, 7/2004 and 47/2006) and Draft Law on Juvenile Justice of September 2011.

⁵ Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the visit to Montenegro from 15 to 22 September 2008 available at: http://www.cpt.coe.int/documents/mne/2010-03-inf-eng.htm#_ftnref23; Response of the Government of Montenegro to the CPT report of March 2010 available at: <http://www.cpt.coe.int/documents/mne/2010-04-inf-eng.htm>.

⁶ Special report of the Ombudsman on juveniles in conflict with the law, December 2006: <http://www.ombudsman.co.me/izvjestaji.php>

⁷ CPT standards ("Substantive" sections of the CPT's General Reports): <http://www.cpt.coe.int/en/docsstandards.htm>

- rehabilitate the family situation in order to achieve full social reintegration upon return from the Shelter.

With amendments to the Law on Primary Education (*Sl. list RCG*, 30/68), the Shelter became competent for measures of placing juveniles in an educational institution for a period of 6 months to 3 years.

The Secretariat for Science and Culture of the Republic established "Mladost" primary school in 1974, within the Shelter, that operated in accordance with the regular curriculum until 2007, when children were sent to regular city schools.

Institution for Education of Juveniles was established in 1974, and in 1991 it was organized as the Institution for Education of Children and Juveniles, whose activities were to place, educate and professionally train, as well as provide health care for children and juveniles with disorders in social behavior, and take appropriate measures in preventing them from violating generally accepted norms and committing crimes.

The Government of the Republic of Montenegro established a public institutions for children and juveniles in 2006, called the Public Institutions Centre for children and juveniles "Ljubović".⁸

2. Legal framework for referral and placement of juveniles at the Centre

In accordance with applicable laws, juveniles are placed at the Centre on the basis of:

1. court decision in criminal proceedings imposing a corrective measure of *referral to an educational institution*;⁹
2. court decision in criminal proceedings imposing a corrective measure of *increased supervision with daily stay in the institution for education of juveniles*;¹⁰
3. court decision in criminal proceedings, instead of the measure of *detention*;¹¹
4. court decision in non-contentious proceedings in the case of a *disorder in child's behavior* that requires an organized educational influence and removal of the child from the environment in which he/she lives;¹²
5. decision of a misdemeanor body in misdemeanor proceedings to impose a measure of *referral to an educational establishment of a non-institutional type*;¹³

⁸ Decision of the Government of the Republic of Montenegro on the organization of public institutions for children and juveniles (*Sl. list RCG*, 78/05).

⁹ Art. 92 of the Criminal Code of Montenegro (*Sl. list RCG*, 70/03...25/10).

¹⁰ Art. 90 of the Criminal Code of Montenegro.

¹¹ Art. 487 and 497 of the Criminal Procedure Code (*Sl. list RCG*, 71/03, 47/06).

¹² Art. 83 of the Family Law of Montenegro (*Sl. list RCG*, 1/07) and Art. 26 of the Law on Social and Child Welfare (*Sl. list RCG*, 78/05).

¹³ Law on Misdemeanors, *Sl. list CG*, 1/2011.

6. decision of the guardianship authority, in two cases: (a) when suspected that a juvenile has no parental care (parents died or abandoned the child), or that the parents abuse or gravely neglect their parental duties¹⁴, and (b) when, for some reason, the guardian is forced to share the custody of the child with the institution of social welfare¹⁵. In both cases, accommodation at the Centre is temporary.
7. In addition to the above, there is a practice of placing foreign juveniles, who entered Montenegro illegally, at the Centre, since there is no suitable shelter for foreign children, according to the Law on Foreigners.¹⁶

1. Most children are placed at the Centre on the basis of a court decision in criminal proceedings imposing a correctional measure of referral to an educational institution, for committing a criminal offense. This measure lasts from 6 months to 2 years, and the court may suspend it at any time. The main problem with imposing this measure, according to the Centre staff, is the excessive duration of the proceedings in the end of which the measure is imposed. Namely, the duration of the criminal proceedings against a juvenile is not precisely limited (there is only one provision of Art. 476 of the Criminal Procedure Code, which states that proceedings against juveniles are "urgent"), so in practice it happens that a person, who committed a crime as a juvenile, is imposed this correctional measure even five years after the commission of the offense, when the juvenile is already an adult, employed, married, or has children.¹⁷ In the period from 2007 to 2011, as many as six adults served the correctional measure of referral to an educational institution for a period of 6 months to 2 years for a crime they had committed as juveniles. This data is worrying, given the relatively small number of juveniles placed at the Centre.¹⁸ As a reminder, every case concerning a juvenile must be conducted expeditiously, without any unnecessary delays.¹⁹ As time passes, it is more difficult, if not impossible, for a juvenile to relate the proceeding and the decision to the offense; there it also a question of effectiveness of the treatment of an adult who, for example, started a family, in an institution intended for juveniles.

1. *Draft Law on the Treatment of Juveniles in Criminal Proceedings* requires that proceedings against a juvenile and proceedings in which a juvenile is injured by the criminal offense be urgent (Art. 5), but this requirement has not been secured with deadlines for undertaking actions in such proceedings.

2. Measure of *increased supervision with daily stay in an institution for education of juveniles* is executed by juveniles visiting the Centre once a day for conversation with and treatment by the experts at the Centre. This measure also lasts minimum 6 months to 2 years, and the court may suspend it in the course of its enforcement.

¹⁴ Art. 224 of the Family Law and Art. 26 of the Law on Social and Child Welfare.

¹⁵ Art. 175 of the Family Law.

¹⁶ See Art. 67, 72 of the Law on Foreigners (*Sl. list CG*, 82/08, 72/09 and 32/11).

¹⁷ Also, Art. 110, para 3 of the Criminal Code provides that an institutional correctional measure for the offense committed as a senior juvenile may be imposed to an adult person (16 to 18 years of age).

¹⁸ In 2009 and 2010 - twenty, in 2012 - nine.

¹⁹ Avoiding unnecessary delay - Rule 20; Standard Minimum Rules of the United Nations for the Administration of Juvenile Justice (the Beijing Rules).

3. Measure of imposing *detention* to juveniles in the criminal proceedings, enforced at the Centre, has been implemented three times in the past four years and, according to staff organizing correctional work, its implementation has not encountered problems at the Centre. According to the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, juvenile detention should be applied only exceptionally.²⁰

4. In the report on its 2008 visit to the Centre, the CPT expressed its concerns regarding the procedures for the placement of children at the Centre under the Family Law and the Law on Social and Child Welfare:

„Despite discussions with staff, the delegation was not able to obtain a clear picture of the placement procedures applied in social protection cases. It appeared that such juveniles could be placed both upon a decision of the competent Social Welfare Centre and a court order. Further, the issue of guardianship remained unclear to the delegation.”

Pursuant to the Family Law and the Law on Social and Child Welfare, a court may decide to refer a child to the Centre in non-contentious proceedings, *ex officio* or upon a request of child's parents or a guardian or other person entrusted with the care and education of a child, or a guardianship body, *if there has been a disorder in child's behavior that requires organized educational influence and removal of the child from the environment in which he/she lives*. This measure may not exceed one year.

Court submits this decision to the guardianship body (competent Social Welfare Centre), which adopts a decision on referral. Therefore, in this case too a court decides on the placement of residents at the Centre, and not the Social Welfare Centre. During the visit, the monitors were informed by the director that three residents had been placed at the Centre on this basis.

5. Under the new Law on Misdemeanors, the body responsible for leading misdemeanor proceeding may impose a juvenile the measure of *Referral to an educational establishment of non-institutional type* (the Centre), imposed when minors need to be removed from their present environment, and when it is considered necessary to influence the personality and behavior of a minor through stronger measures and involvement of experts. This measure lasts from eight days to three months; each month it is decided whether there are grounds for suspension of the enforcement of this measures or replacement with another educational measure. It is imposed when a juvenile needs to be removed from the present environment and when the court finds it necessary to influence the personality and behaviour of a minor through stronger measures and involvement of experts.

6. The guardianship body (Social Welfare Centre) can only temporarily place a juvenile at the Centre (a) if there is suspicion that a juvenile *has no parental care* (parents died or abandoned the child), or that *parents abuse or harshly neglect their parental duties* (which is the basis for deprivation of parental rights in accordance with Art. 87 of the Family Law), and therefore a juvenile must be assigned a guardian. The guardianship body accordingly makes a conclusion on temporary placement of a juvenile at the Centre until the case is resolved, i.e. until the parents or guardians of a child are found and notified or until a child is placed under guardianship. In the majority of cases, juveniles are placed at the Centre on this basis because of vagrancy and begging (which represents a gross neglect of a child by a

²⁰ "Detention (of juveniles) before trial should be avoided as much as possible and limited to exceptional circumstances. Alternative measures should be applied instead." *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* (UN General Assembly Resolution no. 45/113, December 14, 1990).

parent), but reportedly kept there very short, as the parents are quickly found. In the second case (b) Social Welfare Center can place a juvenile in an institution for social and child welfare (e.g. the Centre) instead of a family accommodation - foster care, whereas the guardian of the juvenile takes general care of the upbringing and education of the child. Disadvantage of this basis is that the Family Law does not specify the duration of the placement under Art. 175. In practice, the duration is short, because the aim is to provide a juvenile with foster care as soon as possible. Regardless, the worrying fact is that the neglected, abandoned or abused children, in need of special psycho-therapeutic treatment and proper environment, stay at the Centre with children who committed crimes or misdemeanors.

7. During the visit to the Centre on 8 November 2011, on the lunch with other children there were also two Kenyan citizens, placed at the Reception Station as illegal immigrants without documents. It was obvious that they were no longer juveniles, but were brought there because they had previously been placed at the Centre. They already spoke Montenegrin language well.

The Criminal Code prescribes the educational measure of *referral to an educational-correctional institution* (Art. 93), which can not be implemented in Montenegro, as such institution does not exist. In fact, during the existence of the state union of Serbia and Montenegro, this sanction was carried out in a correctional institution in Kruševac. Following the independence of Montenegro, referral to an institution on the territory of a foreign country is no longer implemented, but the sanction still exists, and now the courts, according to the Centre staff, do not impose this sanction.

Admission of residents at the Centre is regulated by the Rules on Admission and Discharge of Residents (of November 2006). On the basis of imposing the correctional measure of referral to an educational institution (item 1), admission of residents begins when a court submits a decision on imposing an educational measure to the competent Social Welfare Center, which, within 15 days after receiving the decision of the court, issues a decision on referral to the Centre and notifies the court about this decision. If a juvenile is at liberty or does not arrive for placement, the Centre notifies the police, which takes a juvenile to serve a correctional measure. A juvenile with full documentation (decision on placement, health record, social history) is placed at the Centre, and the Center is obliged to notify the Social Welfare Centre about the success of the implementation of a correctional measure every 6 months. A juvenile is released from the Centre after a period specified for the measure, or earlier if the court so decides. A juvenile can not be released without the consent of the registration Social Welfare Centre.²¹ Stay of juveniles at the Centre may be extended upon parents' (or guardians') request, for juveniles to be able to complete their education or begin training.

As for the custody, it is not discontinued by the placement at the Centre; juvenile remains under the custody of parents, guardians or Social Welfare Centre, in accordance with the provisions of the Family Law.

There were complaints on account of social welfare centres, that they often "forget" about residents upon their placement in the institution, although they should continuously monitor

²¹ Registration Social Welfare Centre is a social welfare centre responsible for a juvenile on the basis of juvenile's permanent or temporary residence.

the case of each child and return the socially rehabilitated children to their families and social community.

The Centre staff, with decades of experience in this area, noted that the court should appoint judges to act solely in juvenile cases, i.e. that these be their only cases and that they be specially trained to work with children.²² *The Draft Law on the Treatment of Juveniles in Criminal Proceedings* includes the provision which proscribes that the state prosecutor for juveniles, the juvenile judge, and the judges of the Juvenile Council shall be persons who obtained special knowledge in the field of children's rights and the rules of dealing with juvenile offenders and juveniles as participants in criminal proceedings (Art. 46).

In addition, it is a good legal solution that, upon the adoption of the new Law on the Treatment of Juveniles in Criminal Proceedings, juvenile judge shall be obliged to visit juveniles and prepare a report on those visits to be submitted to the President of the Court, both for persons who are at the juvenile prison and for those who serve institutional measures in an institution such as the Centre "Ljubović" (Art. 147 of the Draft Law).

2.1. Recommendations:

- ⇒ Amend the Draft Law on the Treatment of Juveniles in Criminal Proceedings by prescribing deadlines for taking actions in proceedings, to ensure their urgency.
- ⇒ Ensure that only specially trained judges and prosecutors, who own a certificate for training completion, act in juvenile cases.
- ⇒ 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.
- ⇒ Provide special shelter for abused, abandoned or neglected children before sending them to foster families.

3. Residents

There were a total of eleven children on permanent treatment (at first ten boys and one girl, and by the end nine boys and two girls) during the visits to the Centre.

Nine of them were at the Centre serving correctional measures, imposed by a court, for the period of 6 months to 2 years.

Two residents were at the Centre for permanent treatment, i.e. to serve the correctional measure of intensified supervision of a guardianship body, including daily stay.

Of the nine residents serving the measure from 6 months to 2 years, six of them had been sent to the Centre under the Criminal Code, for committing offenses of robbery, inflicting serious

²² Multiple sources have confirmed that it often happens that these type of cases are treated with a lack of attention, as cases of minor significance.

bodily injury and property offenses, while three others had been sent on the basis of the Family Law, because of a behavioral disorder.

One girl was placed in a boarding home, and the other at the Centre on the basis of Art. 175 of the Family Law, which provides that guardianship body may place a child in an institution of social and child protection. Since there is no such special institution, children are placed at the Centre.

The situation is still similar to that of 2008, when the CPT recommended examining the issue of joint stay at the Centre of juveniles of different profiles and needs. Namely, abused and children temporarily displaced from their family environment continue to reside at the Centre together with juvenile delinquents, although for a much shorter period than before.

The monitors have been informed that after the construction of new facilities - the department for admission and treatment, as well as the Reception Station, the juveniles will be appropriately separated, but this situation still does not solve the problem of placing children at the Centre who are not in conflict with the law, but have specific needs.

3.1 Recommendations:

- ⇒ Courts should consistently observe the principle of urgency while acting in cases related to juveniles, in order to prevent referring adults to the Centre for juveniles.
- ⇒ Ensure division of different juveniles' categories of different profiles and needs upon completion of the construction of apartments for residents. Make an effort to provide a special shelter for abused, neglected, or abandoned children, as already stated above.

4. Conditions of stay of residents

4.1 Spatial capacities

In 2011 the Centre included two buildings: dormitory building (former school building)²³, within which operate the Reception Station, institutional treatment, Admissions department with diagnostics, and administration building, with Day Centre, library, locksmith workshop, kitchen and yard.

Given that much of the old facilities for accommodation of juveniles which were in poor condition²⁴ have been demolished, construction of four new buildings is under way, with apartments suitable for accommodation of residents, financed by the Ministry of Labour and Social Welfare of Montenegro.

²³ Based on the conclusion of the Government on the transformation of the Center for children and juveniles "Ljubović" no. 03-5981 of 27 July 2007, elementary school "Mladost", which operated within the Centre was closed and the children were sent to regular town schools.

²⁴ During the visit earlier in 2010, the Centre had no proper heating, while the doors and windows were extremely worn out.

Moving into the new facilities is planned for the end of 2011, as the monitors were told during their first visit in July of 2011. CPT was precisely interested in time framework for completion of planned construction during their visit in 2008.²⁵

However, this deadline will not be met, since only one of the four planned objects is in the final phase of construction, and as for the remaining three - only rough construction works have been completed.

The monitors have been informed by the Centre administration that the arrangement in the existing premises of the Centre is only a transitory solution until moving into new facilities, with conditions that will meet international standards of child protection. Facility intended for the Reception Station, where all the residents of the Centre currently reside, was built with a donation from the United States Army Forces Command in Europe and through the United States Embassy in Podgorica, and upon completion of construction of new facilities-apartments for residents, it will serve only as a Reception Station, and not for institutional treatment, as is the case now.

4.2 Organizational units

The Centre has 4 organizational units:

- 1) Reception Station;
- 2) Increased supervision with daily stay in an institution for education;
- 3) Admissions department with diagnostics,
- 4) Execution of institutional measures (from 6 months to 2 years).

4.2.1 Reception Station

The Reception Station is intended to provide urgent social aid in terms of temporary, short-term stay and care for children and juveniles caught up in vagrancy, without the supervision of parents or other adults until a more permanent solution (or return to their foster family, the Social Welfare Centre or otherwise) is found.

According to the records of the organizers of educational work, 15 to 20 children a month go through the Reception Station, although recently the majority of them were children from Libya fleeing the local war. In 2010, 182 juveniles went through the station.²⁶

The Reception Station is intended to keep children no longer than 24 hours. However, because of poor coordination of institutions in the field of social protection of children, they stay there up to a month. Therefore, there was often no room for all in need of accommodation. The administration of the Centre points out a worrying fact that the abused children are often sent to the Reception Station because there is no adequate institution for them. This is not recommended, since children who are victims of abuse are put together with children who are offenders. According to the staff, they are trying as hard as possible to

²⁵ Report to the Government of Montenegro after the visit to Montenegro by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 2008: http://www.cpt.coe.int/documents/mne/2010-03-inf-eng.htm#_ftnref23.

²⁶ Report on the work of the Centre for children and juveniles "Ljubović" for 2010, Podgorica, December 2010.

minimize their contact with the children on treatment, however, since they reside in the same building, dine together, etc, this is very difficult to achieve in practice. Abused children should reside in a separate shelter or be placed in foster families.

Monitors believe that these problems should be addressed in a serious manner in terms of finding ways to isolate these children individually and provide them with special treatment by multidisciplinary experts, as they are a very vulnerable category of children. However, unlike the previous practice observed by the CPT - when children in social need, who were not offenders, resided at the Centre for up to two years, presently these children are kept at the Centre no longer than one month, as the monitors have been informed.

Within the Reception Station there are apartments with double rooms along a narrow corridor with two toilets. The rooms have always been in good condition, with basic inventory: bed, wardrobe, TV and air conditioning. There are separate male and female toilets, which are marked. Rooms located in the same corridor are divided into male and female, but without a sign indicating that.

There are no toys or spaces adjusted to younger children, which could help them adapt to a new environment.

During a visit on 22 September 2011, there was a girl N.N. in the Reception Station, about 7 years of age (at that moment the Centre had no information about her), she was scared, silent and it was obvious that she needed special attention and care. She was alone in the room and upon the arrival of visitors, she lit up. A room with the basic inventory without anything "for children" can not have a soothing effect on a child who may have survived abuse, and is isolated, outside the family environment. Bearing in mind that at that time she was the only child in the Reception Station, she should have not been left unattended.

4.2.2 Admissions department with diagnostics

This department determines etiology and phenomenology of behavior of children in conflict with the law. In other words, it investigates the causes of delinquent behavior of young people, social and individual properties of the offender, their lifestyle, habits, etc.

As an organizational unit, it represents a very important stage at which the education service further refers the child to one of the treatment groups after a period of adaptation. However, considering the conditions in which the Centre currently operates, that is not possible because spatial capacities for meeting this condition do not exist, and therefore the educators, as they have informed the monitors, cope by using available premises at the Reception Station or the treatment.

Despite the fact that new facilities are being constructed and should be occupied next year, the current situation is a major drawback – because spatial distance between units occupied by different categories of residents in various stages of treatment has not been provided. Now juveniles who have just arrived at the Centre and belong at the Reception Station mix with those who are on institutional care and will reside in a separate section only after moving into new apartments.

4.2.3 Institutional treatment

It consists of two parts, male and female, spatially divided by corridors, although the doors of the corridor leading to the rooms have no signs to specify male or female rooms. There are three male and two female rooms. Rooms are double, with a TV, air-conditioning, wardrobe, natural light. There are ten beds in total.²⁷ Children have not substantially left their mark in those rooms; rooms are not decorated in order to make the children feel better. However, this is only a transitory solution until moving into new facilities, for which, according to the director, complete inventory has already been provided.

Toilets are new, clean; there are separate male and female toilets. Washing machines are in operation, they are in the bathroom and juveniles can use them. Hygienic supplies are provided on a monthly basis or as needed.

4.2.4 Day Centre

On the ground floor of the administration building there is a Day Centre for execution of measures of daily stay under the supervision of a guardianship body, which also encompasses a library. The Day Center has bars on the windows, which should be removed, as they have no essential purpose.

The books in the library do not match children's age (mostly encyclopedias, philosophical studies and reference books on the education of children in English language) and there are no recently published books.²⁸

The library contains a complete set of reading list for elementary and secondary school under the old program. It should be enriched with the reading list in accordance with the current curriculum in schools, as well as with newer titles that would attract children's attention, make a positive impact on them and enable children to talk about those books during the appropriate workshops.

The living room has two cameras installed, since children who serve daily measures reside there. However, cameras can cause discomfort during their stay or during the organization of activities and deprive children of a sense of relaxation and spontaneity as they know they are being watched. The monitors believe that it would be more effective to install cameras at the Centre entrance, because in this way it is possible to completely ensure the security and monitor the arrival and departure of employees and residents.

²⁷ Although there are 11 permanent residents currently on treatment, according to staff, residents are never at the Centre at the same time (e.g., when parents are visiting). Moreover, due to inefficient work of courts when an adult who committed a crime as a juvenile reports to serve a measure, but in the meantime has found an employment and started a family, such person, in consultation with the administration, does not reside at the Centre, but has a regular reporting obligation, which is respected in practice.

²⁸ For example: Aristotle's "Organon", Hegel's "Phenomenology of Spirit", Plato's "Laws" and so on. According to the UN Rules for the Protection of Children Deprived of their Liberty, each of such institutions must provide access to a library of reference books and popular books appropriate for juveniles, who should be encouraged to use the books (item 41).

4.2.5 Kitchen

Kitchen has an area of 8 m² and only breakfast is prepared there, while lunch and dinner are delivered from the student cafeteria. The monitors were told that the children always have enough fruit and that servings are doubled when necessary. However, residents told the members of the monitoring team that they would like to get more fruit, as the CPT also noted in their report on the 2008 visit.²⁹

During the visit of the monitors, the residents were having lunch. There is a noticeable lack of a separate dining room. Children eat in the kitchen at a small table where up to four of them can be seated, so they cannot all eat at the same time.

The monitors noticed that leftovers from previous days are stored in the refrigeration units. They are not used in the diet, but, according to the staff, a member of the staff takes the leftovers home. However, such practice could jeopardize the hygiene and health of the staff and residents.

4.2.6 Yard

The yard looks nice, with lots of green spaces and inventory that is handmade by the residents of the Centre in the locksmith workshop. According to the administration, the Centre renovation includes construction of sports facilities, which will contribute to the quality leisure time of residents.

4.2.7 Locksmith workshop

During their daily activities, as a form of practice in the workshop, *boys* make benches, baskets and similar inventory that Centre then sells, thus helping its financing and meeting the needs of residents. Since the operation of the workshop is voluntary, only two residents currently work there and receive a monthly stipend for their work. Children in the workshop are trained by a practice educator. The work is regulated by the Regulations on Occupational Safety.³⁰

Girls do not have a similar type of occupation or training organized. The Centre should also provide them the opportunity to acquire craft skills in order to find employment more easily after leaving the Centre, which is one of the best ways to ensure their reintegration into the society, as recommended by the CPT.³¹ Also, in addition to crafts education, girls should be provided with quality leisure time, which should also be a way of their appropriate social reintegration.

Products of the workshop and possible future activities should be better promoted, as this is a useful way for the Centre to receive revenue and provide a better standard for its residents.

²⁹ Report on the visit to Montenegro in 2008, CPT, p. 141.

³⁰ Based on Art. 102. of the Labor Law, Art. 4 of the Statutes of the Institution, at a meeting held on 28 February 2006 the Administration Board of the "Ljubović" Centre adopted the above mentioned regulations. Made available to the Delegation upon the Request for free access to information of 6 September 2011.

³¹ Consent of the CPT with the principle set forth in Rule 26.4 Beijing Rules. <http://www.cpt.coe.int/en/documents/eng-standards.pdf>. See p. 42, 43, 45 and 46 of the UN Rules for the Protection of Juveniles Deprived of their Liberty.

4.2.8 Recommendations:

- ⇒ Mark male and female rooms.
- ⇒ Provide special accommodations for abused, neglected or abandoned children. 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.
- ⇒ Provide toys and adjust the Reception Station for younger children, to help them adjust to the environment unfamiliar to them.
- ⇒ Remove bars from the premises of the Day Centre.
- ⇒ Remove cameras from the Day Centre (premises for daily stay) and install them on the gates of the Centre or in front of the entrance to the building.
- ⇒ Separate the Admissions department with diagnostics from other organizational units.
- ⇒ Enrich the library with newer titles, adjusted to the age and interests of children.
- ⇒ Ensure equal treatment of male and female residents of the Centre in terms of professional training, and provide girls with the opportunity to acquire crafts skills.
- ⇒ Promote products produced by children in the locksmith workshop or in the future in other workshops.
- ⇒ Ensure that children have fruit at all times.

5. Work methods, activities, psycho-social and educational development of children at the Centre

5.1 Staff

There are 39 persons employed at the Centre, 19 of which have higher education degrees.

Educational work is organized by the Organizer of educational work, who has a university degree, two educators with higher education degrees, and three assistant educators with secondary education. In addition to them, legal experts are also involved as educators, as well as former "Mladost" school teachers, as night duty educators.³² In the future, special attention should be paid to the employment of specially trained educators. In addition to persons responsible for the educational treatment, i.e. for everyday work with children, 3 special pedagogues, 2 psychologists, 1 pedagogue and 1 social worker are also employed at the Centre.

Because of the small number of residents (on average, 12 of them on a permanent treatment), the impact of specialized staff is questionable in activities that would have to be regular in this type of institutions, such as group workshops, as detailed below (Section 5.2).

³² Work program for 2011, p. 3, available at:

<http://centarjubovic.me/images/stories/Dokumenta/PROGRAM%20RADA%20za%202011.pdf>.

When the CPT visited the Centre in 2008, there were 38 staff members, and it was announced that 6 more positions are to be opened (for 4 educators, 1 instructor and 1 security officer)³³. However, to date, the number of staff has increased for only one person. The work is divided into three shifts. Four staff members work in the first and second shift, and three in the night shift. Due to the current situation - renovation of facilities, only the Reception Station works 24 hours.

The worrying fact is that only three persons, men,³⁴ work in the night shift at the Centre, although women are also willing to work in all three shifts. This leads to preferential treatment of one part of the staff, because the employees who work night shifts have higher salaries than those working day shifts.³⁵ After examination of the log-book, it was found that the above-mentioned three persons work in the night shift continuously, for more than one week, as opposed to the Labour Law, which prescribes that an employer must adopt such a shift schedule so that an employee can not work the night shift for longer than one week.³⁶

The monitors noted that of the three men working the night shift, two (one always engaged in the night shift and one working all shifts) are prosecuted in criminal proceedings on charges of sexual assault of two minors, who had been residents of the institution in 2005.³⁷ These are night shift educator S.K. and doorkeeper S.J. The monitors sought an answer from the director of the Centre to the following question: "Were disciplinary proceedings conducted in the period from 1 January 2000 to 1 November 2011 against employees of the Centre for children and juveniles "Ljubović", and if so, what is their outcome?" The full answer³⁸ was: "In the period from 1 January 2000 to 1 January 2011, disciplinary proceedings were conducted against the former, now retired, director G.P., night shift educator S.K. and doorkeeper S.J. They were released of guilt by first instance verdict, but the judgment is not yet enforceable."

Please note that the administration and the competent ministry were obliged to remove from their positions the above-mentioned persons, in accordance with the then³⁹ and now applicable law and regulations (Art. 130, para 1, item 3 of the Labour Law⁴⁰), as they had been prosecuted for a criminal offense committed at work or work-related, which, as stated,

³³ CPT Report in the 2008 visit to Montenegro, p. 143, Response of the Government of Montenegro to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its visit to Montenegro of 11 March 2010, available at: <http://www.cpt.coe.int/documents/mne/2010-04-inf-eng.htm>.

³⁴ Work program for 2011, p. 3, available at: <http://centarljubovic.me/images/stories/Dokumenta/PROGRAM%20RADA%20za%202011.pdf>.

³⁵ Under the law, night work includes hours from 10 p.m. to 6 a.m. the following day and represents a special working condition, paid additionally (Art. 78, para 2, in relation to Art. 56, para 1, 2, 3 of the Labour Law, *Sl. list CG*, 49/08, 26/09).

³⁶ Art. 172, para 1, item 17, in relation to Art. 57, para 1 of the Labour Law, *Sl. list CG*, 49/08, 26/09.

³⁷ Daily *Pobjeda*, 23 July 2005, available at: <http://www.pobjeda.me/arhiva/?datum=2005-07-23&id=66820>.

³⁸ No. 591/11 of 9 November 2011.

³⁹ The Labour Law, *Sl. list RCG* 43/03 and 25/06.

⁴⁰ *Sl. list CG*, 49/2008.

is still pending final enforceable judgment. It is particularly worrying that these people were not only kept at the Centre, but also assigned to work together in the night shift, one regularly and the other periodically.

According to the director, the staff has experience in working with children in conflict with the law and is divided into multidisciplinary teams so that each shift has its own specialist (psychologist, educator, special pedagogue and one of the support staff members).

However, during the first visit, there was the "Duty schedule for the period of 18 June to 21 August 2011 for educators and assistant educators" on a cabinet in one of the offices. Among the names in the schedule, the monitors noticed V.P. and S.P., employed as a legal advisor and instructor.⁴¹ The monitors emphasize that the Centre should strive to employ only persons trained for this vocation, as educators in this specialized institution.

A prerequisite for the successful social reintegration of children in conflict with the law is competent staff, which, in addition to necessary appropriate professional qualifications, must also have additional qualities for the work with children, such as sensibility, patience and understanding, along with continuing education. Staff should be trained to effectively carry out their duties, including special training on child's psychology, child welfare and international standards of human rights, especially the rights of children.⁴² Professional education, work training, knowledge renewal courses and other appropriate learning modalities are used to establish and maintain the necessary expertise of all those involved in juvenile cases.⁴³ The goal of education is to clearly explain the staff their duties in accordance with the rehabilitation of offenders, ensuring their rights and protecting the society. Training should provide the staff with understanding of the need for cooperation and coordination of activities with other relevant services.⁴⁴

Employees at the Centre do not have the possibility of regular study tours and training, mainly due to the lack of funds. Three employees visited institutions of similar type in Croatia and Slovenia in 2006.⁴⁵ During three days in March 2010, the Centre employees together with the representatives of social welfare centres attended a three-day seminar on

⁴¹ Work program for 2011, p. 3, available at: <http://centarjubovic.me/images/stories/Dokumenta/PROGRAM%20RADA%20za%202011.pdf>.

⁴² UN Rules for the Protection of Juveniles Deprived of their Liberty, p. 85.

⁴³ The Beijing Rules, p. 22.

⁴⁴ The Tokyo Rules, p. 16.

⁴⁵ The visit was organized by UNICEF in collaboration with the NGO "Save the Children". In Slovenia, they visited three institutions similar to the Centre. Employees have pointed out that it is necessary to establish the "halfway houses" in Montenegro, as those they visited in Croatia, which operate within these institutions. In these countries there are buildings (social service) for placing children without parental care after they leave the institution. Employees pointed out that five years ago there were 33 crisis centers in Slovenia, operating precisely with the aim to minimize the referral of juveniles to institutions.

"International Standards and Juvenile Law," conducted by an expert from UNICEF, prof. Dr Đurađ Stakić.⁴⁶

Monitors have also noticed the staff's lack of knowledge on the contents of the report published after the CPT's 2008 visit to the Centre. In fact, according to one of the employees working at the Centre at the time of the CPT visit, the administration told them that they had been commended.

In order to employ people with proper qualifications, it is recommended that the Centre establishes a formal collaboration, for example through a Memorandum of Cooperation, with the Faculty of Political Science – Study Program for Social Work and Social Policy, and the Faculty of Philosophy - Psychology Study Program, whose students would conduct practice at the Centre, and in this way the Centre would have a quality choice when announcing vacancies for interns.

5.2 Contents and organization of work with residents

Having in mind the current number of residents of the Centre (11), there are no obstacles for regular organization of comprehensive workshops for residents, which are a form of group work, proven to be a very good method of working with children in conflict with the law.⁴⁷ Workshops, with proper selection of topics, affect the development and improvement of psychosocial, healthy, adaptable potential, skills, habits, attitudes and lifestyles in children.

Although the monitors have been informed that the workshops are organized regularly, the last written record of a workshop organized at the Centre dates back to February 2011.

The educators have said that the administration work takes a lot of their time and that they do not note down information on each workshop they conduct. However, the educators did not respond to the request of the monitor - a social worker, to attend at least one workshop from July to mid-November, which suggests that the workshops actually take place very rarely.

The chief educator informed the monitors that the corrective treatment, in addition to workshops, also includes individual work with the residents, based on modern methods, which had not been the case earlier. Individual work primarily involves the establishment of relations between a resident and his/her educator. On the basis of social work history, the educator develops the plan of work with the child. The monitors have been informed that each resident has an individual treatment plan, whose reviews are performed regularly.⁴⁸ However, the monitors were not allowed to access individual plans for reasons of confidentiality.

⁴⁶ The seminar was organized as part of the "Juvenile Justice Reform," carried out by The Government of Montenegro from 2008 in collaboration with UNICEF and with the financial support of the European Union. More information about the seminar available at: http://www.unicef.org/montenegro/reallives_14101.html.

⁴⁷ On the importance of group work in reducing antisocial behavior with children and juveniles, see, for example, from authors in Serbian language: "Evaluation of the effect of the integration program for young people in conflict with the law", Jasna Hrnčić, Tamara Džamonja Ignjatović, Vera Despotović Stanarević, p. 438-441, *Yearbook of the Faculty of Political Science*, No. 5, University of Belgrade, Belgrade, June 2011.

⁴⁸ As well as in the report on the work of the Centre for 2010, Podgorica, December 2010.

During a weekend visit, the monitors noted that the residents were not able to use the Day Centre, where the library is located, or the workshops. According to the educator on duty, these rooms are locked on weekends. The monitors believe that these types of activities should be organized particularly on weekends, when residents are not in school, and have more time for reading and craftsmanship.

One of the aspects of working with children includes working with their families. Family is very important in the socialization of juveniles. From entering the institution, a juvenile is being prepared for the release. Certainly, in the meantime, he/she must master the skills, overcome problems and understand what he/she did wrong. For all these reasons, family support is essential. However, problems arise due to the refusal of families to cooperate (often a dysfunctional family or family community).

According to educators, some juveniles attend extracurricular activities, such as judo practice, in which case they are provided transportation by private staff members' cars. One of the educators on night duty has his own private judo club and children are able to train there.⁴⁹ However, the Centre does not have the financial means to offer children organized sports activities or other extracurricular activities, such as dance courses, for which one of the female residents expressed her interest. Also there are no vehicles for transportation of children to such activities or field trips. Monitors were told that, when the renovation of the Centre is complete, the residents will have a sports playground. The children have expressed a desire to be able to ride a bicycle.

Children have the right to go out to town (until 10 p.m.) and receive a monthly allowance (12.5 Euros per month), as well as to visit their parents and relatives once every 15 days. Policy of the Centre, according to educators, is for the residents to often spend time outside the Centre in order to avoid the so-called "Dormitory syndrome".

Unlike the practice of locking children, noted by the CPT during their visit in 2008,⁵⁰ the monitors have not noticed that the children were locked at any time.

Cooperation with NGOs, Government and international organizations in the past has been more intensive in the form of workshops and training courses. Some radical projects have been realized that opened the institution to the public with the aim of reducing prejudice against children in conflict with the law. Such was the project with UNICEF and the Faculty of Dramatic Arts in Cetinje, when residents of the Centre had been preparing the play "Down the good and the bad road" for three months, which was then performed at the Centre, the Culture and Information Centre "Budo Tomović" and in the town of Nikšić. The play was very successful and several guest performances have been organized. A female resident, who participated in the show and with whom the monitors spoke, was thrilled by the experience. This type of activities at the Centre has multiple benefits for both the institution and the residents. A workshop "12 steps" was organized in 2010, in cooperation with NGO "4 Life", with the aim to combat drug addiction.⁵¹

With the aim of achieving stronger binding of the Centre and its residents with the

⁴⁹ Person currently prosecuted for sexual abuse of a former female resident of the Centre (more on this in Section 5.1 Staff).

⁵⁰ CPT Report on the 2008 visit to Montenegro, p. 143.

⁵¹ Report on the work of the Centre for children and juveniles "Ljubović", Podgorica, December 2010.

community, and transparent operations and supervision of the work, the Administration Board of the Centre should also include representatives of the civil society, organizations for children's and human rights, representatives of the Faculty of Dramatic Arts, Faculty of Political Science, Faculty of Philosophy, etc.

According to the UN Rules for the Protection of Juveniles Deprived of their Liberty, institutions such as the Centre should be continuously exposed to inspection by a body that does not belong to government institutions, entitled to the right to conduct unannounced visits at own initiative, and which would enjoy the full warranty of independence in performing this function.⁵² The Ombudsman could be assigned such duties, if the office of the Ombudsman has the capacity for continuous monitoring of the work of the Centre.⁵³

5.3 Recommendations:

- ⇒ 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.
- ⇒ 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.
- ⇒ Provide the means for education of employees, especially those whose job description involves regular work with children, in the country and abroad.
- ⇒ 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.
- ⇒ Increase psychotherapeutic work with residents through activities that are acceptable and interesting for them (workshops, group work, psychodrama, etc.)
- ⇒ 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, purpose of the workshop and outcome.
- ⇒ Organize work in workshops with an instructor on weekends, when residents are not in school and have more free time.
- ⇒ Establish meaningful communication with the families of juveniles; include the Social Welfare Centre in these activities, which would supervise juveniles after discharge from the Centre.

⁵² Item 72 (A/RES/45/113. United Nations Rules for the Protection of Juveniles Deprived of their Liberty), <http://www.un.org/documents/ga/res/45/a45r113.htm>.

⁵³ The Ombudsman published its latest report which specifically considers the care for children in conflict with the law in 2006, when the Centre "Ljubović" was established pursuant to a decision of the Government (Special Report on Juveniles in Conflict with the Law, the Ombudsman, Podgorica, December 2006).

- ⇒ 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).
- ⇒ 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.
- ⇒ Establish formal collaboration with the 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.
- ⇒ 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.
- ⇒ Ensure that the Office of the Ombudsman has the capacity to continuously monitor the Centre.

6. Documentation

After the CPT criticized the forms and tardiness of record-keeping at the Centre in their report from 2008⁵⁴, in 2009 the administration improved the system of record-keeping.

Every resident has their educator and personal record, kept from admittance to the institution until release, including records of treatment, social history, psychological assessment, records of going out and coming back. There are no records of physical abuse of residents. Monitors only noted sanctions like prohibition of going out to town.

7. Discipline and disciplinary measures

The monitors noted that there are no clearly visible House Rules put up anywhere, although the children that the monitors spoke to noted that they understood and observed them. Monitors only noticed papers on the walls with transcribed text of articles from the Convention on the Rights of the Child. However, under the UN standards, "on admission, all juveniles shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations in a language they can understand, together with the address of the authorities competent to receive complaints, as well as the address of public or private agencies and organizations which provide legal assistance. For those juveniles who are illiterate or who cannot understand the language in the written form, the information should be conveyed in a manner enabling full comprehension".⁵⁵

⁵⁴ "Finally, it should be noted that the main log-book of the establishment was out of date, the last entry having been made on 19 June 2008. The CPT recommends that steps be taken at the Ljubović Centre to ensure that record keeping is up-to-date and accurate." Report on the 2008 visit to Montenegro, CPT, p. 147.

⁵⁵ United Nations Rules for the Protection of Juveniles Deprived of their Liberty, p. 24 (General Assembly Resolution UN 45/113, 14 December 1990).

The CPT recommended that a clear disciplinary procedure be introduced at the Ljubović Centre and that juveniles be duly informed of it.⁵⁶ The monitors believe that the above described situation (unavailability of the rules in written form to all residents) can not satisfy the required form of informing residents of their rights and obligations.

CPT pointed out that juveniles' contact with the outside world must never be restricted or denied as a disciplinary measure,⁵⁷ as mostly respected in practice.

Monitors have been told that the children can complain to the director in case of problems or complaints against educators, but that they do not use this right, because, as noted by staff, there is no need for that.

Administration building has no signs leading to offices of administration officials, which can pose difficulties in orientation to newly admitted residents, as well as in clear understanding as to who to address in the first moments, which are surely the most stressful for someone who has changed their environment.

Upon examining the documents, the monitors noticed that there were cases of residents leaving the Centre by their own will (in which case the Centre immediately notifies the police, family of the resident and the competent social welfare centre) and committing criminal offenses upon leaving the Centre (theft).

7.1. Disciplinary measures

The Centre applies disciplinary sanctions in the form of withholding allowance and prohibition of going out to town.

In the period from 10 p.m. to 6:30 a.m. educators lock juveniles in their rooms.

The rights and duties of children at the Centre must be clearly written and displayed in a visible place. Children must also be familiar with their right to complain to the director and educators about their treatment, as well as to (for example) the Ombudsman in relation to the conduct of educators and the director.

During the time of the visits, the Centre had a mailbox set up for residents' complaints to the Ombudsman, with the only key to the mailbox held by an authorized representative of the Ombudsman's Office. However, there were no instructions or explanations next to the mailbox (e.g. regarding its purpose; who is the Ombudsman; only Ombudsman's office has access to the letters; juveniles can write about anything without fearing the Centre staff or bearing consequences), which is particularly necessary if one bears in mind that it is intended for juveniles.

7.2 Recommendations:

- ⇒ Display the *House Rules* in visible places in common rooms, so that the residents can be informed about their rights and obligations during the stay at the Centre.

⁵⁶ Report to the Government of Montenegro after the visit to Montenegro by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 2008, p. 146.

⁵⁷ The CPT Standards, p. 34.

- ⇒ Display the *Rules on Disciplinary Procedures and Sanctions* in clearly visible places in common rooms.
- ⇒ Next to the mailbox for complaints to the Ombudsman, display the instructions in a manner comprehensive to children.
- ⇒ 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.

8. Healthcare

Children are provided with regular medical examinations and their health is taken care of. Children who are on permanent treatment at the Centre have their chosen doctor in the nearest health centre. The Centre has a medical technician employed, with full working hours. The monitors have not received complaints from children or parents with whom they spoke on the account of healthcare.

Monitors noted that the staff gives or provides residents with cigarettes, and that all but one female resident are smokers. Monitors were also informed that once the residents were provided with cigarettes via Duvanski kombinat (*Tobacco Plant*), during the time when the plant was operating. The staff commented on the current state that "it is better that we give them cigarettes, or else they would steal from tobacco shops." It is unacceptable for the staff to tolerate and allow residents to continue their unhealthy habits, instead of working with them on quitting this vice. This also violates the provisions of the Law on the Restriction of the Use of Tobacco Products, which prohibit smoking in public spaces, including spaces where children are accommodated, reside and eat (Art. 4, para 1, item 1)⁵⁸, as well as the yard area of the educational institution.

Having in mind that a medical technician is employed with full working hours, he could organize educational workshops for children to promote healthy lifestyles, focusing on the harmful effects of alcohol, drugs and tobacco. In this field, there is room for cooperation with non-governmental organizations.

8.1 Recommendations:

- ⇒ 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.).
- ⇒ Prohibit the use of tobacco products among residents and prohibit employees from providing tobacco products to residents. Find appropriate pedagogical method which will convincingly present the hazards of smoking, particularly to underage juveniles.

⁵⁸*Sl. list CG*, 52/04 of 2 August 2004 and *Sl. list CG*, 32/11 of 1 July 2011.