



T-ES(2018)ICT-ME-NGO

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Comments on the replies to the thematic questionnaire

MONTENEGRO

NGO PARENTS

2nd thematic monitoring round

"The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)"

Replies registered by the Secretariat on 22 January 2018

Child sexual abuse/exploitation: NGO Parents believes that Montenegro insufficiently protects underage persons from sexual exploitation and sexual intercourse, which can leave long-term consequences.

We believe that the country must urgently take on certain steps in order to adequately protect children, which is not the case currently, while we would like to stress inappropriately low penalties, which almost encourage perpetrators to commit those crimes.

We have requested on many occasions to have more severe penalty policy, as a way of tackling this problem, which can be achieved through the amendments of the Criminal Law. We talked about this issue with DPM and Justice Minister Zoran Pazin, who declared readiness for joint activities in this area. During 2018, with the help of the first licensed lobbyist in Montenegro, who offered his help on a voluntary basis, the NGO Parents will try to initiate necessary changes.

We find that, regarding the penalties envisaged by the current law, the problem is that the lower threshold is too low. The span between maximum and minimum penalty envisaged by the law is too wide, and that gives the opportunity to courts to sentence perpetrators to milder sentences. That, also, contributes to encouraging perpetrators to commit those crimes, since they know in advance that they will not be adequately punished in case they are caught. Therefore it is necessary to raise lower threshold in order to send a clear message to potential perpetrators.

We requested introduction of an adequate register of perpetrators for Montenegro, record keeping standards, unique database and continuous education of the professionals, all with the goal of offering efficient assistance and help to children, victims of sexual exploitation, and their families.

We would like to remind that, by signing the Lanzarote Convention on the protection of children against sexual abuse and sexual exploitation in 2009, Montenegro is obligated to create a registry of paedophiles, which still has not been done.

According to the data provided by CIN CG's "Deafening Silence", about sexual abuse of children in Montenegro, the Supreme Court convicted 74 paedophiles in the period between 2011 and 2015, for some of the forms of sexual abuse of children. The Supreme Court, however, does not have a unique database on final sentences regarding sexual abuse of children for the period before 2011.

The Police Administration in the same period registered about 200 cases of sexual abuse of children. However, that it only the number of the registered cases. Criminal researches show that there are at least 10 unregistered cases on every registered case of sexual abuse.

Since there is no unique penalty registry of paedophiles, and no one monitors them, those who molested children once can do that again. Employers are not obliged to check records of their possible employees before giving them a job. Therefore, they can freely work in kindergartens, schools, playrooms, health care institutions, children resort centres... Furthermore, there is no legal provision that obliges a competent authority to inform a family of a molested child that a paedophile that molested their child was released from prison.

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