



## **FACTSHEET – MONTENEGRO**

### **Lanzarote Committee Implementation Report on:**

**“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)”**

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## Table of Contents

I.	Introduction.....	3
II.	Legal frameworks .....	5
III.	Investigations and prosecution .....	7
IV.	Jurisdiction rules.....	10
V.	International cooperation .....	12
VI.	Assistance to victims.....	14
VII.	Civil society involvement and cooperation .....	15
VIII.	Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves .....	17
IX.	Education for children .....	18
X.	Higher education curriculum and continuous training .....	19
XI.	Research .....	21

## I. Introduction

Protecting children from sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is a common challenge faced by all States. The often transnational nature of these offences makes international cooperation of the utmost importance especially to identify and protect victims as well as to identify and prosecute perpetrators.

The Council of Europe [Convention on the Protection of Children against sexual exploitation and sexual abuse](#) (“Lanzarote Convention”) is a comprehensive instrument that sets out the applicable standards necessary to:

- Prevent child sexual exploitation and abuse, including where this is facilitated by ICTs;
- Protect victims;
- Prosecute perpetrators; and
- Promote national and international co-operation to strengthen these actions.

The [Committee of the Parties to the Lanzarote Convention](#) (“the Lanzarote Committee”) monitors the implementation of the Convention in thematic monitoring rounds. This allows for all Parties to be monitored simultaneously on the same theme.

Particularly concerned by the exponential increase in offences committed using child self-generated sexual images and/or videos (CSGSIV), the Lanzarote Committee decided to dedicate its second monitoring round to this topic. The 43 States that were Party to the Convention at the time the monitoring round was launched took part, including Montenegro.

The [implementation report](#) adopted by the Lanzarote Committee in the context of this monitoring round is based on information provided by [State Parties](#) and [other stakeholders](#) in response to a questionnaire. The implementation report also contains information received from 306 [children](#) in 10 Parties who chose to participate.

The Lanzarote Committee’s recommendations to improve or reinforce the protection of children against sexual exploitation and sexual abuse can be found in boxes in each of the 10 thematic chapters. The key messages resulting from the children’s participation are also reflected throughout the whole report. Each chapter also includes examples of promising practices.

The Lanzarote Committee indicates the different levels of urgency applicable to the recommendations made by using the following terms:

- **“Require”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by its Explanatory report;
- **“Request”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by documents adopted by the Committee (e.g. previous monitoring round findings, opinions, other)<sup>1</sup>;
- **“Invite”**: when the steps recommended correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Lanzarote Convention.

This factsheet is based on the implementation report and has been prepared by the Lanzarote Committee Secretariat as a practical tool to be used by Montenegro to clearly identify the relevant recommendations and actions addressed by the Lanzarote Committee to it. Therefore, it does not include updated information on measures implemented by the Parties since the adoption of the report in March 2022. Parties are encouraged to inform the secretariat of any relevant measures implemented after that date, which may have an impact on the Committee's analysis and recommendations by completing this [online form](#) or by email to [lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int).

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<sup>1</sup> See Rule 30 (General comments, proposals and opinions) of the Lanzarote Committee’s Rules of Procedure.

### **Key findings of the implementation report as to all Parties**

The Committee raised particular concerns that in the vast majority of State Parties, children are at risk of criminal liability in relation to their own self-generated materials, and that many Parties do not provide for the specific offence where a child is a victim of extortion involving the use of its CSGSIV.

Strengthening international cooperation was identified as of particular importance in this context, given that these offences often contain a transnational element. The Lanzarote Committee also called on Parties to establish jurisdiction where any constituent element of an offence takes place within their territory.

Many Parties were found to provide mechanisms to facilitate reporting of these crimes but without providing specific services to support and assist children who have been victims of online sexual abuse to recover. Lack of public awareness and education, including among children, about the specific risks associated with ICT facilitated sexual abuse and self-generated content was also identified as a common challenge.

## II. Legal frameworks

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

### Observations and recommendations of the Committee on the legal framework specific to Montenegro

The Committee notes that Montenegro has rules allowing for the criminalisation of the production, possession, distribution and transmission of sexually explicit images generated by children themselves.<sup>2</sup> Montenegro pointed at the age of criminal responsibility (14) below which children cannot be held criminally liable for acts they commit to demonstrate compatibility with the above-mentioned exclusion of criminal liability for the production and possession of CSGSIV.<sup>3</sup> The Committee highlights, however, that reliance upon the age of criminal responsibility alone to exclude criminal responsibility does not correspond to a situation of full compliance, since older children (those above the age of criminal responsibility) cannot avail themselves of this exemption.<sup>4</sup>

The Committee thus **requests** Montenegro to ensure in its legal framework that:

- a child will not be prosecuted when he/she possess:
  - their own self-generated sexually suggestive or explicit images and/or videos;
  - self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
  - the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without actively asking for them;<sup>5</sup>
- a child will not be prosecuted for sharing his/her sexual images and/or videos with another child

when such sharing is voluntary, consensual and intended solely for their own private use.<sup>6</sup>

Montenegro also has rules that lead to the criminalisation of the distribution by children of self-generated sexual images and/or videos of *other* children.<sup>7</sup>

The Committee thus **requests** Montenegro:

- to ensure that the distribution or transmission by children of self-generated sexually explicit images and/or videos of *other* children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) of the Convention.<sup>8</sup>

#### On sexual extortion

In a situation when the coercer already in possession of child self-generated material, attempts to procure or knowingly obtain access to further CSGSIV, Montenegro would prosecute for offences related to child pornography, the presence of a threat resulting in an aggravated sanction,<sup>9</sup> as well as for corruption of children.<sup>10</sup>

In a situation when the coercer, possessing the CSGSIV, threatens the child for other sexual favours from the child depicted on the images/videos or from another child, Montenegro would prosecute for sexual abuse of a child in accordance with Article 18 of the Convention, for offences related to child prostitution and to participation in pornographic performances, corruption of children, solicitation of children for

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<sup>2</sup> Paras. 67, 68 and 78

<sup>3</sup> Para. 71

<sup>4</sup> Para. 72

<sup>5</sup> Recommendation II-6

<sup>6</sup> Recommendation II-8

<sup>7</sup> Para. 82

<sup>8</sup> Recommendation II-9

<sup>9</sup> Paras. 98 and 99

<sup>10</sup> Para. 100.

sexual purposes,<sup>11</sup> or trafficking in human beings.<sup>12</sup> In addition, Montenegro would also prosecute conduct relating to the possession of the initial child sexual image or video as an offence related to “child pornography” under Article 20 of the Convention.<sup>13</sup>

In a situation when the offender possessing CSGSIV also exploits them to gain money or other property from the child, Montenegro would identify it as child prostitution and/or participation in pornographic performances.<sup>14</sup>

When dealing with sexual extortion cases involving children, the Committee invites Parties

that are not already doing so, including Montenegro:

- to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional self-generated sexual images and/or videos, other sexual favours, a financial gain or other gain to the offenders by:
  - either creating a specific incrimination to address this situation,
  - or prosecuting both the initial detention of CSGSIV and the act of extortion;<sup>15</sup>
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.<sup>16</sup>

### Generic recommendations of the Committee on the legal frameworks

The Committee **invites** all Parties, including Montenegro:

- to rather use the term “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)<sup>17</sup> in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children, as the Committee acknowledges that the term “child pornography” can be misleading and undermine the gravity of the crimes it refers to;<sup>18</sup>
- to strengthen the protection of children by introducing explicit references in their respective legal frameworks to conduct concerning CSGSIV, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort;<sup>19</sup>
- to introduce in their legal framework a definition of “child sexual abuse material” in line with its Recommendation II-1 above;<sup>20</sup>
- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Convention;<sup>21</sup>
- to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos;<sup>22</sup>
- to consider criminalising solicitation of children for sexual purposes (“grooming”), even when it does not lead to either a face-to-face meeting or to producing CSAM;<sup>23</sup>

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<sup>11</sup> Para. 102

<sup>12</sup> Para. 104

<sup>13</sup> Para. 103

<sup>14</sup> Para. 106

<sup>15</sup> Recommendation II-11

<sup>16</sup> Recommendation II-12

<sup>17</sup> The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be

used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular.](#)

<sup>18</sup> Recommendation II-1

<sup>19</sup> Recommendation II-2

<sup>20</sup> Recommendation II-3

<sup>21</sup> Recommendation II-4

<sup>22</sup> Recommendation II-7

<sup>23</sup> Recommendation II-10

### III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies \(ICTs\)](#) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

#### Observations and recommendations of the Committee on investigations and prosecution specific to Montenegro

##### On the specialisation and training of authorities

The Committee notes that Montenegro has specialised units dealing with ICT facilitated offences against children within law enforcement.<sup>24</sup>

- The Committee **invites** Montenegro to establish, where appropriate, specialised units, services or persons within the courts in charge of dealing with ICT facilitated sexual offences against children.<sup>25</sup>

Montenegro has training modules in place for law enforcement agents and prosecutors related to aspects of child sexual exploitation and sexual abuse.<sup>26</sup> As for judges, the relevant training is provided both by the Party itself and by external organisations.<sup>27</sup>

- The Committee **requests** Montenegro to ensure that training on ICT facilitated sexual offences against children is available for judges who are or will be working on these issues.<sup>28</sup>

##### On effectiveness of investigations and prosecution

The Committee notes that Montenegro has no victim identification unit.<sup>29</sup>

- The Committee therefore **requires** Montenegro to take measures to enable units

or investigative services to identify the victims of the offences established in accordance with Article 20 of the Convention, in particular by analysing CSAM.<sup>30</sup>

Montenegro is connected to the INTERPOL's International Child Sexual Exploitation (ICSE) image and video database but does not actively contribute to it. At the same time, it indicated that national systems already integrate data from the ICSE database.<sup>31</sup>

- The Committee thus **invites** Montenegro to ensure that any obstacles to active contribution to INTERPOL's ICSE's database are removed and that national contributions are implemented in practice, regardless of the nationality of the victims.<sup>32</sup>
- As regards the prosecution of perpetrators, the Committee **requests** Montenegro to take the necessary legislative or other measures, in conformity with the fundamental principles of its internal law, to ensure an effective investigation and prosecution of ICT facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations.<sup>33</sup>

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<sup>24</sup> Para. 115

<sup>25</sup> Recommendation III-8

<sup>26</sup> Paras. 145, 156 and 157

<sup>27</sup> Para. 167

<sup>28</sup> Recommendation III-18

<sup>29</sup> Para. 181

<sup>30</sup> Recommendation III-22

<sup>31</sup> Para. 178

<sup>32</sup> Recommendation III-27

<sup>33</sup> Recommendation III-28

## Generic recommendations of the Committee on investigations and prosecution

### On the specialisation and training of authorities

The Committee **requests** those Parties that are not already doing so:

- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training;<sup>34</sup>
- to ensure that prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.<sup>35</sup>

The Committee **invites** all Parties, including Montenegro:

- to ensure that the capacities of any investigative units, services or persons specialised in ICT facilitated sexual offences against children take into account evolving technologies and online behaviours, and more specifically, that they reflect current practices used by perpetrators. Additionally, the Committee invites all Parties to exchange best practices between the relevant investigative units;<sup>36</sup>
- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving CSGSIV;<sup>37</sup>
- to ensure that units, services or persons within courts responsible for ICT facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge;<sup>38</sup>

- to ensure that units, services or persons within courts responsible for ICT facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV;<sup>39</sup>
- to ensure that training on the challenges raised by CSGSIV and ICT facilitated coercion or extortion of children is available to judges;<sup>40</sup>
- to ensure that measures, services and technology available to those in charge of identifying child victims of ICT-facilitated sexual offences are up to date, reflecting current practices across Parties, include the establishment and use of national child abuse material databases, and that resources are sufficiently allocated.<sup>41</sup>

The Committee also **invites** Parties that are not already doing so:

- to provide specific training on ICT facilitated sexual offences against children, including when such offences involve CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases;<sup>42</sup>
- to offer joint (or "joined-up") training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT-facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages;<sup>43</sup>
- to ensure that training on ICT-facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.<sup>44</sup>

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<sup>34</sup> Recommendation III-3

<sup>35</sup> Recommendation III-7

<sup>36</sup> Recommendation III-4

<sup>37</sup> Recommendation III-5

<sup>38</sup> Recommendation III-9

<sup>39</sup> Recommendation III-10

<sup>40</sup> Recommendation III-19

<sup>41</sup> Recommendation III-24

<sup>42</sup> Recommendation III-14

<sup>43</sup> Recommendation III-20

<sup>44</sup> Recommendation III-21



On victim and perpetrator identification, data retention and expeditious proceedings

The Committee also **invites** all Parties:

- to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims of ICT facilitated sexual offences, including, where appropriate, by providing access to each other's databases or shared databases;<sup>45</sup>
- to engage in and strengthen inter-Party cooperation for the purpose of identifying perpetrators of ICT facilitated sexual offences against children, including, where appropriate, by providing access to each other's databases or shared databases containing information on such perpetrators;<sup>46</sup>
- to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay;<sup>47</sup>
- to take the necessary legislative or other measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved;<sup>48</sup>
- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.<sup>49</sup>

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<sup>45</sup> Recommendation III-25

<sup>46</sup> Recommendation III-29

<sup>47</sup> Recommendation III-30

<sup>48</sup> Recommendation III-31

<sup>49</sup> Recommendation III-32

## IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

### Observations and recommendations of the Committee on jurisdiction rules specific to Montenegro

#### Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1) (a-c))

Montenegro did not provide information as to whether it applies the territoriality principle.

- The Committee therefore **requests** Montenegro to take the necessary legislative or other measures to establish jurisdiction over transnational cases of child sexual exploitation and abuse facilitated by ICTs, when one of the constituent elements of the offence has taken place in their territory.<sup>50</sup>

#### Jurisdiction based on nationality and residency (Article 25(1)(d), (e))

The Committee notes that Montenegro has made a reservation to this provision in accordance with Article 25(3) by stating that it would apply this provision in accordance with its national legislation.<sup>51</sup>

- The Committee thus **invites** Montenegro to consider removing this reservation and establish jurisdiction for offences under the Convention when such offences are committed abroad by persons having their habitual residence in its territory.<sup>52</sup>

#### Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed (Article 25(6))

Montenegro did not provide information as to whether it applies this condition.

- Accordingly, the Committee **requires** Montenegro to remove the requirement that prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed for offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of “child pornography” (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of their nationals or by a person who has his or her habitual residence in its territory.<sup>53</sup>

#### Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed (Article 25(4)): the dual criminality principle

Montenegro did not provide information as to whether it applies the dual criminality principle.

- The Committee thus **requires** Montenegro to remove the requirement for dual criminality for offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of child pornography (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of their nationals.<sup>54</sup>

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<sup>50</sup> Recommendation IV-1

<sup>51</sup> Para.216

<sup>52</sup> Recommendation IV-3

<sup>53</sup> Recommendation IV-5

<sup>54</sup> Recommendation IV-6

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

Montenegro did not provide information as to whether it applies the passive territoriality principle.

- Accordingly, the Committee **requests Parties** that are not already doing so, including Montenegro, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.<sup>55</sup>

### **Generic recommendations of the Committee on jurisdiction rules**

The Committee **invites** those Parties that are not yet doing so:

- to remove the requirement for dual criminality for offences of possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly gaining access to child pornography through ICTs,

when CSGSIV are involved when committed by one of their nationals;<sup>56</sup>

- to remove the requirement for dual criminality for offences concerning solicitation of children for sexual purposes (Article 23) when committed by one of their nationals.<sup>57</sup>

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<sup>55</sup> Recommendation IV-9

<sup>56</sup> Recommendation IV-7

<sup>57</sup> Recommendation IV-8

## V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

### Observations and recommendations of the Committee on international cooperation specific to Montenegro

The Committee notes that WeProtect Global Alliance and End Violence against Children conduct cooperation projects in Montenegro to prevent and combat sexual abuse and sexual exploitation of children.<sup>58</sup>

Montenegro did not provide information as to whether it allows victims of sexual exploitation or sexual abuse in matters related to CSGSIV in the territory of a Party other than the one where they reside to make a complaint before

the competent authorities of their State of residence, in accordance with Article 38 (2) of the Convention.

- The Committee thus **requires** Montenegro to ensure that victims of sexual exploitation or sexual abuse in matters related to CSGSIV in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.<sup>59</sup>

### Generic recommendations of the Committee on international cooperation

The Committee **requests** all Parties to extend their international cooperation with other Parties to improve the effective implementation of the Convention.<sup>60</sup>

The Committee also **invites** all Parties, including Montenegro:

- to consistently analyse the possibilities to expand international cooperation with countries which are not Parties to the Convention to disseminate the standards of the Convention;<sup>61</sup>
- to assess on a regular basis the difficulties that they face when dealing with international cooperation and remedy them;<sup>62</sup>
- to assess, strengthen and develop international cooperation between the Parties of the Convention for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV;<sup>63</sup>

- to consistently analyse the possibilities to expand international cooperation with countries which are not Parties to the Convention to disseminate the standards of the Convention for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV;<sup>64</sup>
- to strengthen cooperation with relevant intergovernmental bodies, and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their world-wide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV;<sup>65</sup>
- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation

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<sup>58</sup> Para. 255

<sup>59</sup> Recommendation V-17

<sup>60</sup> Recommendation V-3

<sup>61</sup> Recommendation V-4

<sup>62</sup> Recommendation V-5

<sup>63</sup> Recommendation V-6

<sup>64</sup> Recommendation V-7

<sup>65</sup> Recommendation V-8

and sexual abuse of children in matters related to CSGSIV;<sup>66</sup>

- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV;<sup>67</sup>
- to assess, develop and strengthen cooperation between them to protect and provide assistance to victims in matters related to CSGSIV;<sup>68</sup>
- to regularly analyse the possibilities to expand international cooperation with countries which are not Parties to the Convention, for the purpose of protecting and providing assistance to victims in matters related to CSGSIV;<sup>69</sup>
- to assess, develop and strengthen cooperation with relevant intergovernmental bodies, transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their world-wide scope, and their flexibility to work for the purpose of protecting and providing assistance to victims in matters related to CSGSIV;<sup>70</sup>
- to maintain and develop efforts to strengthen international cooperation in investigation and proceedings concerning the offences

established in accordance with the Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to CSGSIV;<sup>71</sup>

- to analyse the possibilities to expand international cooperation with countries which are not Parties to the Convention, on investigation and proceedings concerning the offences established in accordance with the Convention, in matters related to CSGSIV;<sup>72</sup>
- to further maintain and develop efforts to strengthen international cooperation in investigation and proceedings concerning the offences established in accordance with the Convention, with countries which are not Parties to the Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of collecting data, training, vetting, and selection in matters related to CSGSIV;<sup>73</sup>
- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to CSGSIV, in assistance programmes for development provided for the benefit of third States.<sup>74</sup>

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<sup>66</sup> Recommendation V-9

<sup>67</sup> Recommendation V-10

<sup>68</sup> Recommendation V-11

<sup>69</sup> Recommendation V-12

<sup>70</sup> Recommendation V-13

<sup>71</sup> Recommendation V-14

<sup>72</sup> Recommendation V-15

<sup>73</sup> Recommendation V-16

<sup>74</sup> Recommendation V-19

## VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

### Observations and recommendations of the Committee on assistance to victims specific to Montenegro

The Committee **requires** Montenegro:

- to take the necessary legislative or other measures to encourage and support the establishment of information services, such as telephone or internet helplines, to provide advice to child victims of sexual exploitation and sexual abuse facilitated by ICTs as well as persons wishing to help them, in a confidential manner or with due regard for their anonymity. These information services should be made available as widely as possible. This

can be done in several ways: the service is available at extended hours, it is delivered in a language that the caller, and especially the child, can understand, and it is free of charge;<sup>75</sup>

- to take the necessary legislative or other measures to assist child victims of sexual exploitation and abuse, in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.<sup>76</sup>

### Generic recommendations of the Committee on assistance to victims

The Committee **invites** all Parties that are not already doing so:

- to promote awareness raising or specialised training for professionals who provide advice to children through telephone or internet helplines on ICT-facilitated sexual exploitation and abuse of children – including the risks associated with CSGSIV – and on how to

provide appropriate support to victims and to those who wish to help them;<sup>77</sup>

- to ensure that the assistance measures referred to in Recommendation VI-3 are available to child victims of sexual exploitation and abuse facilitated by ICTs, including offences due to the production, possession, distribution or transmission of CSGSIV.<sup>78</sup>

### Promising practices

Free applications have been developed in Montenegro, both in collaboration between state authorities and organisations advocating for children's rights. They aim at facilitating the reporting of online violence against children, for example sexual harassment online, and contain information to help children solve different problematic situations, including online exposure to self-generated sexual content.

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<sup>75</sup> Recommendation VI-1

<sup>76</sup> Recommendation VI-3

<sup>77</sup> Recommendation VI-2

<sup>78</sup> Recommendation VI-4

## VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

### Observations and recommendations of the Committee on civil society involvement and cooperation specific to Montenegro

The Committee notes that Montenegro develops and supports different activities which are aimed at raising the awareness of not only children but also adults such as parents, educators, doctors and social workers about existing risks and dangers of ICTs for children.<sup>79</sup> However, there is no systemic policy to encourage civil society to develop prevention projects in this area. A first difficulty is the lack of financial support provided to civil society, forcing NGOs to secure their own budget and threatening in return the sustainability of the projects. The second problem is that there is sometimes no cooperation plan covering the whole national territory on the fight against sexual exploitation and sexual abuse of children online. Finally, civil society organisations are sometimes required to seek formal approval from the State to see their projects implemented in practice.<sup>80</sup>

- The Committee **requires** Montenegro to involve civil society bodies in the

implementation of preventive measures in the field of sexual exploitation and abuse of children.<sup>81</sup>

- It also **requests** Montenegro to encourage the financing of projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.<sup>82</sup>

The Committee notes that in Montenegro, the interaction with civil society includes preventive and awareness-raising activities to minimise the risk of abuse that children face online.<sup>83</sup> There are some projects specifically aimed at educating and raising awareness of children on the issue of CSGSIV.<sup>84</sup> As regards civil society involvement in victim assistance programmes, in Montenegro shelters are available to victims of trafficking in human beings, including children, where they receive free legal, health, psychological and social protection.<sup>85</sup>

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<sup>79</sup> Para. 315

<sup>80</sup> Para. 316

<sup>81</sup> Recommendation VII-1

<sup>82</sup> Recommendation VII-2

<sup>83</sup> Para. 320

<sup>84</sup> Para. 321

<sup>85</sup> Para. 329

## Generic recommendations of the Committee on civil society involvement and cooperation

The Committee **invites** all Parties, including Montenegro:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of CSGSIV;<sup>86</sup>
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature;<sup>87</sup>
- to support civil society to carry out projects and programmes that include the issue of CSGSIV;<sup>88</sup>
- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards CSGSIV.<sup>89</sup>

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<sup>86</sup> Recommendation VII-3

<sup>87</sup> Recommendation VII-4

<sup>88</sup> Recommendation VII-5

<sup>89</sup> Recommendations VII-6, VII-7



## VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

### Generic recommendations of the Committee on promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Committee **invites** all Parties, including Montenegro:

- to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience;<sup>90</sup>  
to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is “adapted to their evolving capacity” or, in other words, their age and degree of maturity;<sup>91</sup>
- to use unchanged, wherever possible, the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media;<sup>92</sup>
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities;<sup>93</sup>
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers;<sup>94</sup>  
to promote themselves and to encourage the information and communication of the technology sector, the media, and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken;<sup>95</sup>  
to step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken;<sup>96</sup>
- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken;<sup>97</sup>
- to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.<sup>98</sup>

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<sup>90</sup> Recommendation VIII-1.

<sup>91</sup> Recommendation VIII-2.

<sup>92</sup> Recommendation VIII-3.

<sup>93</sup> Recommendation VIII-4.

<sup>94</sup> Recommendation VIII-5.

<sup>95</sup> Recommendation VIII-6.

<sup>96</sup> Recommendation VIII-7.

<sup>97</sup> Recommendation VIII-8.

<sup>98</sup> Recommendation VIII-9.

## IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

### Generic recommendations of the Committee on education for children

- The Committee **requires** all Parties, including Montenegro, to ensure that all children at primary and secondary level receive information about the risks of child sexual exploitation and sexual abuse facilitated by ICTs. Organising lectures and/or activities on this topic should not be left to the discretion of schools or teachers.<sup>99</sup>

The Committee **invites** all Parties, including Montenegro:

  - to address in educational contexts the issue of the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV;<sup>100</sup>
  - to ensure that information on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV, is provided to children during both primary and secondary education (whether as part of the national curricula or in the context of non-formal education for children at these levels);<sup>101</sup>
  - to consistently involve children in the development of internet safety awareness programmes;<sup>102</sup>
- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities;<sup>103</sup>
- to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards CSGSIV, in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity;<sup>104</sup>
- to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including CSGSIV, within a more general context of sexuality education;<sup>105</sup>
- to ensure that parents, caregivers, and educators are involved, where appropriate, in the provision of information to children on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards CSGSIV.<sup>106</sup>

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<sup>99</sup> Recommendation IX-3

<sup>100</sup> Recommendation IX-1

<sup>101</sup> Recommendation IX-2

<sup>102</sup> Recommendation IX-4

<sup>103</sup> Recommendation IX-5

<sup>104</sup> Recommendation IX-6

<sup>105</sup> Recommendation IX-7

<sup>106</sup> Recommendation IX-8

## X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

### Observations and recommendations of the Committee on higher education curriculum and continuous training in Montenegro

The Committee notes that a part of the professionals in Montenegro who will or already work with children receive training and/or education on the protection of children against sexual exploitation and sexual abuse,<sup>107</sup> with a focus on domestic violence.<sup>108</sup>

The people most likely to receive education and/or training on child sexual exploitation and abuse are mostly those working in educational institutions, such as teachers.<sup>109</sup> Some of the professionals working in contact with children have been trained and/or received education on how to identify potential situations where a child is a victim of sexual exploitation or sexual abuse.<sup>110</sup> Finally, some of the professionals working in contact with children seem to have been trained on the possibility to report situations where they have reasonable grounds for believing that a child is a victim of sexual exploitation or sexual abuse.<sup>111</sup>

The Committee **requires** Montenegro:

- to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional;<sup>112</sup>

- to ensure that the persons who have regular contacts with children are equipped to identify any situation of sexual exploitation and sexual abuse of children:
  - in the health sector
  - in the social protection sector
  - in areas relating to sport, culture and leisure activities;<sup>113</sup>
- to ensure that the persons who have regular contacts with children are informed of the possibility for them to report to the services responsible for child protection any situation where they have “reasonable grounds” for believing that a child is a victim of sexual exploitation and sexual abuse of children:
  - in the health sector
  - in the social protection sector
  - in areas relating to sport, culture and leisure activities;<sup>114</sup>
- to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.<sup>115</sup>

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<sup>107</sup> Para. 416

<sup>108</sup> Para. 419

<sup>109</sup> Para. 420

<sup>110</sup> Para. 428

<sup>111</sup> Para. 429

<sup>112</sup> Recommendation X-4

<sup>113</sup> Recommendation X-5

<sup>114</sup> Recommendation X-6

<sup>115</sup> Recommendation X-7

## Generic recommendations of the Committee on higher education curriculum and continuous training

The Committee also **invites** all Parties, including Montenegro:

- to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with CSGSIV, for example through education or continuous training;<sup>116</sup>
- to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with CSGSIV.<sup>117</sup>

### Promising practices

In Montenegro, according to the Professional Development Program for Teachers, members of the professional services of school receive training for identification and intervention in cases or occurrence of all forms of violence.

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<sup>116</sup> Recommendation X-2.

<sup>117</sup> Recommendation X-3.

## XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

### Observations and recommendations of the Committee on research specific to Montenegro

The Committee notes that Montenegro provided information on research undertaken on the issues raised by CSGSIV in general.<sup>118</sup> It also informed of its participation for one or several years in Global Kids Online.<sup>119</sup> The

survey undertaken by Montenegro as part of the Global Kids Online campaign was carried out by the government of Montenegro and the UNICEF Office for Montenegro.<sup>120</sup>

### Generic recommendations of the Committee on research

The Committee **invites** all those Parties which have not already done or are not already doing so:

- to collect data and undertake research at the national and local level, for the purpose of observing and evaluating the phenomenon of CSGSIV;<sup>121</sup>
- to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from CSGSIV,

with due respect for the requirements of personal data protection.<sup>122</sup>

The Committee also **invites** all Parties, including Montenegro:

- to ensure that data on the phenomenon of CSGSIV and the risks associated with it is regularly collected and research on the issue is regularly undertaken;<sup>123</sup>
- to build on the findings from existing research on CSGSIV, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues raised by CSGSIV.<sup>124</sup>

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<sup>118</sup> Para. 437

<sup>119</sup> Para. 440

<sup>120</sup> Para. 456

<sup>121</sup> Recommendation XI-1

<sup>122</sup> Recommendation XI-4

<sup>123</sup> Recommendation XI-2

<sup>124</sup> Recommendation XI-3