

Protection of Children against Sexual Abuse in the Circle of Trust: Legal Frameworks (Lanzarote Convention Monitoring Questionnaire)

Fields marked with * are mandatory.

Introduction

1. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter “the Lanzarote Convention” or “the Convention”), which entered into force in July 2010, requires criminalisation of all forms of child sexual abuse. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

2. The Committee of the Parties to the Convention (also known as the “Lanzarote Committee”), established to monitor whether Parties effectively implement the Convention (Article 1 § 2), decided that:

“1. The monitoring of the implementation of the Convention in the Parties shall be based on a procedure divided by rounds, each round concerning a theme decided by the Lanzarote Committee or any other approach deemed appropriate by the Lanzarote Committee within the scope of the Convention.

2. The Lanzarote Committee will determine the length of each monitoring round in the light of the themes selected and the provisions of the Convention to be monitored.

3. The monitoring round will be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time-limit set by the Lanzarote Committee.”[1]

The notion of the circle of trust

3. In January 2018, the Lanzarote Committee concluded its first monitoring round “Protection of children against sexual abuse in the circle of trust”. The notion of “circle of trust” includes members of the extended family, persons having care-taking functions or exercising control over the child, and any other persons with whom the child has relations, including his/her peers.[2]

The previous and current monitoring rounds on the circle of trust

4. The two implementation reports adopted as a result of the first monitoring round evaluated the frameworks and strategies put in place by the 26 States Parties to the Lanzarote Convention which had ratified it by the time the monitoring round was launched[3]. Since then, the Convention has been ratified by 22 other Parties,[4] and numerous changes have taken place in the subject area due to the development of international standards and national reforms. Furthermore, a child’s circle of trust remains the environment

where the vast majority of sexual abuse occurs.[5] The Committee therefore decided to come back to the subject matter of the first monitoring round in 2023, to both take stock of the situation in the 22 Parties that had not been examined in the first round and to evaluate the follow-up given to the Committee's recommendations by the 26 Parties that had.

5. All of the current 48 Parties will be monitored at the same time to create a momentum around specific aspects of the monitoring theme. To ensure a more accurate reflection of the situation in the Parties and a speedier publication of intermediary results, the monitoring round will be divided into several parts and conducted on the basis of information submitted by the Parties and other stakeholders in response to questionnaires specific for each part.

Involvement of civil society and other relevant stakeholders in the monitoring round

6. In accordance with paragraph 4 of Rule 26 of the Lanzarote Committee's Rules of Procedure, the Secretariat shall seek the views of the representatives of civil society and any other bodies involved in preventing and combating sexual exploitation and sexual abuse of children on the implementation of the Convention by Parties, in particular by asking them to comment on the replies to this questionnaire or by any other means (e.g. by offering the observers and participants in the Lanzarote Committee to submit any relevant information they may have with regard to any Party to the Convention by replying directly to some or all of the questions of this questionnaire). These comments and replies will be transmitted by the Secretariat to the Party(ies) concerned and made public.

Type of questions and elements to be borne in mind when replying

7. Each of the questionnaires of this monitoring round will contain questions derived from the Committee's first monitoring round recommendations and findings, as well as a few new questions based on the Committee's adopted texts and international standards that have emerged in the meantime, including the case-law of the European Court of Human Rights, to gather information for capacity-building purposes. The first part of the monitoring round will assess the legal framework and related procedures with respect to sexual abuse of children in the circle of trust ("Legal frameworks").

8. This specific first questionnaire was adopted by the Lanzarote Committee on 2 June 2023. It is recalled that, in accordance with Rule 26 of the Lanzarote Committee's Rules of Procedure:

"...2. The Secretariat shall address such questionnaires to the Parties through the member in the Lanzarote Committee representing the Party to be monitored, who will act as "contact person".

3. Parties shall submit their replies in one of the official languages of the Council of Europe to the secretariat within the time limit set by the Lanzarote Committee. The replies shall be detailed, answer all questions and contain all relevant reference texts. The replies shall be made public.

5. The Secretariat may request additional information if it appears that the replies are not exhaustive or unclear. Where warranted, with the consent of the Party(ies) concerned and within the limits of budgetary appropriations, the Bureau of the Lanzarote Committee may decide to carry out a visit in the Party(ies) concerned to clarify the situation."

9. In addition, Parties are kindly requested to:

- answer the questions with regard to central, regional and local levels to the extent possible. Federal States may, in respect of their sovereign entities, answer the questions in a summarised way;
- provide, whenever questions/answers refer to it, the relevant text (or a summary) of legislation or other regulations in English or French;

- answer the questions from a gender equality perspective, i.e. specifying, where relevant, whether and how measures for victims and/or offenders take into account gender-specific requirements.

10. The term “national legal framework” used in the questionnaire includes not only laws but also all forms of regulations (decrees, resolutions, administrative directions, instructions, and any other decisions creating legal consequences for more than one individual) and higher courts’ directive rulings.

11. The questions asked concern the legal frameworks pertaining to both online and offline forms of activity. Should your national legal framework distinguish between them, please provide details.

12. As indicated above, some of the questions are included for capacity-building purposes. Therefore, nothing in the wording of these questions should be taken as an indication of a preferred state of affairs or course of action.

13. The questionnaire uses a colour-coded system to help you differentiate questions based on the Lanzarote Committee’s 1st monitoring report’s “invite” recommendations (in blue) and “urge”/ “consider” recommendations (in red). The questions based on the European Court of Human Rights’ case law and the Committee’s adopted texts are coloured red. The questions included for capacity-building purposes are coloured blue.

14. Some of the questions are addressed only to specific Parties found to be not in compliance with a particular requirement of the Convention in the first monitoring round, or to those Parties and to the 22 Parties which had not been evaluated during the first monitoring round. All other questions are meant to be replied to by all Parties.

[1] Rule 24 of the Lanzarote Committee’s [Rules of Procedure](#)

[2] See [1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”](#), p. 12. Examples of the different categories of persons may be found in paragraphs 123-125 of the [Explanatory Report to the Lanzarote Convention](#)

[3] Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Portugal, Romania, San Marino, Serbia, Spain, Türkiye and Ukraine

[4] Andorra, Armenia, Azerbaijan, Cyprus, Czech Republic, Estonia, Georgia, Germany, Hungary, Ireland, Latvia, Liechtenstein, Monaco, Norway, Poland, the Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom

[5] See the [Explanatory Report to the Lanzarote Convention](#), paras. 48 and 123-125

IDENTIFICATION OF THE RESPONDER

* Name of the Party responding or concerned by your response

Montenegro

* Name of the contact person/coordinator

* Email address of the contact person/coordinator

KEY NOTIONS Question 1. Does your national legal framework:

a. [have a reference to “abuse of a recognised position of trust, authority or influence” as a separate sexual offence against children?](#)^[6] If yes, please provide a copy of the relevant provision(s).

[6] 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework” adopted by the Lanzarote Committee on 4 December 15, Recommendation 3.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.a Yes)

The Criminal Code of Montenegro prescribes the criminal offense of Promise by abuse of position

Sex Act through Abuse of Position of Authority

Article 207

(1) Anyone who uses his official position to incite another into a sex act or other act of equivalent nature where the injured party is in a subordinate or dependent position in relation to the perpetrator shall be punished by a prison term from three months to three years.

(2) A teacher, instructor, guardian, adoptive parent, parent, stepfather, stepmother, or another person who by virtue of his employment or his position of power incites to engage in a sex act or other act of equivalent nature a juvenile entrusted to him for study, education, support and care shall be punished by a prison term from one to ten years.

(3) Where the offence under para. 2 above was committed over a child, the perpetrator shall be punished by a prison term from two to twelve years.

(4) Where the offences under paras 1 to 3 above resulted in pregnancy, the perpetrator shall be punished for the offence under para. 1 above by a prison term from six months to five years; for the offence under para. 2 above by a prison term from two to twelve years, and for the offence under para. 3 above by a prison term from three to fifteen years.

(5) Where the offence under para. 3 above resulted in the child’s death, the perpetrator shall be punished by a prison term from five to eighteen years.

Here you can upload any file(s) in support of your answer

b. [for 22 Parties + Belgium and Luxembourg] establish a separate offence of sexual abuse of children by someone in a recognised position of trust, authority or influence instead of considering the fact that the perpetrator holds that position just as an “aggravating circumstance”?^[7] If yes, please indicate the specific legal provision.

[7] *Ibid.*, Recommendation 2

- Yes
 No

Here you can upload any file(s) in support of your answer

c. list specific categories of adults in contact with children automatically qualifying as holding this position?^[8]

[8] *Ibid.*, Recommendation 4. Examples: members of the extended family (including new partners), persons having caretaking functions (including trainers of any kind) or exercising control over the child professionally or on a voluntary basis (including persons who look after children in their leisure-time) and any other person trusted by the child (including other children).

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.c Yes)

The passive subject of the criminal offense referred to in Article 207 of the Criminal Code can be any person who is in a relationship of subordination or dependence, provided that it is not a relationship that exists in the more severe form referred to in paragraph 2.

In contrast to the basic form, the more severe form (paragraph 2) is indisputable regarding the justification of incrimination. This is a much more serious type of abuse than the basic form, because the perpetrators are certain persons who commit the act against the minor entrusted to them. The perpetrator of this more serious form can be a teacher, educator, guardian, adoptive parent, parent, stepfather, stepmother or other person who, by abusing their position or authority, commits abusing or an act equivalent to it with a minor entrusted to them for learning, education, care. In the case of persons who are explicitly mentioned, it is not even necessary to determine the existence of abuse of position or authority in a specific case, because it always objectively exists when one of these persons commits abuse of a minor who is entrusted to him or her for the purpose of education, upbringing, care, or is equivalent with it. This abuse must be determined if it were about another person.

Here you can upload any file(s) in support of your answer

d. define the notion of “circle of trust”?^[9]

[9] *Ibid.*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.d Yes)

As mentioned above 1.a.

Here you can upload any file(s) in support of your answer

VICTIMS' AGE Question 2. Does your national legal framework:

a. **[for 22 Parties + Italy, Portugal, San Marino, and Türkiye]** provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority or influence?^[10] Please refer to the specific legal provisions.

[10] *Ibid.*, Recommendation 6

- Yes
 No

Here you can upload any file(s) in support of your answer

b. **[for 22 Parties + North Macedonia and Ukraine]** indicate that the child's legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence?^[1] Please provide details.

[1] *Ibid.*, Recommendation 5

- Yes
 No

Here you can upload any file(s) in support of your answer

SCOPE OF OFFENCE Question 3. Does your national legal framework criminalise sexual abuse of children:

a. **where the offender abuses a recognised position of influence?** ^[12] Please refer to the specific legal provisions.

[12] *Ibid.*, Recommendation 1

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.a Yes)

As mentioned above 1.a.

Here you can upload any file(s) in support of your answer

b. **[for 22 Parties + Belgium] where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim's spouse or marital partner?**^[13] Please refer to the specific legal provisions.

[13] *Ibid.*, Recommendation 7

- Yes
 No

Here you can upload any file(s) in support of your answer

c. **[for 22 Parties + the Republic of Moldova] where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence?**^[14] Please refer to the specific legal provisions.

[14] *Ibid.*, Recommendation 8

- Yes
 No

Here you can upload any file(s) in support of your answer

SCOPE OF OFFENCE Question 4. Does your national legal framework:

a. **criminalise sexual abuse of children for acts other than sexual intercourse and equivalent actions?**^[15]

Please specify which other acts are covered and whether violation of a child's "sexual integrity" specifically is criminalised.

[15] *Ibid.*, Recommendation 9

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (4.a Yes)

Criminal acts that regulate the protection of children from sexual abuse and sexual exploitation are provided for in Chapter XVIII of the CC, which includes a group of criminal acts against sexual freedom, namely: Rape

(Article 204), Forced Sexual Intercourse with a Helpless Person (Article 205), Sexual Intercourse with a Child (Article 206), Forced Sexual Intercourse by Abusing a Position of Authority (Article 207), Unlawful Sex Acts (Article 208), Pandering and Enabling Execution of a Sex Act (Article 209), Intermediation in Prostitution (Article 210), Child Pornography (Article 211), Incitement of a Minor to Observe Criminal Offences against Sexual Freedom (Article 211a) and Luring a Child for Criminal Offences against Sexual Freedom (Article 211b).

The latest amendments to the Criminal Code of Montenegro (Article 40 of the Draft Law) prescribe two new criminal offenses under Chapter XVIII of the Criminal Code of Montenegro, namely Sexual Harassment (Article 211c) and Violation of Special Surveillance Measures (Article 211d), as well as the criminal offense of Misuse of someone else's video, photographs, portraits, audio recordings or writings with sexually explicit content (175a) under Chapter XV of the CC.

The draft law on amendments to the Criminal Code of Montenegro was established at the 56th session of the Government of Montenegro on June 8, 2023.

The draft law was submitted to the Parliament of Montenegro for further action.

For all criminal acts that regulate the protection of children from sexual abuse and sexual exploitation in accordance with the convention, the Criminal Code provides for a prison sentence.

Here you can upload any file(s) in support of your answer

b. **[for 22 Parties + Bulgaria] ensure equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity?**^[16] Please refer to the specific legal provisions.

[16] *Ibid.*, Recommendation 11

- Yes
 No

Here you can upload any file(s) in support of your answer

c. **[for 22 Parties + Albania and the Republic of Moldova] make any distinct reference to “homosexual activities” in the description of criminal offences involving sexual abuse and sexual exploitation of children?**^[17] Please refer to the specific legal provisions.

[17] *Ibid.*, Recommendation 12

- Yes
 No

Here you can upload any file(s) in support of your answer

EX OFFICIO PROSECUTION Question 5. Does your national legal framework:

a. contain a requirement to investigate and prosecute sexual abuse and exploitation of children by someone in a recognised position of trust, authority or influence without a complaint from the victim or his /her legal representative? [18] Please refer to the specific legal provisions.

[18] *Ibid.*, Recommendation 57

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.a Yes)

Pursuant to Article 19 of the Code of Criminal Procedure, the state prosecutor is obliged to initiate criminal prosecution when there are grounds for suspecting that a certain person has committed a criminal offense for which he is being prosecuted ex officio, unless otherwise specified by this Code.
Also, according to Article 255 of the Criminal Code, everyone should report a criminal offense for which they are being prosecuted ex officio, and they are obliged to report a criminal offense the commission of which harmed a minor.

Here you can upload any file(s) in support of your answer

b. contain a requirement to continue the proceedings even if the victim has withdrawn his/her complaint /statements?[19] Please refer to the specific legal provision(s).

[19] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.b Yes)

For criminal offenses that are prosecuted ex officio, the state prosecutor will continue the proceedings regardless of whether the victim withdraws from the prosecution and further participation in the proceedings.

Here you can upload any file(s) in support of your answer

c. [for Portugal] in case of a sexual act committed by an adult in respect of a child aged 14-16 years old which does not result in the child's death or suicide, require the child victim to lodge a complaint as a prerequisite for investigation and prosecution?[20]

[20] *Ibid.*, Recommendation 56

- Yes
 No

Here you can upload any file(s) in support of your answer

MEASURES IN RESPECT OF CHILDREN WHO SEXUALLY OFFEND AND CHILDREN DISPLAYING RISKY AND HARMFUL SEXUAL BEHAVIOUR Question 6. Does your national legal framework:

a. [provide for non-criminal measures in respect of the children below the age of criminal responsibility who commit acts of sexual abuse towards other children?](#)^[21]Please provide details.

[21] Inspired by *X and Others v. Bulgaria* (no. 22457/16), 2 February 2021 and *A.P. v. the Republic of Moldova* (no. 41086/12), 26 October 2021

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.a Yes)

Pursuant to Article 14 of the Act on Treatment of Juveniles in Criminal Proceedings, a minor may be sentenced to educational measures, a juvenile prison sentence, and security measures for a committed criminal offense.

Here you can upload any file(s) in support of your answer

b. [differentiate between adults and children above the age of criminal responsibility in the application of sanctions for offences involving sexual abuse of children?](#)^[22] Please refer to the specific legal provision(s) and specify the age of criminal responsibility in your legislation.

[22] Question included for capacity-building purposes

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.b Yes)

All protection measures provided by procedural laws apply to all minors, which means all children up to 18 years of age.

Here you can upload any file(s) in support of your answer

CHILD VICTIMS' RIGHT TO PROTECTION AND PARENTAL RIGHTS

Question 7. Does your national legal framework:

a. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without informing in advance the parents/legal guardians in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?^[23] Please provide details.

[23] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 26

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.a Yes)

Article 94 paragraph 3 of the Law on treatment of minors in criminal proceedings prescribes: "Competent authorities that undertake actions in proceedings in which a minor participates shall take the necessary measures in order to avoid the encounter of a minor with the defendant in their official premises." This provision also refers to situations in which the defendant is a parent or a person from the child's circle of trust.

Here you can upload any file(s) in support of your answer

b. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without acquiring the parents/legal guardians' prior consent in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?^[24] Please provide details.

[24] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.b Yes)

As mentioned above 7.a.

Here you can upload any file(s) in support of your answer

c. allow for the removal of the suspected perpetrator from the family environment in case of reasonable suspicion of sexual abuse of a child living in the same environment together with the suspect?^[25] Please provide details.

[25] This question results from the Committee's reasoning that "before resorting to the removal of the victim, the removal of the perpetrator should be preferred" (page 28 of the 1st implementation report).

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.c Yes)

Article 77a of the CC stipulates the following

Restraining Order

Article 77a

(1) The perpetrator of an offence against sexual freedom, domestic violence, incest, or of another criminal offence threatening the life and limb of a person or of the offence of unauthorised production, possession and distribution of narcotic drugs shall be issued a restraining order by the court under which the perpetrator is ordered not to come close to the victim or another person or a group of persons or to a specific location where there is risk that the perpetrator may repeat in respect of such persons or such a location an identical offence or an offence of the same kind.

(2) The court shall set the duration of the measure referred to in paragraph 1 of this Article which may not be shorter than one year nor longer than five years, counting from the date on which the judgment becomes final, provided that the time spent in prison may not be included into the term of this measure.

(3) Following the expiry of one year from the commencement of the measure set out in paragraph 1 of this Article, the court may act upon the proposal of the sentenced person and discontinue the measure, where it finds that the danger set out in paragraph 1 of this Article no longer exists.

(4) The organisational unit in charge of supervising paroles within the ministry competent for judicial affairs shall be notified by the court of the imposition of enforceable measure referred to in paragraph 1 of this Article.

Here you can upload any file(s) in support of your answer

d. consider the removal of the child victim from the family environment as a last resort procedure? Is that procedure clearly defined, and does it set out conditions for and duration of the removal?^[26] Please provide details.

[26] *Ibid.*, Recommendation 27

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.d Yes)

Restraining Order
Article 77a

(1) The perpetrator of an offence against sexual freedom, domestic violence, incest, or of another criminal offence threatening the life and limb of a person or of the offence of unauthorised production, possession and distribution of narcotic drugs shall be issued a restraining order by the court under which the perpetrator is ordered not to come close to the victim or another person or a group of persons or to a specific location where there is risk that the perpetrator may repeat in respect of such persons or such a location an identical offence or an offence of the same kind.

(2) The court shall set the duration of the measure referred to in paragraph 1 of this Article which may not be shorter than one year nor longer than five years, counting from the date on which the judgment becomes final, provided that the time spent in prison may not be included into the term of this measure.

(3) Following the expiry of one year from the commencement of the measure set out in paragraph 1 of this Article, the court may act upon the proposal of the sentenced person and discontinue the measure, where it finds that the danger set out in paragraph 1 of this Article no longer exists.

(4) The organisational unit in charge of supervising paroles within the ministry competent for judicial affairs shall be notified by the court of the imposition of enforceable measure referred to in paragraph 1 of this Article.

Removal from the Place of Residence

Article 77b

(1) Perpetrators of domestic violence shall be imposed by the court the measure of removal from the place of residence, where danger exists that the perpetrator may repeat the criminal offence.

(2) The court shall set the duration of the measure referred to in paragraph 1 of this Article which may not be shorter than three months nor longer than three years, counting from the date on which the judgment becomes final, provided that the time spent in prison may not be included into the term of this measure.

(3) The person subject to the measure referred to in paragraph 1 of this Article shall, in the presence of a police officer and immediately after the judgment becomes final, vacate their home or another residence used by the joint household.

(4) Following the expiry of six months from the commencement of the measure set out in paragraph 1 of this Article, the court may act upon the proposal of the sentenced person and discontinue the measure, where it finds that the danger set out in paragraph 1 of this Article no longer exists.

(5) The organisational unit in charge of supervising paroles within the ministry competent for judicial affairs and the administrative authority competent for police affairs shall be notified by the court of the imposition of enforceable measure referred to in paragraph 1 of this Article.

Here you can upload any file(s) in support of your answer

e. [ensure that the different agencies involved in the coordination and collaboration concerning child sexual abuse are allowed to share personal information as appropriate?](#)^[27] Please provide details.

[27] *Ibid.*, Recommendation 25

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.e Yes)

Pursuant to Article 91 of the Law on Treatment of Minors in Criminal Procedures, participants in the procedure, authorities and institutions from which notifications, reports or opinions are requested, as well as the media, are obliged to take care of the protection of the privacy of minors, including the protection of

identity and data that may reveal identity. Any information that could indicate the identity of a minor who has been harmed by a criminal offense or is a witness in the proceedings cannot be published without the express permission of the judge, that is, the state prosecutor handling the case.

Here you can upload any file(s) in support of your answer

CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

Question 8. Does your national legal framework clearly distinguish:

- cases of suspension of parental rights as a provisional measure to protect the child before a court decision on the conviction of the concerned parent is taken, and
- cases of withdrawal of parental rights once the court has convicted the said parent?^[28] Please provide details.

[28] *Ibid.*, Recommendation 32

- Yes
 No

Please provide information in support of your answer, if possible by referring to specific legal provisions and their exact wording (8 Yes)

The Family Law clearly defines the rights of the child, as well as the procedure for limiting parental rights and deprivation of parental rights.
Sexual abuse is one of the grounds for deprivation of parental rights from Article 87 of the Family Law.
Article 87
A parent, who abuses parental rights or neglects seriously the performance of parental duties, shall be deprived of parental rights.
The abuse of the right is present in particular if a parent: abuses the child in a physical, sexual or emotional manner, exploits the child by forcing the child to excessive work or labour that threatens child's morality, health and education, or the work which is forbidden by Law; incites the child to perpetrate crimes; develop bad habits and tendencies and the like.
Serious neglect of the duty is present in particular if a parent: abandons the child or does not take care at all of the basic needs of the child they live with; avoids to support the child or to maintain personal relationships with the child they do not live with, or prevents the maintenance of personal relationship between child and the non-live-in parent; if deliberately and in an unjustified manner they avoid to create conditions for joint life with the child who is on residential care.

Here you can upload any file(s) in support of your answer

CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

Question 9. Does your national legal framework provide for:

a. [automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending?](#)^[29] Please provide details.

[29] Question included for capacity-building purposes, i.e. to map whether there are Parties that have a particular legal framework in such cases.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (9.a Yes)

As mentioned above 8.

Here you can upload any file(s) in support of your answer

b. [automatic withdrawal of parental rights of parents convicted of sexual abuse of own child?](#)^[30] Please provide details.

[30] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (9.b Yes)

As mentioned above 8.

Here you can upload any file(s) in support of your answer

GUARANTEES OF PROTECTION FOR PERSONS REPORTING SUSPECTED OFFENCES Question 10.

How does your national legal framework ensure that any person reporting in good faith suspected sexual abuse and sexual exploitation of a child, including a person bound by professional confidentiality rules, does not get prosecuted or punished by judicial proceedings for defamation, libel or similar offences?^[31]

[31] Based on *Yuppala v. Finland* (no. 18620/03), 2 December 2008 and *M.P. v. Finland* (no. 36487/12), 15 December 2016. Partly based on Article 12 of the Lanzarote Convention.

Article 254 of the Criminal Procedure Code prescribes the following
(1) Persons acting in an official capacity and responsible persons in state authorities, local governance authorities, public companies and institutions shall file charge for criminal offences, subject to prosecution *ex officio*, of which they have been informed or which they have learned while performing their duties.

(2) The duty from paragraph 1 of this Article shall also be incumbent upon all natural and legal persons who are granted certain public powers pursuant to law, or are professionally involved in the protection and security provision to persons and property or in the health care of persons, as well as in jobs of minors care and 112 education, if they learn about a criminal offence while performing or in connection with their profession.

(3) Persons filing a criminal charge from paragraph 1 of this Article shall indicate evidence to the best of their knowledge and take measures to preserve traces of the criminal offence, the items upon which or by means of which the criminal offence has been committed, items resulting from the commission of criminal offence as well as other evidence.

Article 255 of the Criminal Procedure Code prescribes the following

(1) Everyone shall report a criminal offence which is prosecuted by virtue of office and is obliged to report a criminal offence the commission of which has caused detriment to a minor.

(2) When the court establishes in the course of criminal proceedings that reasonable suspicion exists that a person has failed to perform the duty referred to in paragraph 1 of this Article and that such omission results in a reasonable suspicion as to the commission of the criminal offence of neglecting and abuse of a minor, the court shall notify the competent State Prosecutor thereof.

Here you can upload any file(s) in support of your answer

ASSISTANCE TO THIRD PARTIES Question 11.

What kind of legislative or other measures does your national legal framework have in place to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care?^[32]

[32] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 30

According to the Law on Social and Child Protection, the beneficiary is an individual or a family, who have exercised the right from social and child protection, or for whom the procedure for exercising the right is being carried out.

Rights from social and child protection are the basic material benefits and services of social and child protection.

Counseling-therapeutic and social-educational services include counseling, therapy, mediation, SOS telephone and other services with the aim of overcoming crisis situations and improving family relations.

Here you can upload any file(s) in support of your answer

ASSISTANCE TO THIRD PARTIES Question 12.

When determining the support required to the victim and the persons close to him or her, how does your national legal framework ensure that the child's disclosure does not worsen his or her situation and that of the other non-offending members of the family?^[33]

[33] *Ibid.*, Recommendation 31

Pursuant to Article 150 of the Law on Social and Child Protection, all information about the user's personal and family circumstances that the service providers keep about the user is confidential information. Confidential information about the user may be used by the service provider only for the purpose of providing the service.

Here you can upload any file(s) in support of your answer

MONITORING OF OFFENDERS Question 13. Does your national legal framework provide for:

a. a mechanism to monitor or supervise persons convicted of child sexual abuse and, specifically, persons convicted of child sexual abuse while holding a recognised position of trust, authority or influence?^[34]

Please provide details.

[34] *Ibid.*, Recommendation 33

- Yes
 No

Here you can upload any file(s) in support of your answer

b. sharing with other countries data concerning persons convicted of child sexual abuse?^[35] Please provide details.

[35] Based on Article 38 of the Lanzarote Convention.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

According to the perpetrator of a criminal offense against sexual freedom against a minor, after serving a prison sentence or a long-term prison sentence, special supervision measures are implemented, namely:

- 1) mandatory reporting to the competent organizational unit of the police;
- 2) prohibit visiting places where minors gather, especially kindergartens, schools and yards of these institutions, playgrounds and the like;
- 3) mandatory visits to professional counseling centers and institutions;
- 4) mandatory notification of change of residence, place of residence or workplace;
- 5) mandatory notification of travel abroad.

Amendments to the Criminal Code of Montenegro, which was approved at the 56th session of the Government of Montenegro, introduces a new criminal offense related to the violation of special surveillance measures.

Violation of special surveillance measures

Article 211d

Whoever violates the special supervision measures imposed on him by the competent state authority prescribed by this Code, shall be punished by a fine or imprisonment for up to one year."

Here you can upload any file(s) in support of your answer

MEASURES IN RESPECT OF PROFESSIONALS AND LEGAL PERSONS Question 14. Does your national legal framework:

a. **allow for the immediate removal or suspension of a professional or volunteer working with children suspected of sexually abusing a child?**^[36] Please provide details.

[36] Based on Article 27§3(b) of the Lanzarote Convention.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.a Yes)

The Labor Law prescribes in which cases the employee must leave work on an optional or mandatory basis. If a person is in detention for any criminal offense, it is mandatory to remove him from work while the detention lasts.
Also, when starting an employment relationship, an employee in Montenegro is obliged to submit a Certificate that no criminal proceedings are being conducted against him.

Here you can upload any file(s) in support of your answer

b. **ensure that professionals working in the public, private or voluntary sectors failing to report offences of child sexual abuse occurring in "out-of-home care"**^[37] **settings are held liable?**^[38] Please provide details.

[37] In accordance with the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse adopted at its 25th meeting (15-18 October 2019), "out-of-home care" represents all settings in which children can be placed out of their home for care (see point b of the Declaration).

[38] Based on the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse, point 6.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

As mentioned above 10.

Here you can upload any file(s) in support of your answer

c. **ensure that legal persons failing to protect children in their care from sexual abuse are held liable**?^[39]
Please provide details.

[39] *Ibid.*, see point 7.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.c Yes)

As mentioned above 10.

Also, according to Article 386 of the Criminal Code of Montenegro, whoever knows that a person has committed a criminal offense for which a long-term prison sentence can be imposed by law, or knows only that such an offense has been committed and does not report it before the offense or the perpetrator is discovered,

shall be punished by imprisonment for up to two years.

The penalty from paragraph 1 of this article shall also be imposed on an official or responsible person who knowingly fails to report a criminal offense of which he became aware in the performance of his duty, if that offense can be sentenced by law to five years in prison or a heavier penalty.

Here you can upload any file(s) in support of your answer

SPECIAL REPRESENTATIVES Question 15. How does your national legal framework ensure that special representatives and guardians ad litem who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim:

a. **receive appropriate training and legal knowledge to ensure and safeguard the best interests of the child victim during criminal investigations and proceedings**?^[40]

[40] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 35

Article 92 of the Law on Treatment of Minors in Criminal Proceedings stipulates that in criminal proceedings in which the participant is a minor who has been harmed by a criminal offense or in which a minor is heard as a witness, actions are, as a rule, undertaken by persons who have acquired special knowledge in the field of children's rights and on the rules for dealing with minor perpetrators of criminal offenses and minors as participants in criminal proceedings, taking into account the age, personal characteristics, education and circumstances in which the minor lives.

Here you can upload any file(s) in support of your answer

b. [avoid combining the functions of a lawyer and guardian ad litem in one person?](#)^[41]

[41] *Ibid.*, Recommendation 36

Here you can upload any file(s) in support of your answer

c. [are provided free of charge for the child victim?](#)^[42]

[42] *Ibid.*, Recommendation 37

In accordance with Article 13 of the Law on Free Legal Aid, the right to free legal aid is granted to, among others, a person who is a victim of the criminal offense of violence in the family or in a family community and human trafficking, as well as a victim of domestic violence in accordance with the law regulates protection against domestic violence. Article 2 of the same law defines what is considered free legal aid and prescribes: Free legal aid includes the provision of the necessary funds to fully or partially cover the costs of legal advice, writing documents, and representation in court proceedings.

Article 95 of the Law on treatment of minors in criminal proceedings

At the proposal of the state prosecutor, the guardianship authority or ex officio, the judge, i.e. the president of the council, when he judges that it is in the interest of protecting his personality, in accordance with the requirements of fairness, will appoint a representative from the ranks of lawyers who, as a rule, has acquired special knowledge in the field of children's rights and the rules of dealing with minor perpetrators of criminal offenses and minors as participants in criminal proceedings. The costs of such representation fall on the budget of the court.

Here you can upload any file(s) in support of your answer

SPECIAL REPRESENTATIVES Question 16. [for 22 Parties + Malta]

a. [Do you appoint a special representative or guardian ad litem when there is a conflict of interest between the holders of parental authority and a child?](#)^[43] Please provide details.

[43] *Ibid.*, Recommendation 34

- Yes
- No

Here you can upload any file(s) in support of your answer

b. **Is this person allowed to be present throughout the criminal proceedings?**^[44] Please provide details.

[44] *Ibid*

- Yes
- No

Here you can upload any file(s) in support of your answer

SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 17. In investigative and judicial proceedings how does your national legal framework ensure that:

a. **protection measures are available to all children irrespective of their age?**^[45] Please provide details.

[45] *Ibid.*, Recommendation 38

All protection measures provided by procedural laws apply to all minors, which means all persons under 18 years of age.

Here you can upload any file(s) in support of your answer

b. **specificities of sexual abuse committed in respect of a child by someone in a recognised position of trust, authority or influence are taken into account in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child?**^[46] Please provide details.

[46] *Ibid.*, Recommendation 39

The Code on Criminal Procedure (Article 314) stipulates that from the opening of the session until the end of the main trial, the panel may, at any time, ex officio or at the proposal of the parties, but always after hearing them, exclude the public for the entire main trial or one part of it, if it is necessary for the purpose of keeping a secret, maintaining public order, protecting morals, protecting the interests of a minor or protecting the personal or family life of the accused or injured party.

Article 347 of the Code on Criminal Procedure prescribes that in evidentiary proceedings, if a minor is examined as a witness, the panel may decide to exclude the public during his examination. If a minor attends the main trial as a witness or injured party, he will leave the courtroom as soon as his presence is no longer needed.

Here you can upload any file(s) in support of your answer

c. **a child who is a presumed victim of sexual abuse is supported by a professional trained to safeguard children's psychological well-being?**^[47] Please provide details.

[47] Based on *N.Ç. v. Türkiye* (no. 40591/11), 9 February 2021

Article 113 paragraph 4 of the Code on Criminal Procedure: During the hearing of a minor, especially if he has been harmed by a criminal act, care shall be taken so that the hearing does not adversely affect the mental state of the minor. If necessary, the hearing of the minor will be done with the help of a psychologist or other professional.

Here you can upload any file(s) in support of your answer

SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 18.

Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, has your national legal framework been amended to ensure that the justice system accommodates more fully the specificities attached to the participation of children as victims in proceedings and not solely as perpetrators of criminal offences?^[48] Please provide details.

[48] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 40

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (18 Yes)

The draft law on amendments to the Act on the treatment of minors in criminal proceedings makes changes concerning minors as participants in criminal proceedings. This proposal was sent to the EC for suggestions in July 2023.
The main changes refer to the regulation of the articles concerning the specialization of persons who act in proceedings against minors, either as perpetrators or participants in the proceedings, i.e. the injured. Also, the right to a representative of a child as an injured party in criminal proceedings is prescribed in detail.

Here you can upload any file(s) in support of your answer

INVESTIGATION Question 19. In the investigation phase:

In 2023 the Steering Committee for the Rights of the Child (CDENF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

a. are interviews of child victims arranged in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises), and are such settings provided throughout your territory?^[49] Please provide details.

[49] *Ibid.*, Recommendation 41

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.a Yes)

Article 113 of the Code on Criminal Procedure prescribes that during the hearing of a minor, especially if he has been harmed by a criminal act, care shall be taken so that the hearing does not adversely affect the mental state of the minor. If necessary, the hearing of the minor will be done with the help of a psychologist or other professional. (paragraph 4)

The injured party who is the victim of a criminal offense against sexual freedom, as well as a child who is heard as a witness, has the right to testify in a separate room in front of the judge and recorder, and the prosecutor, the defendant and the defense attorney to watch the broadcast from another room, with the possibility to ask the witness questions, about which the court is obliged to teach them, which is stated in the minutes. (paragraph 5)

Article 93 of the Law on treatment of minors in criminal proceedings regulates the hearing of a minor who has been harmed by a criminal offense and prescribes:

Hearing of a minor

Article 93

(1) The hearing of a minor shall be conducted, as a rule, by a state prosecutor and a judge of the same sex as the minor, in a separate room equipped with technical devices for audiovisual recording. By way of exception, the minor may, for duly justified reasons, be heard again.

(2) The hearing referred to in paragraph 1 of this Article shall be conducted in the presence of the legal representative of the minor and, as a rule, with the assistance of experts from the specialist service, unless this is contrary to the interests of the proceedings or of the minor.

(3) By way of exception to paragraph 2 of this Article, the hearing of a minor who has not reached the age of 14 (child), as an injured party or as a witness in the proceedings, must be conducted with the assistance of an expert from the specialist service.

(4) The parties and the defence attorney of the accused person shall ask the minor questions through the judge or state prosecutor.

(5) If the hearing of the minor is conducted using an audiovisual recording device, the recording shall be sealed and enclosed to the record of the hearing.

(6) By way of exception, for duly justified reasons, minors as witnesses or as injured parties may also be heard in their home or another room, or in the institute or institution where they reside, regardless of the technical equipment therein.

Here you can upload any file(s) in support of your answer

b. [are all staff responsible for interviewing child victims required to undergo suitable qualifying training?](#)^[50]

Please provide details.

[50] *Ibid.*, Recommendation 42

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.b Yes)

Article 92 of the Law on Treatment of Minors in Criminal Proceedings stipulates that in criminal proceedings in which the participant is a minor who has been harmed by a criminal offense or in which a minor is heard as a witness, actions are, as a rule, undertaken by persons who have acquired special knowledge in the field of children's rights and on the rules for dealing with minor perpetrators of criminal offenses and minors as participants in criminal proceedings, taking into account the age, personal characteristics, education and circumstances in which the minor lives.

In cases where information is collected from a minor or exceptionally, when based on the approval of the state prosecutor, the hearing is conducted by a police officer, then it is an authorized police officer with special knowledge in the field of protection of the rights of minors.

Here you can upload any file(s) in support of your answer

c. [does your national legal framework require that interviews with child victims are conducted as soon as possible after the offence, that their duration and number are limited, and that in their organisation account is taken of the child's age and attention span?](#)^[51] Please provide details.

[51] *Ibid.*, Recommendation 43

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.c Yes)

As mentioned above 19. a.

Here you can upload any file(s) in support of your answer

d. [\[for Serbia\] how do you ensure that child victims of sexual abuse by someone in a recognised position of trust, authority or influence are not repeatedly interviewed during the proceedings?](#)^[52]

[52] *Ibid.*, Recommendation 54

Here you can upload any file(s) in support of your answer

e. [where it is indispensable to interview the child victim more than once, does your national legal framework require that the interviews should, if possible and where appropriate, be conducted by the same person and under the same material conditions as the first?](#)^[53] Please provide details.

[53] *Ibid.*, Recommendation 44

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.e Yes)

Article 93 paragraph 1 of the Law on treatment of minors in criminal proceedings stipulates that the hearing of a minor is, as a rule, conducted by the state prosecutor and a judge of the same gender as the minor, in a special room equipped with technical devices for audiovisual recording. Exceptionally, a minor may be heard again only if there are particularly justified reasons for doing so.

Here you can upload any file(s) in support of your answer

f. [does your national legal framework offer criminal defence the possibility to contest a child's disclosure during the interview through questions, thus obviating the need for the child to be present in the court room during the proceedings?](#)^[54] Please provide details.

[54] *Ibid.*, Recommendation 45

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.f Yes)

As mentioned above 19. a.

Here you can upload any file(s) in support of your answer

JUDICIAL PROCEEDINGS Question 20. In the judicial proceedings:

In 2023 the Steering Committee for the Rights of the Child (CDENF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

a. [is systematic use of video equipment made in order to record interviews of child victims or enable him or her to testify remotely during the proceedings?](#)^[55] Please provide details.

[55] *Ibid.*, Recommendation 46

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.a Yes)

Article 212 of the Code on Criminal Procedure: As a rule, all actions undertaken during criminal proceedings are audio or audiovisually recorded. The person being interrogated will be informed about this in advance and instructed that he has the right to request the reproduction of the recording in order to verify the given statement;

Article 93(1) of the Law on treatment of minors in criminal proceedings stipulates that the hearing of a minor is, as a rule, conducted by the state prosecutor and a judge of the same gender as the minor, in a special room equipped with technical devices for audiovisual recording. Exceptionally, a minor may be heard again if there are justified reasons for doing so.

Pursuant to Article 156 paragraph 1 of the Code on Criminal Procedure, photographs or audio, or audiovisual recordings of evidentiary actions carried out in accordance with this Code may be used as evidence and a court decision may be based on them.

Here you can upload any file(s) in support of your answer

b. [does your national legal framework make an exception in the requirement to be physically present at court hearings for child victims of sexual abuse, including when they are giving evidence?](#)^[56] Please provide details.

[56] *Ibid.*, Recommendation 59

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.b Yes)

The Code on Criminal Procedure (Article 314) stipulates that from the opening of the session until the end of the main trial, the panel may, at any time, ex officio or at the proposal of the parties, but always after hearing them, exclude the public for the entire main trial or one part of it, if it is necessary for the purpose of keeping a secret, maintaining public order, protecting morals, protecting the interests of a minor or protecting the personal or family life of the accused or injured party.

Article 347 of the Code on Criminal Procedure prescribes that in evidentiary proceedings, if a minor is examined as a witness, the panel may decide to exclude the public during his examination. If a minor attends the main trial as a witness or injured party, he will leave the courtroom as soon as his presence is no longer needed.

Article 93(1) of the Law on treatment of minors in criminal proceedings stipulates that the hearing of a minor is, as a rule, conducted by the state prosecutor and a judge of the same gender as the minor, in a special

room equipped with technical devices for audiovisual recording. Exceptionally, a minor may be heard again if there are justified reasons for doing so.

Here you can upload any file(s) in support of your answer

c. [is there any difference in the scope of the application of this requirement based on the child's age?](#)^[57]
Please provide details.

[57] *Ibid.*, Recommendation 60

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.c Yes)

All protection measures provided by procedural laws apply to all minors, which means all persons under 18 years of age.

Here you can upload any file(s) in support of your answer

d. [are video recordings of interviews of child victims regarded as admissible evidence?](#)^[58] Please provide details.

[58] *Ibid.*, Recommendation 47

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.d Yes)

Pursuant to Article 156 paragraph 1 of the Code on Criminal Procedure, photographs or audio, or audiovisual recordings of evidentiary actions carried out in accordance with this Code may be used as evidence and a court decision may be based on them.

Here you can upload any file(s) in support of your answer

e. [what measures do you take to guard against any further contact between a child victim of sexual abuse by someone in a recognised position of trust, authority or influence and a presumed offender during the criminal proceedings?](#)^[59]

[59] *Ibid.*, Recommendation 48

As mentioned above 19.a

Here you can upload any file(s) in support of your answer

f. [does your national legal framework allow taking the child's testimony without the presumed offender being present?](#)^[60] Please provide details.

[60] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.f Yes)

Pursuant to Article 344 of the Code on Criminal Procedure, the panel may, exceptionally, decide to temporarily remove the accused from the courtroom, if the co-accused or witness refuses to testify in his presence or if the circumstances indicate that he will not tell the truth in his presence. Upon the accused's return to the hearing, the statement of the co-accused, that is, the witness, will be read to him. The accused has the right to ask questions of the co-accused, that is, the witness, and the president of the panel will ask him if he has anything to comment on their testimony.

Article 94 of the Law on treatment of minors in criminal proceedings prescribes the following:

- (1) A minor who has not reached the age of 14 (child) who has been injured by a criminal offence or is being questioned as a witness may not be confronted with the accused person.
- (2) If a minor over the age of 14 who is in a particularly difficult mental state due to the nature of the criminal offence, consequences or other circumstances is questioned as a witness or as an injured party, that person may not be confronted with the accused person.
- (3) The competent authorities undertaking actions in the proceedings in which a minor participates shall take the necessary measures in order to avoid the minor meeting with the defendant in their official premises.

Here you can upload any file(s) in support of your answer

g. [how do you ensure that face-to-face confrontation with the defendant during the proceedings does not take place?](#)^[61]

[61] *Ibid*

As mentioned above 19.a

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h. [what measures do you take to prevent violation of the child victims' right to privacy by the media through disclosure or publication of personal information or data?](#)^[62]

[62] *Ibid.*, Recommendation 49

Pursuant to Article 91 of the Law on Treatment of Minors in Criminal Procedures, participants in the procedure, authorities and institutions from which notifications, reports or opinions are requested, as well as the media, are obliged to take care of the protection of the privacy of minors, including the protection of identity and data that may reveal identity. Any information that could indicate the identity of a minor who has been harmed by a criminal offense or is a witness in the proceedings cannot be published without the express permission of the judge, that is, the state prosecutor handling the case.

Here you can upload any file(s) in support of your answer

i. [does your national legal framework provide for free legal aid to child victims of sexual abuse by someone in a recognised position of trust, authority or influence under the same or more lenient conditions as that available to adults?](#)^[63] Please provide details.

[63] *Ibid.*, Recommendation 50

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.i Yes)

As mentioned above 15.c

Here you can upload any file(s) in support of your answer

j. [does your national legal framework grant to child victims of sexual abuse by someone in a recognised position of trust, authority or influence the right to be represented in their own name by a lawyer trained in the relevant matters?](#)^[64] Please provide details.

[64] *Ibid.*, Recommendation 51

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.j Yes)

Article 2 of the Law on Free Legal Aid defines what is considered free legal aid and prescribes:
Free legal aid includes the provision of the necessary funds to fully or partially cover the costs of legal advice, writing documents, and representation in court proceedings.
Article 95 of the Law on treatment of minors in criminal proceedings

On a proposal from the state prosecutor, guardianship authority or ex officio, the judge, or the chair of the panel shall, appoint for the minor, when he ascertains that this is in the interest of protecting his personality, in accordance with the requirements of fairness, an attorney from among lawyers who, as a rule, have acquired special knowledge in the field of the rights of the child and the rules for the handling of juvenile criminal offenders and of minors as participants in criminal proceedings. The costs of such representation shall be borne by the budget funds of the court.

Here you can upload any file(s) in support of your answer

k. [what assistance, if any, do you provide to child victims of sexual abuse by someone in a recognised position of trust, authority or influence, once a criminal justice decision has been taken?](#)^[65]

[65] *Ibid.*, Recommendation 52

According to the Law on social and child protection (Article 63), among other things, counseling-therapeutic and social-educational services can be provided, which include: counseling, therapy, mediation, SOS telephone and other services with the aim of overcoming crisis situations and improving family relations.

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