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LANZAROTE CONVENTION

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

Replies to the thematic questionnaire

MONTENEGRO

2nd thematic monitoring round

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

Replies registered by the Secretariat on 21 October 2017

Prevention

Question 1 Awareness-raising or educational activities/tools/materials/measures

1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:

a. self-generated sexually explicit images and/or videos?

In order to raise awareness, for the sake of protecting children on the Internet, the officers of the Police Administration have been taking certain measures and actions that were viewed on a variety of television programs, print media and online portals dealing with the protection of children on the Internet, speaking about the proper use of the Internet, risks and the proper way of protection.

As part of the campaign "No hate online, no hate offline", the said officials held lectures in various secondary schools, where they talked about the spread of hate on Internet, as well as other forms of appearance of the misuse of information technology.

In the framework of the "We protect" initiative concerning the protection of children from online sexual abuse, conducted by the Government of Montenegro in cooperation with the UNICEF office in Montenegro, the NET application for mobile phones for children from 9-11 years to learn how to use the Internet safely was made¹. The application contains an educational game that guides children through real-life scenarios and teaches them to recognize, prevent, stop and report violence on the Internet, including self-generated sexually explicit images and/or videos. In cooperation with the Ministry of Education and the Police Administration, the application was presented in a number of primary schools in the form of holding lectures to teachers and parents aimed at educating and raising awareness about the dangers that lurk on the Internet.

The aforementioned activities were carried out by officers of the Police Administration, that is, the Criminal Police Sector who were recognized as experts.

Police Administration officers in the past period, with the financial support of the OSCE, implemented activities "Stop Paedophilia on the Internet" during which they distributed flyers in a number of primary schools. The flyers contain information and advice for children and parents about the dangers that lurk on the Internet. In addition, lectures were held on the same topic for students and their teachers.

This action was supported by the media.

b. self-generated sexual content?

Trainings were related to the protection of children on the Internet and dangers that lurk on the Internet, whereby is covered each segment mentioned in this Questionnaire.

Educational activities are offered through: a program "School without violence – the safe school environment" that contains these topics, Manual for Teachers and Professional Associates, Brochure for Parents, Instruction "Division of responsibilities and preventive acting in the cases of initial appearance of violence - instruction for schools (mne. Podjela odgovornosti i postupanje u cilju prevencije i u slučajevima pojave nasilja - uputstvo školama)". Revising the curriculum of school subjects (2013), the subject curriculum of the Informatics added the objectives related to

¹ https://www.unicef.org/montenegro/campaigns_29976.html

security on the Internet, social networks. The UNICEF Office in Montenegro has begun implementing the initiative "Protection of Children from Online Sexual Abuse". Additional materials for the subject programs of the Informatics in primary and secondary education have been prepared which included goals related to the issues of prevention of violence on social networks. Additional materials also include the use of NET smartphone apps for children aged 9-11, their parents and teachers. The Safer Internet Day was the perfect time to present materials to teachers of primary and secondary schools and train them for their implementation. We have standardized and adapted for implementation in the Montenegrin schools a program "Break the Chain - Stop Electronic Violence" taken from UNICEF Office – the Republic of Croatia.

The Office for Combating Trafficking in Human Beings finances, *inter alia*, the SOS line for victims of trafficking in human beings as well as for all citizens who need information about this phenomenon (SOS number 116-666) and conducted a campaign in order to promote the stated line, in the framework of which billboards were placed at the most frequent locations throughout Montenegro.

1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:
a. self-generated sexually explicit images and/or videos?

Educational activities-trainings related to forms, causes, consequences and protection of all children on the Internet including the children who are bystanders/observers of other children producing and/or sharing self-generated sexually explicit images and/or videos.

b. self-generated sexual content?

Trainings related to the protection of children on the Internet and the dangers that lurk have been covered in every segment stated in the Questionnaire.

The content of implementing activities have been so conceptualized to work out situations that deal with a passive attitude through workshops, in particular if it is peer influence in question and similar.

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:
a. self-generated sexually explicit images and/or videos?
b. self-generated sexual content?

A Project "School without violence – the safe school environment", a manual for teachers and professional associates and an instruction "Division of responsibilities and preventive acting in the cases of initial appearance of violence - instruction for schools" have been prepared for teachers and professional associates. Also, a Manual for Parents and a Questionnaire for Estimating the Peer Violence have been made available.

The Government of Montenegro in cooperation with the UNICEF Office in Montenegro began implementing the initiative "Protection of Children from Online Sexual Abuse". Under the said Initiative, as aforementioned, application for smart telephones NET Friends has been developed for children aged 9-11, but the application is also an asset for parents and teachers since through educational scenarios, this application encourages discussion about the safe use of the Internet, about the situations that need to be avoided on the Internet and ultimately offers the possibility of reporting violence on the Internet to relevant institutions. It also includes the treatment of people

who have contacts with children (teachers, psychologists, parents) in cases where self-generated sexually explicit images and/or videos and self-generated sexual content have been produced.

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

Activities on raising awareness or educational activities are conducted by teachers who teach the school subject programme of Informatics, professional services in schools and the Ministry of Education.

The project "School without violence – the safe school environment " was launched in 2005/2006 through a cooperation of the Ministry of Education and Sports and the UNICEF Office in Montenegro. The project is intended for pupils, teaching and extracurricular staff, parents as well as the whole community with the aim to reduce and prevent violence among school pupils in Montenegro. Initially, the project was launched in two primary schools, and in 2008 it was extended to another six schools, and during 2011/12 additional eight primary schools in the school year 2011/12. After analysing the results, we concluded that not sufficient number of schools is covered by the programme, and that they should be encouraged to apply. In the year 2014, a more intense approach to direct communication and a call to schools were applied and the coverage of schools extended to about forty primary schools as an effect thereof.

By adopting the Law on Domestic Violence Protection (OGMNE 46/10) and the Strategy on the Protection against Domestic Violence derived thereof for the period 2012 to 2015, a covenant has been prescribed to produce a Protocol on the treatment, prevention and protection against domestic violence. In the effort to bring closer the activities to schools on the best possible manner, and at the same time helping them implement the prescribed obligations, the development of the Instruction "Division of responsibility and treatment for prevention and in cases of violence - instruction to schools" has begun. It is conceptualized on the basis of guidelines for the activities recommended in the "School without Violence - Safe School Environment" manual and on the basis of the steps and obligations under the competencies prescribed by the said Protocol. It offers theoretical bases for identifying all forms of violence, abuse and neglect of children, recommending the optimal steps and activities of the "School without Violence" program for use in schools, measures to be taken when violence is detected and student support. It is accompanied by forms: Definitions and indicators of violence, Role description (school management, professional service, teacher, etc.), steps, obligations, procedures under jurisdiction, Form for monitoring the occurrence of violence in school, School Notice, Protection Plan and Work Program for a child. It was adopted by the National Education Council and as such became mandatory for use in schools. Through the revision of subject programmes (2013), within the Informatics curriculum, the objectives related to security on the Internet, social networks are added.

The Government of Montenegro in cooperation with the UNICEF Office in Montenegro began implementing the initiative "Protection of Children from Online Sexual Abuse" during the period 2015-2016.

In order to implement training of school staff, training workshops were first designed. The content has been expanded so that education could include the personnel of the centres for social work, and networking and functional orientation towards prevention of violence has been achieved.

Also, training was organized in partnership with the Institute for Social and Child Protection, based on the cross-sectoral character of the form in the Instruction. They were organized regionally and included a total of 152 participants.

Additional material for subject programs of Informatics in primary and secondary education has been prepared which include goals related to the issues of prevention of violence on social networks for children to establish the skills of their own protection during the use of the Internet. The material contains an introductory-theoretical-program part, a theoretical review, defines concepts, represents the regulation in Montenegro and offers ideas for the execution of (supplementation) of the lesson. It is delivered to all primary and secondary schools' teachers who are teaching these subjects.

The Safer Internet Day has been used to present materials to teachers of primary and secondary schools and to train them for its implementation. We standardized and adapted for application in the Montenegrin schools a program "Break the Chain - Stop Electronic Violence" taken from UNICEF - Republic of Croatia. "Break the Chain – Stop Electronic Violence" taken from UNICEF Office – the Republic of Croatia.

On the occasion of the 16 Days of Activism against Violence against Women with the UN system in Montenegro and the NGO "Prazan prostor", it was organized an interactive theatre performance intended for students of the 3rd and 4th grades of high school. The first circle covered 4 schools: gymnasiums: Podgorica, Berane, Kotor as well as the Secondary Art School in Cetinje in which participated around 300 students.

In order to ensure regular and compulsory education, a lecture was held on trafficking in human beings in all schools in Montenegro, for which the Office of National Coordinator for Fight against Trafficking in Human Beings has accredited a teacher training program on the topic: "Raising awareness on child trafficking through the educational system". After successful implementation of training for trainers, preparation and publication of manuals on the best methods of transferring knowledge about trafficking in human beings since the previous school year, the theme "trafficking in human beings" was introduced as regular teaching units within the subject programme of Civic Education.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

<http://www.skolskiportal.edu.me/Pages/Bezbjednostdjecenainternetu.aspx>

https://www.unicef.org/montenegro/campaigns_29976.html

www.cirt.me

Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

There is still no systemically established coordination of the Government and NGOs on this issue.

The Ministry of Public Administration and the Telenor Foundation in Montenegro, in cooperation with the NGO sector, implemented a project whose activities concerned the strengthening of

parents' and children's awareness of safe use of the Internet, which included self-generated sexually explicit content (images and/or videos).

<http://surfujpametno.roditelji.me/domenu>

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;**
- b. self-generated sexual content?**

The NGO sector has not been sufficiently involved in projects on this topic (except for the above), but in the framework of the project related to combating violence against children, special attention has been paid to the Internet violence involving both self-generated sexually explicit images and/or videos and self-generated sexual content.

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

The national curriculum (for primary and secondary schools and secondary vocational education) does not include raising awareness of the risks of self-generated sexually explicit images and/or videos and self-generated sexual content.

Objectives related to the subject of sexual education are recognized through subject programs: Subject programs in Biology, Healthy Life Styles, the individuals in the group, Psychology, and Sociology contain goals related to the topic of sexual education and upbringing.

Appreciating recommendations of the Council of Europe, the Bureau for Education Services has developed a document "Cross-curricular themes and topics". In this document, a significant place is dedicated to the cross-curricular field of Health Education, which includes themes of sexual education for young people. Sexual education is multidisciplinary, since no individual learning area provides learners with all the necessary knowledge, which would contribute to their healthy development. During the teaching process, appropriate knowledge and skills must be interconnected throughout all subject programs in order to be implemented in an efficient manner. One of the topics dealt with through the subject areas is: Violence and Injury Prevention (6 hours), among which the goal is for the student to recognize various forms of violence (including sexually).

In order to ensure regular and compulsory education, a lecture was held on trafficking in human beings in all schools in Montenegro, for which the Office of National Coordinator for Fight against Trafficking in Human Beings has accredited a teacher training program on the topic: "Raising awareness on child trafficking through the educational system". After successful implementation of training for trainers, preparation and publication of manuals on the best methods of transferring knowledge about trafficking in human beings since the previous school year, the theme "trafficking in human beings" was introduced as regular teaching units within the subject programme of Civic Education.

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

The curriculum of higher education does not include issues related to raising awareness of the risks of self-generated sexually explicit images and/or videos and self-generated content.

Trainings of members of the professional services of schools for identification and intervention in cases of occurrence of all forms of violence including this one were conducted according to the Professional Development Program for Teachers.

In addition, a series of joint educations was organized whereat members of professional services of schools and teams and professional workers of the centres for social work were networked in order to coordinate future work and action and cooperation in relation to this topic.

The Catalogue of Accredited Training Programs of the Bureau for Education Services offers the following trainings available in relation to the areas of all forms of violence, as well as those that may be the product of this field of interest:

- Education of employees in educational institutions on the treatment, prevention and protection of children and young people against domestic violence,
- Gender equality in education with a special focus on gender-based violence,
- Learning how to live together - preventing violence in schools,
- Prevention of sexual violence against women,
- School without violence: Towards a safe and stimulating school environment.

Question 5. Research

5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:

- a. self-generated sexually explicit images and/or videos as children have been shared online?**
- b. self-generated sexual content as children has been shared online?**

The Campaign of the Government of Montenegro and the UNICEF Office for Montenegro was preceded by a comprehensive survey of 'Children Online - Opportunities, Risks and Safety' that encompassed 9 to 17 year-old children and their parents in Montenegro. The survey was conducted in May and June 2016 according to a methodology developed by the London School of Economics and Political Science and the UNICEF Office of Research - *Innocenti*. The survey is part of the Global Kids Online project, which was implemented in almost all European Union countries and whose methodology has been adapted and used in Montenegro.

UNICEF campaign *End Violence Online* is aimed at fostering a public debate on the best ways to enable every child to learn safe and responsible use of the internet through active reforms and actively participate in the digital society of the 21st century through on-going reforms.

https://www.unicef.org/montenegro/campaigns_29435.html
https://www.unicef.org/montenegro/campaigns_29362.html

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

The Ministry of Education as well as all relevant authorities are aware of the outcome of the research. The research was presented at meetings attended by representatives of government institutions. As a result of this research, the Ministry of Education of Montenegro will, with the support of the Telenor Foundation and the UNICEF Office started a three-year project: *Digital Literacy for Every Child*. The goal of the project is that every child, including children from marginalized groups, can acquire the necessary digital skills to use the Internet safely and actively participate in the digital society of the 21st century while attending primary schools.

The project involves the development of additional resources/materials on digital literacy for teachers, parents and children aged 9-11 (using the already existing NET Friends platform) as well as special resources/materials for children aged 12-14, their teachers and parents. After developing the program/material for teachers, it will start piloting this program in 3 schools in Montenegro with a scientific evaluation of its impact on the digital skills of children (assessment of skills before and after studying the program with the control group) and finally, the adoption of this program as a mandatory part of the curriculum for all children.

Protection

Question 6. Assistance to victims

6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?**
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?**

By the end of 2017, the SOS line for children victims of violence at the national level will start operating, which will enable children to report all types of violence including online violence.

Also, if there is a cyber-incident involving a website, social account, identity theft, online fraud and the like, there is an option to report it. The reporting of an illegal content or a computer incident is reported to the CITR – National Computer Incident Response Team - www.cirt.me.

In cooperation with the UNICEF Office, a smartphone application called *NET friends* has been developed. This application contains the option to report online violence to the relevant institutions, including the police, the CIRT, the Office of the Ombudsperson. It is not intended only for children, but also for their parents and teachers. This game can be a reason for talking with teachers and parents, but above all, a teaching tool for preventive purposes. The NET Friends app is free and can be downloaded from every iPlay and Google Play store. Find the banner application on the UNICEF's website https://www.unicef.org/montenegro/campaigns_29976.html, as well as on the aforementioned portal of the Ministry of Education.

The Ministry of Education places considerable attention and a great number of activities on this issue. There is a page on the safety of children on the Internet on its school portal: <http://www.skolskiportal.edu.me/Pages/Bezbednostdjecenainternetu.aspx>

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?**
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?**

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

Generally speaking, each witness and victim who are in the role of participants in criminal proceedings before Montenegrin courts have the right to physical and other protection, and this protection takes place in accordance with the provisions of the Criminal Procedure Code and the Law on Witness Protection.

Criminal legislation of Montenegro devotes special attention to the specific treatment of children who are in the role of witness during the criminal proceedings. The Criminal Procedure Code prescribes that a child being examined as witnesses, shall be entitled to testify in separate premises before a judge and a court reporter, whereas the Prosecutor, accused person and defence attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon.² Furthermore, when hearing a minor, especially if a minor was injured by the criminal offence, special care shall be taken in order to ensure that the hearing would not have an adverse effect on the minor's mental condition. When necessary, the minor shall be heard with assistance of a psychologist or another expert. The Criminal Procedure Code expressly prohibits the testimony of a minor who, taking into consideration their age and mental development, are not capable to comprehend the importance of the right that they are not obliged to testify.³

Starting from the need to provide full protection to minors when participating in criminal proceedings, the Act on Treatment of Juveniles in Criminal Proceedings⁴ contains a special set of provisions on the protection of juveniles as participants in criminal proceedings, which apply to a juvenile injured by the offense or a juvenile heard in criminal proceedings in the capacity of a witness. They are presented below.

Parties to the proceedings, authorities and institutions that information, reports or opinions are sought from, are obliged to take due care in protecting the privacy of a juvenile, including the protection of identity and data which may reveal the identity. No information that might reveal the identity of a juvenile injured by the offence or being a witness in the proceedings shall be published without the explicit approval of the judge, or the juvenile prosecutor acting on the case.

Particular caution is given in the sense that **due care** in criminal proceedings with a juvenile as a victim of the offence or with a juvenile heard in the capacity of a witness, as a rule, actions shall be taken by persons who have acquired specialised knowledge in the field of the rights of the child and

² Art. 113(5) of the Criminal Procedure Code.

³ Art. 113(4) of the Criminal Procedure Code

⁴ Articles 90 to 97 of the Act on Treatment of Juveniles in Criminal Proceedings

rules of treating juvenile offender and juveniles as parties to criminal proceedings, taking due care of the juvenile's age, personal characteristics, education and living circumstances.

Hearing of a juvenile shall be performed, as a rule, by a public prosecutor and a judge of the same sex as the juvenile in a separate room equipped with technical devices for audio-visual recording. By exception, a juvenile may be heard again if there are justified reasons for doing so. The hearing shall be carried out in the presence of the juvenile's legal custodian and, as a rule, with the assistance of professional support staff, unless when it is contrary to the interests of proceedings or the juvenile under 14 years of age (child), as the victim or a witness in the proceedings, shall mandatorily be conducted with the assistance of professional support staff. The parties and the accused person's defence counsel shall pose questions to the juvenile through the judge or the public prosecutor. Where the hearing of a juvenile is done with the aid of audio-visual recording devices, the recording shall be sealed and attached to the record. By exception, if there are justified reasons for doing so, juveniles in the capacity of witnesses or victims may also be heard in their dwellings or other premises or facility or institution they are placed with regardless of the technical equipment of such premises.

Very important are the provisions that prescribe the **Impossibility to confront**, i.e. that a juvenile under the age of 14 (child) injured by the offence or heard as a witness may not be confronted with the accused person. Where a juvenile above the age of 14 who is in a particularly difficult psychological state due to the nature of the criminal offence, its consequences or other circumstances, is heard as a witness or a victim, that person shall not be confronted with the accused. Competent authorities taking actions in proceedings involving juveniles shall take all requisite measures to avoid any meeting between a juvenile and a defendant within their business premises.

Upon motion of the public prosecutor, guardianship authority or ex officio, the judge or the presiding judge shall, when deeming it be in the interest of the juvenile's personality and in accordance with the requirements of fairness, appoint an **attorney-in-fact** to the juvenile from among lawyers, who as a rule, have acquired special knowledge in the field of the rights of the child and the rules governing the treatment of juvenile offenders and juveniles as parties to criminal proceedings. The costs of such representation shall be chargeable to the budget of the court.

If the recognition of the suspect or the accused is made by a juvenile, the authority conducting the criminal proceedings shall exercise particular caution, and such recognition shall be performed in all stages of the procedure in a manner that fully prevents the suspect or the accused from seeing the juvenile.

Summons to the juvenile as a witness shall be sent through their legal custodian. The provisions of the Criminal Procedure Code governing sanctions for refusing to give one's testimony shall not apply to a juvenile under 14 years of age (child).

The status of a protected witness is obtained in accordance with the provisions of the Criminal Procedure Code and it is a witness who is precisely because the witness in the criminal procedure is particularly endangered, and that special protection measures should be imposed on him so that a witness gives a testimony fearlessly, which is very important in order to provide the necessary evidence.

If minors find themselves in the role of a protected witness, they share the fate of other protected witnesses.

Therefore, pursuant to the provisions of Article 120 of the Criminal Procedure Code, If reasonable concern exists that by giving a statement or answering certain questions witnesses would put in danger their spouse's, close relatives or a close person's life, health, physical integrity, freedom or property of great value, witnesses may withhold from giving the personal data, answering certain questions or giving the statement altogether until their protection is secured. Protection of this category of witnesses consists of special ways of participating and hearing witnesses in the criminal procedure, in particular: hearing of witnesses under pseudonym, hearing with assistance of technical devices (protective wall, voice simulators, devices for transmission of image and sound) and alike.

Namely, the courts are equipped with technical and audio devices that can be used on the basis of the law for the purpose of providing protection during the hearing itself. This means that the statement can be given by changing the voice and image. Exclusion of the public and the giving of the testimony under the pseudonym are also measures that can be applied.

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

Cooperation with civil society is realized in the form of implementation of joint projects that are undertaken to protect children from all forms of violence and abuse, which includes all forms of child support.

The Government fully finances the Shelter for Potential and Victims of Trafficking in Human Beings/Children. The Shelter provides initial recovery for victims through twenty-four-hour assistance of professional staff and implementation of specific self-sustaining and rehabilitation programs. By signing the Agreement on Cooperation, the obligations of the institutions are concretized as defined by the law through clearly defined operational procedures that the signatories of the Agreement implement in solving the specific case of trafficking in human beings. Potential and victims of trafficking in human beings are provided with security protection, free legal, health, psychological, social protection with minimum identification data and according to the principle of priority, not conditioning of the same by cooperation with investigative bodies. Trafficking in human beings is dealt with investigative and judicial authorities by priority.

Prosecution

Question 8. Legislation

8.1. Does national law contain any reference to:

- a. self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?**
- b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?**
- c. non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?**

The Criminal Code of Montenegro ("Official Gazette of the Republic of Montenegro", No 70/03, 13/04, 47/06 and "Official Gazette of Montenegro", No. 40/08, 25/10, 32/11, 64/11, 40/13, 56/13,

14/15 42/15 and 58/15), Chapter XVIII in Article 211 contains references which are in conjunction with Art. 18-23 of the Lanzarote Convention. In particular, Article 211 paragraph 1 of the Criminal Code of Montenegro (CCMNE) prescribes that anyone who sells, shows or publicly exhibits or otherwise makes accessible to a child the texts, pictures, audio-visual material or other objects of pornographic content or shows the child a pornographic performance shall be punished by a fine or a prison term up to six months. Paragraph 2 of the same article stipulates that anyone who exploits a juvenile to produce pictures, audio-visual material or other objects of pornographic content or for a pornographic performance shall be punished by a prison term from six months to eight years. When determining the imprisonment for the aforementioned criminal offenses in the criminal legislation of Montenegro, there is a difference in determining the sentence for a perpetrator, depending on whether the offense was committed against a child (a person under the age of 14) or a minor (person from 14 to 18 age), so in paragraph 4 of the aforementioned Article a lighter punishment (from three months to three years) is prescribed if the victim is a minor. Also, paragraph 3 of the aforementioned Article of the Criminal Code prescribes the criminal offense of unauthorized recording, production, offering, making available, distributing, importing, exporting, obtaining for themselves or others, selling, giving, displaying, publicly displaying or owning images, audio-visual or other articles of pornographic content.

The Law on Amendments to the Criminal Code of Montenegro, adopted on 26 June 2017, harmonized with the Lanzarote Convention and the Council of Europe Convention on Cybercrime. The compliance was made in Article 211 of the CCMNE in which the definition of child pornography was introduced in such a way that child pornography is regarded as any material that visually depicts a child concerned with actual or simulated sexually explicit conduct and any display of his or her sexual organs for the user's the full organs of a child for primary of sex.

8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

The Criminal Code of Montenegro does not prescribe a special criminal offense nor a severe punishment in the case of involving more than one child in the generation of self-generated sexually explicit images and/or videos and other self-generated sexual content.

8.3. Are there specificities related to the fact that more children appear on the:

- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?**
- b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?**

Since the Criminal Code of Montenegro does not prescribe a special criminal offense nor a severe punishment in the case of involving more than one child in the generation of self-generated sexually explicit images and/or videos and other self-generated sexual content, therefore, there are no specificities related to the circumstances stated in the questions a and b of this point of the Questionnaire.

Question 9. Criminalisation

9.1. Does national law criminalise cases when adults:⁵

- a. possess child self-generated sexually explicit images and/or videos?**
- b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?**
- c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?**

The Criminal Code of Montenegro criminalizes cases defined in the questions a, b, and c of this Questionnaire in the sense that Article 211, paragraph 3 stipulates as a special criminal offense exploiting a child for the production of pictures, making available, distribution, import, export, obtaining for themselves or others, selling, giving, displaying, publicly exhibiting or owning images, audio-visual or other objects of pornographic content.

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

The Criminal Code of Montenegro does not contain any other special circumstances related to the exemption from liability for committed criminal offenses of child pornography beside general grounds for the exclusion of unlawfulness (legitimate self-defence, extreme necessity and force and threat). However, the Criminal Code of Montenegro provides in Article 47 the grounds for remission of punishment:

1. Punishment may also be remitted by court where a perpetrator committed an offence by negligence and where the consequences of that offence affect the perpetrator to an extent that imposition of such punishment would not serve its purpose.
2. Punishment may also be remitted by court where a perpetrator committed a criminal offence punishable by maximum five year prison term provided that after the commission but before he learned he was uncovered he had eliminated the consequences of the offence or had compensated the damage inflicted by the criminal offence.

9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

The legal consequence of the aforementioned behaviour is a judgment imposing a sentence of imprisonment ranging from three months to ten years.

⁵ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

9.4. Does national law criminalise cases when adults:⁶

- a. possess child self-generated sexual content?**
- b. distribute or transmit child self-generated sexual content to other adults?**
- c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?**

The Criminal Code of Montenegro criminalizes cases defined in the questions a, b, and c of this Questionnaire, in the sense that Article 211, paragraph 3, stipulates as a special criminal offense exploiting a child for the production of pictures, production, making available, distribution, import, export, obtaining for themselves or others, selling, giving, displaying, publicly exhibiting or owning images, audio-visual or other objects of pornographic content.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

The Criminal Code of Montenegro does not contain any other special circumstances related to the exemption from liability for committed criminal offenses of child pornography beside general grounds for the exclusion of unlawfulness (legitimate self-defence, extreme necessity and force and threat). However, the Criminal Code of Montenegro provides in Article 47 the grounds for remission of punishment:

1. Punishment may also be remitted by court where a perpetrator committed an offence by negligence and where the consequences of that offence affect the perpetrator to an extent that imposition of such punishment would not serve its purpose.
2. Punishment may also be remitted by court where a perpetrator committed a criminal offence punishable by maximum five year prison term provided that after the commission but before he learned he was uncovered he had eliminated the consequences of the offence or had compensated the damage inflicted by the criminal offence.

9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

The legal consequence of the abovementioned behaviour is a judgment imposing prison sentences ranging from three months to ten years.

9.7. Does national law criminalise cases when children:⁷

- a. produce self-generated sexually explicit images and/or videos?**
- b. possess self-generated sexually explicit images and/or videos?**
- c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?**
- d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?**
- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?**
- f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?**

⁶ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

⁷ This question does not in any way suggest that these behaviours should be criminalised.

The Act on Treatment of Juveniles in Criminal Proceedings stipulates that a person who at the time of commission of an unlawful act which is qualified by law as a criminal offence is younger than 14 (a child) may not be tried in criminal proceedings nor may be subject of sanctions and measures provided for by this Law. The Act further distinguishes between a younger juvenile (14 to 16 years of age) and a juvenile (16 to 18 years of age), who may be tried in criminal proceedings and pronounced diversion measures (warning or attendance order) or criminal sanctions (correctional measures, a juvenile detention term, or security measures). A younger juvenile may only be sanctioned by correctional measures. An older juvenile may be sanctioned by correctional measures and, by exception and under conditions set by this Act, may also be sanctioned by a juvenile detention term. A juvenile may also, under conditions set by the law, be sanctioned by the security measures, save for the ban on engagement in a profession, business or duty and publication of the judgment. A juvenile may not be sanctioned by suspended sentence and court admonition.

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

The Law on Treatment of Juveniles in Criminal Proceedings stipulates that a person who at the time of commission of an unlawful act which is qualified by law as a criminal offence is younger than 14 (a child) may not be tried in criminal proceedings nor may be subject of sanctions and measures provided for by this Law.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

The law distinguishes between a younger juvenile (14 to 16 years of age) and a juvenile (16 to 18 years of age), who may be tried in criminal proceedings and pronounced diversion measures (warning or attendance order) or criminal sanctions (correctional measures, a juvenile detention term, or security measures). A younger juvenile may only be sanctioned by correctional measures. An older juvenile may be sanctioned by correctional measures and, by exception and under conditions set by this Act, may also be sanctioned by a juvenile detention term. A juvenile may also, under conditions set by the law, be sanctioned by the security measures, save for the ban on engagement in a profession, business or duty and publication of the judgment. A juvenile may not be sanctioned by suspended sentence and court admonition. A person who, at the time of the commission of a criminal offense was younger than 14, does not have legal consequences for the abovementioned behaviour.

9.10. Does national law criminalise cases when children:⁸

- a. produce self-generated sexual content?**
- b. possess self-generated sexual content?**
- c. distribute or transmit self-generated sexual content to peers?**
- d. distribute or transmit self-generated sexual content to adults?**
- e. distribute or transmit self-generated sexual content of other children to peers?**
- f. distribute or transmit self-generated sexual content of other children to adults?**

The Act on Treatment of Juveniles in Criminal Proceedings stipulates that a person who at the time of commission of an unlawful act which is qualified by law as a criminal offence is younger than 14 (a child) may not be tried in criminal proceedings nor may be subject of sanctions and measures provided for by this Law. The Act further distinguishes between a younger juvenile (14 to 16 years of age) and a juvenile (16 to 18 years of age), who may be tried in criminal proceedings and

⁸ This question does not in any way suggest that these behaviours should be criminalised.

pronounced diversion measures (warning or attendance order) or criminal sanctions (correctional measures, a juvenile detention term, or security measures). A younger juvenile may only be sanctioned by correctional measures. An older juvenile may be sanctioned by correctional measures and, by exception and under conditions set by this Act, may also be sanctioned by a juvenile detention term. A juvenile may also, under conditions set by the law, be sanctioned by the security measures, save for the ban on engagement in a profession, business or duty and publication of the judgment. A juvenile may not be sanctioned by suspended sentence and court admonition.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

The Law on Treatment of Juveniles in Criminal Proceedings stipulates that a person who at the time of commission of an unlawful act which is qualified by law as a criminal offence is younger than 14 (a child) may not be tried in criminal proceedings nor may be subject of sanctions and measures provided for by this Law.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

The law distinguishes between a younger juvenile (14 to 16 years of age) and a juvenile (16 to 18 years of age), who may be tried in criminal proceedings and pronounced diversion measures (warning or attendance order) or criminal sanctions (correctional measures, a juvenile detention term, or security measures). A younger juvenile may only be sanctioned by correctional measures. An older juvenile may be sanctioned by correctional measures and, by exception and under conditions set by this Act, may also be sanctioned by a juvenile detention term. A juvenile may also, under conditions set by the law, be sanctioned by the security measures, save for the ban on engagement in a profession, business or duty and publication of the judgment. A juvenile may not be sanctioned by suspended sentence and court admonition. A person who, at the time of the commission of a criminal offense was younger than 14, does not have legal consequences for the abovementioned behaviour.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2⁹

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2¹⁰

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of

⁹ Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

¹⁰ Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

The law distinguishes between a younger juvenile (14 to 16 years of age) and a juvenile (16 to 18 years of age), who may be tried in criminal proceedings and pronounced diversion measures (warning or attendance order) or criminal sanctions (correctional measures, a juvenile detention term, or security measures). A younger juvenile may only be sanctioned by correctional measures. An older juvenile may be sanctioned by correctional measures and, by exception and under conditions set by this Act, may also be sanctioned by a juvenile detention term. A juvenile may also, under conditions set by the law, be sanctioned by the security measures, save for the ban on engagement in a profession, business or duty and publication of the judgment. A juvenile may not be sanctioned by suspended sentence and court admonition. A person who, at the time of the commission of a criminal offense was younger than 14, does not have legal consequences for the abovementioned behaviour.

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

The Criminal Code of Montenegro in Article 211, paragraph 5 prescribes that the perpetrator will be punished by a prison term from two to ten years if he commits a criminal offense by use of force or threat.

Question 12. Jurisdiction rules¹¹

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

The territorial principle is the basic principle of the applicability of criminal legislation of Montenegro (Article 134 of the CCMNE). Since each state is interested in ensuring, first of all, on the implementation of its own right in its territory, it is understandable that the territorial principle is the basic principle most often applied in practice. Other principles (real, personal and universal) apply only in cases where the territorial principle cannot be applied, or when the offense is committed abroad.

According to the territorial principle, the criminal legislation of Montenegro applies to all criminal offenses committed in the territory of Montenegro, irrespective of the citizenship of the perpetrator. Criminal legislation of Montenegro applies to anyone who commits a criminal offense in the territory of Montenegro. The term territory of Montenegro means land, territorial sea, and water areas within its borders, as well as air space above them (Article 142(1) of the CCMNE).

The territorial principle has been extended by the flag principle and the principle of airplane registration. This means that domestic criminal legislation applies to anyone who commits a criminal offense on board of a domestic ship, regardless of where the ship was located at the time of commission of a criminal offense (Article 134(2) CCMNE), as well as for anyone who commits a

¹¹ Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

criminal offence on a domestic civil aircraft or on a domestic military aircraft regardless of where the aircraft was located at the time of commission of a criminal offence (Article 134(3) of the CCMNE).

The Criminal Legislation of Montenegro, in terms of the application of the territorial principle, is the CCMNE, as well as all criminal law provisions contained in the secondary criminal legislation.

Criminal law provides for the possibility of transferring the criminal prosecution of a foreigner who has committed a criminal offence in the territory of Montenegro, under the condition of reciprocity, to a foreign country (Article 138(2) CCMNE). Regarding the possibility of giving the prosecution to a foreign state resident in a foreign country and having committed the offense in the territory of Montenegro, the condition with regard to the committed criminal offense is that a criminal offense has been committed for which is stipulated the imprisonment for a term of up to ten years, or a criminal offence of endangering public transport.

Where the criminal offence is committed in the territory of Montenegro, and the criminal proceedings were instituted or completed in a foreign country, prosecution in Montenegro shall be instituted only upon approval of the Supreme Public Prosecutor of Montenegro (Article 138(1) CCMNE).

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

a. in law enforcement?

In the Police Administration, Department for the Fight against Organized Crime and Corruption, since 2015, the Group for the Fight against High-Tech Crime has been formed. Among other things, the officers of the said group are engaged in the detection and clarification of criminal offenses in the field of child pornography on the Internet, i.e. the prevention, possession and exchange of explicit content, photographs in which children are sexually abused or exploited.

b. in prosecution?

c. in courts?

The Expert Service for IT and Digital Evidence has been established within the Special Prosecutor's Office for Organized Crime, Corruption and War Crimes which deals with the analysis of electronic illegal content in particular for acts within the jurisdiction of the Special Prosecution. The Professional Service was established within the Supreme State Prosecutor's Office of Montenegro, in accordance with the Act on Treatment of Juveniles in Criminal Procedure, the Professional Service affairs are carried out by experts of various specialist professions (social workers, psychologists, pedagogy specialists, etc.) who can provide expert opinions, information and other assistance in dealing with a juvenile perpetrator of a criminal offense, including the treatment of sexual offenses and children who are enabled through ICT as well as those from Chapter 9-11. In this regard,

Main activities and responsibilities are:

- Providing expert findings and opinion, information and assistance in treatment of juveniles/children, upon the request of a state prosecutor:
 - In the criminal proceedings, independent performance of tasks during the preparatory proceedings, the proceedings for imposition of diversion measures and

- criminal sanctions, the proceedings of supervising the execution of diversion measures and criminal sanctions imposed on juveniles
 - also, in the proceedings of criminal law protection of the children to the detriment of whom the criminal offences have been committed, or the protection of child witnesses
- The performance of administrative tasks it is charged with and keeping records of diversion measures imposed on juveniles.
- Cooperation with local communities for the purpose of collecting and sharing information on a juvenile, supervision over the execution of measures and sanctions against juveniles, as well as monitoring the situation and movements of juvenile delinquency, and initiating relevant prevention programmes.
- Participation in the work of the bodies for the protection of rights of children and young people, in developing regulations pertaining to the protection of rights of children, young people and families.

The Professional Services shall contribute to:

- the urgency of proceedings and individualisation of juvenile's treatment, performed in a child's best interest, for children in conflict with law and children to the detriment of whom the criminal offences have been committed and for children as witnesses
- providing professional assistance in the preparatory proceedings in obtaining all available elements for a right decision, with respect to a child's personality, development and living conditions, needs, abilities, expectations, problems, not only relating to a child's participation in the proceedings, but also to the process of rendering decisions (on expediency of conduct of the proceedings against a juvenile, pronouncement of educational measure/security measure/alternative measure and in the procedure of control and supervision over the execution of measures and/or replacement measures, in testimony and security of a child)
- the examination of a child (an interview professionally adjusted to a child's capabilities and needs and to the proceedings being conducted), including an interview with a child using audio – visual equipment
- preparing children and parents for the proceedings conducted at the prosecutor's office
- child safety and potential risk sensitivity
- child participation in the procedure which is conducted against him/her in a manner adapted to a child, and so that an authentic child's opinion be heard as well
- informing a child of the proceedings conducted against him (providing feedback on the course and consequences of the proceedings)

In courts, there are no specially specialized units for dealing with sexual offenses against children.

The Act on the Treatment of Juveniles in Criminal Proceedings, Article 46 prescribes specialization in the proceedings against minors and the existence of the Professional Service. Juvenile judges and juvenile panel judges must be persons with specialised knowledge of the rights of the child and rules for treatment of juvenile offenders and juveniles as parties to criminal proceedings.

The same article provides for the professional support service set up with high courts to provide assistance to the courts with territorial jurisdiction.

The Professional Service affairs are carried out by experts of various specialist professions (social workers, psychologists, pedagogy specialists, etc.) who can provide expert opinions, information and other assistance in dealing with a juvenile perpetrator of a criminal offense, including the treatment of sexual offenses and children who are enabled through ICT as well as those from Chapter 9-11. In this respect,

The Professional Service cooperates with the competent institutions of social and child protection, as well as educational institutions that are obligated to submit reports and opinions at its request.

When a participant is a juvenile injured by the offence or being a witness, actions are usually undertaken by persons who have acquired special titles in the field of the rights of the child and on the rules of treatment of juveniles who are participants in criminal proceedings, taking into account age, personal characteristics, education and opportunities in which a minor lives.

The hearing of a juvenile younger than 14 years of age shall be carried out with the assistance of professional support staff.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

The group for the fight against high-tech crime was formed in the Police Administration of Montenegro in August 2015.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

Unit for Combating High-Tech Crime is located within the Department for Combating Organized Crime of the Criminal Police Sector - Police Administration (MoI). The Unit was formed in August 2015 in accordance with the Rulebook on Internal Organization and Job Classification. The aforementioned Rulebook envisages 3 service posts, namely the Senior High Inspector of Police, the High Police Inspector and the Independent Police Advisor. Only one of the above-mentioned civil service posts was filled in, and this was the Senior Police Inspector first class.

The officers of the said group are working to clarify criminal offenses in the area of computer crime, as well as all other criminal offenses that are enabled by the use of information technology, including crimes from the area of child pornography.

→ As regards law enforcement, please indicate if:

a. there is a victim identification function?

Unit for Combating High-Tech Crime There has no victim identification function.

b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

There is no active contribution to the ICSE database because paedophiles are found using existing photos or their HASH values obtained from the ICSE base.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

The Prosecutor's Office is a body for prosecuting perpetrators of criminal offenses. We believe that in all cases in which the perpetrator has been identified, the prosecution effectively conducts criminal proceedings. The biggest challenge that arises in this issue is the revealing of perpetrators of these crimes.

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?**

There are no specialized trainings for the combat child pornography at the Police Academy, but officers are trained through training provided by the Council of Europe, the OSCE and various embassies through several projects.

- b. prosecutors?**
- c. judges?**

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

Officers of the Unit for Combating High-Tech Crime have undergone a number of trainings on combating child pornography. One of the most significant was the OSCE training delivered by the Swedish police, as well as the training organized by UNICEF, concerning the use of the GRIDCOP application.

In Montenegro, training in judicial bodies is carried out within the Centre for Training in Judiciary and State Prosecution, which as an independent organization with the status of a legal entity exists from the entry into force of the Law on the Centre for Training in Judiciary and State Prosecution since 17 October 2015.

Training for judges and state prosecutors is organized and implemented as an initial and continuing one. The aim of the training is the acquisition and improvement of knowledge, skills and abilities that will enable independent, impartial, professional and efficient performance of the function of judges and state prosecutors in accordance with the principles of independence and autonomy and ethical standards of the profession.

As regards trainings on the topics that are the subject of this Questionnaire, the following text follows the presentation of realized training for representatives of Montenegrin courts:

- 15-16 January 2014 - Zagreb/Republic of Croatia, the Centre enabled participation of two representatives of the judiciary (judges of the Basic Court in Podgorica and Deputy Basic State Prosecutor in Kotor) at a regional seminar for judges and prosecutors of general jurisdiction, on the topic: **"Fight against Cybercrime and Child Pornography on the Internet"**. The Regional Seminar was organized by the Technical Assistance and Information Exchange of the European Commission in

cooperation with the Academy of European Law (ERA) and the Judicial Academy of Croatia, which was elected as the representative of the Regional Centre for Judicial Training on Cybercrime within the project **IPA 2010 "Regional Cooperation** in Criminal Justice: Strengthening capacities in the fight against Cybercrime in South-Eastern Europe. In addition to Montenegro, representatives of the judiciary from the following countries also participated: Serbia, Bosnia and Herzegovina, Croatia, Macedonia, Albania, Turkey and Kosovo.

- 5-6 November 2014 - Budva, the Centre for Training in Judiciary and State Prosecution of Montenegro, in cooperation with the Organization for Security and Cooperation in Europe/OSCE Mission to Montenegro and the U.S. Embassy in Podgorica i.e. Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) organized a seminar with the theme "High-tech Crime". The seminar aimed to acquire and improve the knowledge of judges and prosecutors from a specific field such as high-tech crime and electronic evidence, material and procedural laws and international instruments in this field, new technologies, urgent and efficient measures, as well as international cooperation in the field of computer crime. Given the increased number of crimes that have elements of high-tech crime, the need for education of judges and prosecutors and the exchange of experience among them in the management of cybercrime cases is also increasing. Lecturers at the seminar were local and regional experts: Mr Branko Stamenković, Special Prosecutor for High-Tech Crime from Belgrade, Mrs Bojana Paunović, Appellate Court Judge in Belgrade, Mr Saša Živanović, Head of Cybercrime Department Computer at Ministry of Interior of the Republic of Serbia, Mr Žarko Pajković, Deputy Basic State Prosecutor in Kotor, Mr Jakša Backović, Senior Inspector for the Fight against Cybercrime, Mr Adis Balota, Professor at the Faculty of Information Technologies of the University "Mediterranean" and Mr Nathaniel Kummerfeld, US State Prosecutor's Office in Tyler/Texas. More specific topics discussed at the conference were: Contemporary trends in the commission of criminal offenses in cyber space; National Security - cyber security; Criminal offenses against the security of computer data in national legislation and their compliance with the Convention on Cybercrime; Information security and the role of competent state authorities in Montenegro; Application of special investigative actions and measures in high-tech crimes; Application of special evidence in the practice of the European Court of Human Rights; The first reaction to high-tech crime and the specificity of the HTC investigation; Parallel investigation, international cooperation and data exchange; Methods of execution of criminal offenses of high-tech crime in Montenegro - examples from practice; Access to the **US fight against cyber-crime with the focus on exploiting children**; Abusing credit cards; Workshop of practical examples for solving HTC cases. The seminar was attended by 36 participants (without lecturers and organizers), of which 10 representatives of the Prosecutor's Office (High State Prosecution Office in Bijelo Polje, deputy High SP PG, BSP RO and UL, deputies from the following BSP: BA, PL, NK, BP, PG and CT) ; 11 representatives of the judiciary, i.e. judges (2 Supreme Court of the PG; 2 judges from basic courts of NK and PLJ; 1 each from the following basic courts: PG, PL, RO, BA, KO); 5 representatives of the Police Directorate and 10 representatives of the Bar Association.

- 18-19 November 2015 - Budva, Organization for Security and Cooperation in Europe - OSCE Mission to Montenegro, in cooperation with the American Embassy in Montenegro i.e. Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) and the Centre for Training in Judiciary and State Prosecution organized a Regional Conference on "High-Tech Crime". The conference was attended by representatives of the judiciary and police from Croatia, Serbia, Slovenia, Bosnia and Herzegovina, Macedonia, Albania, Kosovo and Montenegro, and the aim was to exchange experiences in this field, as well as to improve cooperation. The methodology of the conference was a combination of lectures and panel discussions, the more specific themes were: The international legal framework and the state of high-tech criminality in 2015/2016; Activities of the Unit for Strategic Police Issues in the Department for the Fight against Transnational Threats, Secretariat of the OSCE; Modern crime trends in the cyber space; Panel I: **Digital Violence against**

Children - Child Pornography; Panel II: Social Network Risks - New Challenges of High Tech Criminology; Panel III: Cyber-terrorism and Cyber-incitement; Panel IV: Acquiring property by cyber-crime and money laundering; Panel V: New Trends in Organized Crime - Smuggling and Trafficking in Human Beings and High-Tech Crime. On behalf of Montenegro, 8 regional representatives participated in the Regional Conference, 4 of which were representatives of the Prosecutor's Office (deputies of the Higher SP, BSP KO, HN and PG), 2 representatives of the judiciary (2 judges of the High Court in Podgorica) and 2 representatives of the Police Administration.

- 9 December 2015 - Podgorica, UNICEF Office in Montenegro, within the initiative "Child Protection against Online Sexual Abuse", which is part of UNICEF's Global Capacity Building Program to combat child sexual abuse on the Internet, organized, in Podgorica, 7-9 December 2015, a specialized training in the use of software called Child Protection System (CPS), intended for officers of the Police Administration dealing with high-tech crime and juvenile delinquency. The third day of training was attended by 13 representatives of the Prosecutor's Office, mainly prosecutors specializing in the work with minors. The software provides the possibility of early detection of suspects involved in the distribution of child pornography on the Internet and other offenses of sexually abusing children on the Internet, and the lecturers were British experts, Mr Richard Mathews and Mr Paul Bayer, licensed trainers for the Child Protection System software in Europe.

In 2016, there was no training on this topic, as in 2017.

Partnerships

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

The INTERPOL-EUROPOL-SELEC Department of International Police Cooperation continuously exchanges information with foreign partner services on all aspects of crime, including, *inter alia*, criminal offenses from the area of sexual abuse of children and the distribution of child pornography via the Internet. The exchange of information is carried out at the request of domestic or foreign competent police units engaged in the investigation of child pornography and its distribution through the Internet.

We also note that during the preventive activities in the part of the fight against the abovementioned criminal offenses, the Police Administration in 2009 signed an agreement with the

operator "Promonte GSM" according to which the PA regularly submits the list of domain names (worst of list), and all in order to block the domain by the aforementioned operator.

The Interpol General Secretariat has created a centralized database of images presenting evidence of sexual abuse of children with the aim of attempting to identify victims whose photos circulate globally on the Internet and with the aim of coordinating the global activities of law enforcement authorities in this area. This standalone database is known as the Interpol Child Abuse Image Database (ICAID). Further activities of the General Secretariat of INTERPOL are on-going in the part of defining access to the aforementioned database, as well as the sophisticated financial expenses for improving the base, especially in the part of tools that would benefit national investigations.