

LANZAROTE COMMITTEE

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

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Replies to the thematic questionnaire

“Screening of professionals, volunteers and other
persons in contact with children”

MONTENEGRO

Replies received by the Secretariat on 10 July 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

Article 5 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures, in conformity with their internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children. The Explanatory Report to the Lanzarote Convention indicates that this obligation can be also applied to voluntary activities (see paragraph 57).

In the 2nd implementation report of the 1st monitoring round (2018), the Lanzarote Committee urged those Parties that limited mandatory screening to certain professionals to extend it to the recruitment of all professionals (public or private) in regular contact with children (R19) and invited Parties to encourage continuous screening of all professionals (R20) and volunteers (R21) in regular contact with children.

Article 27 paragraph 3.b of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to deny the perpetrator, temporarily or permanently, the exercise of professional or voluntary activity involving contact with children in the course of which the offence was committed.

Article 37 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to ensure that the information referred to in paragraph 1 (i.e. data related to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention) can be transmitted to the competent authority of another Party, in conformity with the conditions established in its internal law and the relevant international instruments.

Whenever the term “screening” is used in this questionnaire, this should be understood as “verification of criminal convictions for sexual offences against children”.

In all your answers, please provide details to the extent possible and refer to specific laws, policies, programmes, measures, etc.

Please describe the legislation, policy and practice which are in force on 27 March 2026 or are in the process of adoption (in this case, please specify the planned date of entry into force).

Please indicate:

- a. State Party in respect of which the questionnaire is submitted: **Montenegro**
- b. Entities and bodies which have been involved in responding to this questionnaire
The responses highlighted in **green** were provided by the **Ministry of Social Welfare, Demography and Family Care**, while the responses highlighted in **yellow** were provided by the **Ministry of the Interior**.
- c. I emphasize that other answers in table are provided either through relevant institutions or by Ministry of justice.

Persons concerned by screening requirements

1. Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children? Please specify whether such restrictions apply to professions, employment or volunteer positions in the following sectors or areas of activities (additional details to be inserted below the table):

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	In the procedure for the selection of directors of educational institutions, the applicants are required to submit a certificate issued by the court confirming that no criminal proceedings are being conducted against them. Each candidate is				

	responsible for obtaining this certificate personally. Furthermore, the institution that has published the vacancy announcement shall obtain from the Ministry of Justice a certificate from the criminal records database regarding the criminal convictions of the persons who have applied for the position.				
Education – Primary	Yes. A teacher who has been finally convicted of criminal offences against sexual freedom may not perform educational and teaching duties. The legal basis for this is contained in Articles 100, 100a and 101 of the General Law on Education and Upbringing, as well as in the Law on Primary Education. Teachers in public institutions are employed through a public competition procedure, in accordance with the law. The competition is announced by the director of the institution and lasts for 15 days. During the recruitment procedure, in order to verify compliance with the legally prescribed requirements, a certificate from the criminal records confirming whether candidates who have applied for the position				

	have been convicted is obtained. In this way, it is ensured that persons who have been finally convicted of criminal offences against sexual freedom cannot establish an employment relationship in positions involving educational and teaching activities.				
Education – Secondary	Yes. Comment as above.				
Education – Tertiary	Yes. Comment as above.				
Education – Extracurricular (e.g. language schools)	The Labour Law (Official Gazette of Montenegro, Nos. 74/19, 8/21, 59/21, 68/21, 145/21, 77/24, 84/24 (other law), 86/24, 122/25 (applicable as of 1 December 2026), 165/25 and 51/26), in addition to the general conditions for entering into an employment relationship (Article 20), provides in Article 21(3) that an employment contract for work involving contact with children may not be concluded with a person who has been finally convicted of criminal offences against sexual freedom.				
Childcare (e.g. kindergartens, crèches, childminders)	The Law on Education and Upbringing regulates the organisation and conditions for the provision of educational and upbringing activities in the areas of: preschool				

	education and upbringing, primary education and upbringing, general secondary education, vocational education, education and upbringing of persons with special educational needs, and adult education. See comment above.				
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)					
Detention		Pursuant to the Law on Civil Servants and State Employees, the verification of the fulfilment of requirements by candidates applying for vacancies is carried out by the Human Resources Management Authority. One of the general requirements that candidates must meet is that they have not been convicted of a criminal offence that			

		renders them unfit to work in a state authority. This information is obtained ex officio. The Law on the Execution of Prison Sentences, Fines and Security Measures ("Official Gazette of Montenegro" No. 140/25) regulates the requirements for establishing an employment relationship. In this regard, Article 198 of the aforementioned Law stipulates that, in addition to the general requirements for employment in state authorities prescribed by the Law on Civil Servants and State Employees, a person entering			
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		into an employment relationship with the Administration for the Execution of Criminal Sanctions must also fulfil the following special requirements, namely that: 1) no criminal proceedings have been initiated against them for a criminal offence prosecuted ex officio; 2)there are no security impediments to establishing an employment relationship with the Administration; 3) they are suitable and worthy to perform duties within the Administration; 4) they possess the medical fitness			
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		required to perform duties in positions with special working conditions, i.e. positions involving increased risk. The existence of security impediments to establishing an employment relationship with the Administration shall be determined on the basis of information obtained from records maintained by the police and an opinion of the National Security Agency. A person shall be considered unfit to perform duties within the Administration if they have been finally convicted of the criminal			
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		offence of abuse, torture, or a criminal offence committed for material gain or dishonourable motives; a person who has been sanctioned for a public order and peace offence involving elements of violence; or a person whose previous conduct, habits or inclinations indicate unreliability for performing duties within the Administration.			
Migration facilities (e.g. reception centres)	The Reception Centre is an organisational unit of the Ministry of Interior responsible for the reception and accommodation of foreigners seeking international protection, in accordance with the Law on International and Temporary Protection of Foreigners. Article 8 of this Law stipulates that the reception and accommodation of foreigners seeking international protection is carried out by the				

	Ministry of Interior through the organisational unit responsible for the accommodation of foreigners seeking international protection – the Reception Centre. For persons employed by the Ministry of Interior as civil servants and state employees, the Law on Civil Servants and State Employees applies. In accordance with this Law, candidates must meet the general and specific requirements for employment, including the requirement that they have not been convicted of a criminal offence that renders them unfit for work in a state authority. Information confirming the fulfilment of this requirement is obtained ex officio. For other persons who may be engaged in reception centres (e.g. service providers, employees of contracted partners, volunteers, or other engaged persons), the obligation to conduct criminal record checks depends on the legal basis of their engagement and the specific requirements established by regulations governing the relevant area of work.				
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	Where the engagement involves direct contact with children, specific provisions relating to child protection apply, including restrictions concerning persons who have been finally convicted of criminal offences against sexual freedom committed against children, in accordance with the Criminal Code of Montenegro. Accordingly, criminal record checks constitute a mandatory element of screening for certain categories of employees, particularly civil servants and persons performing activities involving work with children, while for all other engaged persons this depends on the nature of their engagement and the applicable legal provisions.				
Sport	Article 62¹ of the The Law on Sports published in the Official Gazette of Montenegro, Nos. 44/18, 123/21 and 52/26 (Decision of the Constitutional Court of Montenegro) provides that a member of the				

¹ 4) finally convicted of a criminal offence for which a sentence of imprisonment exceeding three years has been imposed, or for a criminal offence against life and limb, freedoms and rights of persons and citizens, sexual freedom, property, payment operations and economic activities, public health, the constitutional order and security of Montenegro, public order and peace, official duties, humanity and other values protected by international law; or

5) Finally convicted of a misdemeanour prescribed by a special law regulating the prevention of violence and disorderly conduct at sports events.

	governing body of a sports organisation or the director of a sports organisation may not be a person who has been finally convicted of the criminal offences or misdemeanours specified in the relevant provision of the Law. The same requirement applies to coaches (Article 32), as well as to athletes applying for recognition of the status of an athlete with a top-level national team performance (Article 29) and for entitlement to a lifelong monthly allowance (Article 72). Compliance with these statutory requirements is verified by obtaining data from the criminal records in order to establish that the person has not been finally convicted of any criminal offence or misdemeanour constituting a legal impediment to performing the above-mentioned functions or exercising the relevant rights.				
Culture and leisure activities		The verification of the fulfilment of requirements by candidates applying for vacancies published for the needs of the Ministry of Culture and Media is carried			

		out by the Human Resources Management Authority. One of the general requirements that candidates must meet is that they have not been convicted of a criminal offence that renders them unfit to work in a state authority. This information is obtained ex officio.			
Entertainment sector	In Montenegro, persons engaged in the entertainment sector who perform activities involving direct contact with children are subject to the general requirements prescribed by the Labour Law, as well as to specific requirements established by regulations governing the relevant field of activity.				
Faith and religion		The Law on Freedom of Religion or Belief and the Legal Status of Religious Communities does not prescribe any specific mandatory	Article 57 of the Law on Freedom of Religion or Belief and the Legal Status of Religious Communit		

		checks regarding the absence of criminal convictions for sexual offences against children as a condition for carrying out voluntary activities within religious communities. Furthermore, the Directorate for Cooperation with Religious Communities has no information on such checks being conducted in practice, nor have religious communities or believers contacted the Directorate regarding the implementation of such procedures.	ies published in the Official Gazette of Montenegro, No. 8/21 of 26 January 21, and entered into force on the same date. stipulates that teaching in a religious school may be conducted by a person who holds a work permit in accordance with the law, as well as accreditation or approval from the religious community establishing the religious school. Having regard to the above, general regulations governing the field of education also apply to teaching		
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			staff in religious schools that implement publicly valid educational programmes. In this regard, Article 5a of the General Law on Education and Upbringing stipulates that secondary religious schools implementing publicly valid educational programmes have the status of secondary schools, and that the public documents (diplomas) issued by such schools are publicly valid and recognised for the continuation of education. Furthermore, Article		
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			100 of the General Law on Education and Upbringing stipulates that a teacher who has been convicted by a final judgment of a criminal offence against sexual freedom may not perform educational and upbringing activities. However, the specific regulations governing the legal status of religious communities do not establish special procedures for checking criminal convictions for sexual offences against children in relation to other forms of employment or		
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			engagement within religious communities. The Directorate for Cooperation with Religious Communities has no information regarding any specific practices or procedures implemented by religious communities in this regard.		
Healthcare (including psychological and psychiatric services)	According to the Law on Psychological Practice of Montenegro , the right to perform psychological practice may be exercised by a person who meets the prescribed requirements for work, including the condition that they have not been finally convicted of criminal offences that constitute an obstacle to performing this profession. In this regard, verification of data from the criminal records represents proof of fulfilment of the legal requirements for performing psychological practice. Article 8 stipulates that a licence to perform psychological				

	practice shall be issued to a psychologist who: 1. has completed an internship and passed the professional examination in accordance with this Law; 2. has not been finally convicted of a criminal offence from the group of criminal offences against life and limb, sexual freedom, marriage and family, as well as for the criminal offences of unauthorised production, possession and trafficking of narcotic drugs and enabling the use of narcotic drugs; 3. is a member of the Chamber of Psychologists of Montenegro (hereinafter: the Chamber). For healthcare professionals, the conditions for performing healthcare activities are regulated by the Law on Health Care of Montenegro, which sets out the requirements for the work of healthcare professionals and healthcare associates, including appropriate professional qualifications, a licence to practise, and				
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	fulfilment of the conditions prescribed for independent professional practice.				
Social protection services	The Law on Social and Child Protection prescribes the conditions for performing basic professional tasks (Article 7), specialized professional tasks (Article 10), legal tasks (Article 14), the tasks of educators (Article 18), and the tasks of occupational therapists (Article 20). These tasks may be performed by professional workers who have completed specialist studies in the relevant fields (social work, psychology, pedagogy, sociology, andragogy, special education, defectology, rehabilitation or related fields, depending on the type of task) and who hold a valid professional licence. Please review the laws that prescribe general conditions for working with children, as well as the responses provided in the text.				
Law enforcement	YES According to the Law on Civil Servants and State Employees , general conditions for establishing employment in state administration bodies are prescribed. For police officers, the Law on Internal Affairs establishes additional specific conditions for establishing employment.				

	Conditions for establishing employment Article 125 A person who establishes employment in the position of a police officer, in addition to the general conditions for employment of civil servants and state employees, must also meet the following conditions: 1. that no criminal proceedings have been initiated against them for a criminal offence prosecuted ex officio; 2. that they have the appropriate level of educational qualification, in accordance with this Law; 3. that they possess special psychological and physical capacity for performing police duties; and 4. that there are no security impediments to performing police duties. In addition to the conditions referred to in paragraph 1 of this Article, a person establishing employment as a police officer must also meet the specific requirements for employment prescribed by this Law				
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	and by the internal organisation and job classification act. The assessment of special psychological and physical capacity referred to in paragraph 1, point 3 of this Article is carried out by a commission established by the Minister, with the consent of the state administration body responsible for health affairs (hereinafter: the Health Commission). The composition and method of work of the Commission are determined by a regulation referred to in Article 161, paragraph 9 of this Law. The existence of security impediments to performing police duties is determined through a security screening procedure conducted by the Commission for the Verification of Security Impediments referred to in Article 128 of this Law. The decision on establishing employment in the Police is made by the Minister.				
Judicial	State Prosecutor's Office: With regard to questions concerning checks of criminal convictions of persons engaged in work involving children, we inform you that, during the selection procedure for the position of State Prosecutor, as well as during recruitment				

	procedures conducted through public competitions/announcements (for other employees), verification is carried out to determine whether candidates meet the legally prescribed requirements, including verification of whether a candidate has been convicted of a criminal offence that renders them unfit to work in a state authority. The aforementioned checks apply to all criminal offences prescribed by law, including the criminal offences covered by the relevant questionnaire. Furthermore, in the event that proceedings are initiated against a person employed in the State Prosecutor's Office, including State Prosecutors, prosecutors for juveniles, as well as officials whose duties involve contact with persons under the age of 18, the measures and procedures prescribed by the applicable legal framework shall apply. In this regard, where circumstances exist that may affect the dignity and integrity required for the performance of the function or the uninterrupted performance of duties and tasks, such person may be removed from duty or suspended				
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	from work until the completion of the relevant proceedings, in accordance with the law. Supreme Court: Experts in Courts Who Come into Contact with Children For the purpose of providing assistance to courts, expert services have been established within the higher courts, which may provide support to courts within their territorial jurisdiction. The work within these expert services is performed by professionals from various specialised fields, including social workers, psychologists and pedagogues. The institute of expert services was introduced by the Law on the Treatment of Juveniles in Criminal Proceedings, which has been in force since 1 September 2012, as a result of a significant reform of the judicial system and the improvement of the protection of children's rights and the treatment of juveniles and minors in criminal proceedings. Expert services within the higher courts and the Supreme State Prosecutor's Office of Montenegro were established to provide assistance to judges and juvenile prosecutors in proceedings involving juveniles as				
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	perpetrators of criminal offences, as well as minors who are victims of criminal offences and participants in proceedings (witnesses). Employees of expert services are subject to the procedure for establishing an employment relationship in accordance with the provisions of the Law on Civil Servants and State Employees. With regard to previous convictions, the general requirement for establishing an employment relationship prescribed by the aforementioned Law applies, namely that a person must not have been convicted of a criminal offence that renders them unfit to work in a state authority.				
Civil society organisations	The status and activities of non-governmental organisations are regulated by the Law on Non-Governmental Organisations ("Official Gazette of Montenegro", Nos. 39/11 and 37/17), which regulates the establishment, registration, status, governing bodies, financing, and other matters relevant to the operation of non-governmental organisations. This Law does not prescribe specific employment conditions				

	or mandatory criminal record checks for employees of NGOs. A non-governmental organisation may perform economic activities in accordance with the specific regulations governing the conditions for carrying out such activities. Employees of non-governmental organisations are subject to general labour legislation, namely the Labour Law of Montenegro, which regulates the establishment of employment relationships and the rights and obligations of employees and employers. Specific requirements for a particular position may be determined by the employment contract, the employer's job classification act, or specific regulations, depending on the nature of the work performed.				
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Victim services (including Barnahus, domestic violence services)					
Any other sectors (please specify)					

Here you can insert additional details or specify any exceptions.

Article 123a² of the Criminal Code (Official Gazette of the Republic of Montenegro, Nos. 70/03, 13/04, 47/06, and Official Gazette of Montenegro, Nos. 40/08, 25/10, 32/11, 64/11 (other law), 40/13, 56/13, 14/15, 42/15, 58/15 (other law), 44/17, 49/18, 3/20, 26/21 (corrigendum), 144/21, 145/21, 110/23, 123/24 and 121/25) provides for the maintenance of a **special register of persons convicted of certain sexual offences committed against children**. State authorities, legal entities and entrepreneurs working with children are under a legal obligation, prior to employing or otherwise engaging a person to perform duties involving work with children, to verify whether that person is entered in this special register. This provision applies not only to the establishment of an employment relationship, but also to the performance of activities involving work with children, thus covering other forms of engagement, including voluntary work.

² Article 123a – Special Register

A special register shall be maintained for persons convicted of the criminal offences referred to in Articles 204, 205, 206, 207, 208, 209, 210, 211, 211a and 211b of this Criminal Code, where such offences have been committed against a child. The special register shall contain the following information on the convicted person: First and last name; Personal identification number (Unique Master Citizen Number – JMBG); Permanent and temporary residence address; Employment information; Information on distinguishing physical characteristics; Information on the criminal offence and the criminal sanction imposed; Information on the legal consequences of the conviction. The special register shall be maintained by the ministry responsible for justice. The data contained in the special register shall be kept permanently and may not be deleted. The data from the special register may be disclosed to the court, the State Prosecutor's Office and the police in connection with criminal proceedings conducted against the person recorded in the special register, as well as to the competent organisational unit of the police where necessary for the performance of its statutory duties.

Upon a reasoned request, the data from the special register may also be disclosed to a state authority, a company, another organisation or an entrepreneur, provided that the legal consequences of the conviction are still in force.

State authorities and other public bodies, as well as legal entities and entrepreneurs working with children, shall be obliged to request information on whether a person who is to enter into employment with them, or who is to perform duties involving work with children, is entered in the special register. The data from the special register may also be disclosed to foreign state authorities, in accordance with an international agreement. Unless otherwise provided by this Criminal Code, the processing of the data contained in the special register shall be subject, *mutatis mutandis*, to the provisions of the laws governing the protection of personal data and the confidentiality of information.

Furthermore, the **Labour Law** (*Official Gazette of Montenegro, Nos. 74/19, 8/21, 59/21, 68/21, 145/21, 77/24, 84/24 (other law), 86/24, 122/25 (applicable as of 1 December 2026), 165/25 and 51/26*), in addition to the general conditions for entering into an employment relationship (Article 20), provides in **Article 21(3)** that an employment contract for work involving contact with children may not be concluded with a person who has been finally convicted of criminal offences against sexual freedom.

The Law on Civil Servants and State Employees (Published in the Official Gazette of Montenegro, Nos. 2/18, 34/19, 8/21, 37/22 (Decision of the Constitutional Court of Montenegro), 82/25 and 3/26) provides in **Article 34** for the conditions for employment in the civil service, including the requirement that the person has not been convicted of a criminal offence rendering him or her unworthy of employment in a state authority. A certificate confirming that the person has not been convicted of such a criminal offence is obtained **ex officio** by the competent authority.

2. In requiring the verification of criminal convictions for sexual offences against children in order to accede to the positions listed in question 1, does your State:
 - a. define the level or threshold of contact with children (one-off, regular, etc.) which necessitates such a verification
 - b. distinguish between direct, indirect or online contact with children?

If yes, please provide details.

The distinction isn't made, that is, that the existence of a criminal conviction/criminal record for the criminal offense against sexual freedom is a terminable offense when working for the police. Police.

Montenegro, through regulations governing specific areas of work with children, establishes an obligation to verify criminal convictions for persons performing activities involving contact with children. A special register of persons convicted of certain criminal offences against sexual freedom committed against children is maintained pursuant to Article 123a of the Criminal Code. The obligation to conduct such verification is not limited exclusively to one-off or occasional contact, but primarily applies to positions, workplaces and engagements which, by their nature, involve work with children and the possibility of direct or continuous contact with children. Entities working with children (state authorities, legal entities and entrepreneurs) are required, prior to employing or engaging a person for activities involving work with children, to verify whether that person is entered in the special register.

No. The applicable legislation of Montenegro does not explicitly distinguish between direct, indirect or online contact with children when prescribing the obligation to verify criminal convictions. The key criterion is the nature of the duties and activities involving work with children, i.e. the possibility of contact with children in the course of performing such duties.

In cases where certain duties or activities involve contact with children, the competent entities are required to carry out the prescribed verification in accordance with the relevant legal provisions.

3. Is the absence of criminal convictions for sexual offences against children required to become:
- a. an adoptive parent
 - b. a foster parent
 - c. a child's legal guardian (including for unaccompanied children)?

a. an adoptive parent

According to Montenegrin family legislation and the procedure for assessing the suitability of prospective adoptive parents, the Centre for Social Work verifies the criminal history of applicants. A person who has been convicted of criminal offences against sexual freedom, domestic violence, or other offences that render them unsuitable to care for a child cannot be assessed as a suitable adoptive parent.

The assessment includes:

- a certificate of no criminal convictions;
- an assessment of the suitability and safety of the household;
- a psychosocial assessment of the applicants.

b. foster parent

For the issuance of a foster care licence, the suitability of all applicants is assessed. Persons convicted of criminal offences against children, sexual offences, or offences involving violence cannot become foster carers.

The assessments usually include:

- an extract from the criminal records;
- an assessment of the family environment;
- an assessment of the child's safety and best interests.

c. Legal guardian of a child (including unaccompanied minors)

The guardianship authority (Centre for Social Work) must assess whether the proposed guardian is suitable and whether the appointment is in the best interests of the child. Criminal convictions for sexual offences against children or other serious offences constitute grounds for refusing the appointment or for removing a guardian from their duties.

This also applies to guardians of unaccompanied minors, where the safety and protection of the child are subject to a specific assessment.

Please provide details.

4. Is the absence of criminal convictions for sexual offences against children required for the household members of:
 - a. persons carrying out professional activity in their home who are in contact with children
 - b. persons carrying out volunteering activity in their home who are in contact with children
 - c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?

Please provide details.

a. Persons who perform professional activities in their home and have contact with children

Partially yes. Where the activity is carried out in the home (e.g. foster care or certain social and child protection services), the competent authorities assess the entire household and the safety of the environment for the child. In practice, members of the household who have regular contact with children may also be subject to checks.

b. Persons carrying out volunteering activity in their home who are in contact with children

There is no clearly prescribed general legal obligation applicable in all cases; however, organisations and institutions working with children may require checks for other adult household members if they have access to or contact with children.

c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?

Yes, particularly in cases of foster care and adoption.

During the suitability assessment, the competent authorities assess the entire household, including:

- adult family members;
- persons living in the same household;
- any potential risks to the child.

If a household member has a history of sexual or violent criminal offences, this may constitute grounds for rejecting the application, even if the applicant themselves has no criminal convictions.

5. Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:
 - a. children applying for professional or volunteer positions
 - b. adults in respect of criminal convictions received before the age of 18?

According to the Labour Law of Montenegro, an employment contract may be concluded by a person who meets the general requirements prescribed by this Law and the specific requirements prescribed by law, other regulations, and the act on internal organisation and job classification.

The general requirements are: that the person has reached at least 15 years of age and has general health capacity. Exceptionally, a person who has reached 15 years of age but is still subject to compulsory primary education, in accordance with the relevant special law, may not be employed. An employment contract may be concluded with a person under the age of 18, subject to the necessary written consent of the parent, adoptive parent, foster parent, or guardian, provided that such work does not endanger their health, development, morals, or education, and provided that such work is not prohibited by law. A person under the age of 18

may conclude an employment contract only on the basis of a medical assessment issued by the competent healthcare authority, confirming their ability to perform the duties for which the employment contract is being concluded and confirming that such duties are not harmful to their health. If a minor (between the ages of 15 and 18) applies for an authorised position involving work with other (young) children — for example, as an assistant animator in a children's playroom, a sports club assistant, or in a similar role — they should be subject to the same legal requirement for criminal record checks as adults. The protection of children from sexual exploitation is the primary legal interest; therefore, the relevant institution conducts an official verification of criminal records regardless of the fact that the candidate themselves is a minor.

The Law on the Treatment of Juveniles in Criminal Proceedings establishes a special regime for the rehabilitation and expungement of juvenile convictions from criminal records. Pursuant to Article 104 of this Law, records of educational measures imposed on juveniles are deleted after the expiry of the statutory time limits and, in any event, no later than when the person reaches the age of 23. A conviction resulting in a sentence of juvenile imprisonment is deleted from the records after three years have elapsed from the date on which the sentence was served, became time-barred or was pardoned, provided that the convicted juvenile does not commit a new criminal offence during that period. Exceptions to the expungement of convictions apply in the cases prescribed by law, including where a security measure remains in force or where a new sentence of juvenile imprisonment or a prison sentence exceeding five years is imposed. Pursuant to the Law on the Treatment of Juveniles in Criminal Proceedings of Montenegro, educational measures are the primary sanctions imposed on juveniles, while a sentence of juvenile imprisonment may be imposed only exceptionally, in cases involving older juveniles and serious criminal offences.

When a person who was sanctioned as a juvenile reaches adulthood and applies for work involving children, the employer may, through the prescribed verification procedure, obtain information on convictions that are still recorded in the criminal records, in accordance with the statutory time limits and rules on rehabilitation. Data on imposed educational measures are deleted under more favourable conditions and are subject to special confidentiality rules. However, where a juvenile has been sentenced to juvenile imprisonment for serious criminal offences, information on the conviction may remain recorded for a certain period after the sentence has been served, in accordance with the law. Until the conviction is legally expunged, i.e. until rehabilitation takes effect, such a conviction may constitute an obstacle to performing work involving children.

6. If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?

Please provide details.

In Montenegro, a person's criminal record remains linked to them even if they legally change their name, through the use of the Unique Master Citizen Number (JMBG), which is a permanent personal identification number that does not change following a legal change of name. In Montenegro, the criminal records maintained by the Ministry of Justice and the Central Population Register maintained by the Ministry of Interior are primarily linked through the Personal Identification Number (JMBG), rather than through the individual's name in text form. The JMBG is a unique, permanent, and unchangeable identifier.

7. Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children for persons employed in or volunteering for such projects?

Please provide details.

Yes, with regard to projects in the field of social and child protection. In many cases, access to public funding for projects involving work with children is conditional upon the persons engaged not having been convicted of sexual offences against children or other criminal offences that render them unsuitable to work with children.

Information included in screening

8. Does the criminal record check include criminal convictions for:
- sexual abuse of a child (Article 18 of the Lanzarote Convention)
 - sexual exploitation of a child ("child prostitution" Article 19 of the Lanzarote Convention)
 - acts involving child sexual abuse material ("child pornography" Article 20 of the Lanzarote Convention)
 - offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)
 - corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)
 - solicitation of a child for sexual purposes ("grooming"), including online (Article 23 of the Lanzarote Convention)
 - aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)
 - any other convictions (please specify)?

YES POLICE

Please provide details.

9. Does the screening of persons applying for roles or positions specified in questions 1 and 3 above extend beyond criminal convictions for sexual offences against children to:
- relevant administrative or disciplinary sanctions
 - other information available to the authorities (e.g. judicial decisions in civil proceedings)?

Please provide details.

YES police

While working for the police, the background check is extended to other information available to the competent authority, based on which a security risk evaluation for working for the police is done.

10. If restrictions on the exercise of the relevant activities apply as a result of a criminal conviction for sexual offences against children, in line with Article 27 paragraph 3.b:
- are they life-long?
 - if they are not life-long, please specify the time-limits applicable
 - are they applied only to activities in the public sector?

Please provide details.

Limitations apply in accordance with the regulations of maintaining of certain types of records, as well as with the regulations of rehabilitation.

a. Yes, in cases involving criminal offences against sexual freedom committed against children, restrictions on performing activities involving work with children are of a permanent nature. Information relating to such offences is entered into a special register and is not subject to deletion through rehabilitation.

b. For other criminal convictions, restrictions are subject to the applicable rules on criminal records retention and rehabilitation. The duration depends on the type of sanction imposed and the legally prescribed periods for deletion from records.

c. The restrictions are not limited exclusively to activities in the public sector. They apply to all relevant activities involving contact with children, regardless of whether they are performed in the public or private sector, where such restrictions are prescribed by law.

11. Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children for persons applying for roles or positions specified in questions 1 and 3?

Please provide details.

YES, a competent authority does the investigation.

However, sexual offences against children are subject to a special legal regime. Information relating to these offences is not subject to deletion through rehabilitation; instead, it is maintained in a special register in accordance with specific legal provisions. Therefore, screening procedures for persons performing activities involving work with children may verify the existence of such a conviction, even in cases where rehabilitation would apply to other types of criminal offences.

Screening procedure

12. How is the screening procedure set out in your legal framework (in a single piece of legislation, sector-specific legislation, or other)?

Please provide details.

13. If screening is required, who is required to act?
- a. the employer, volunteer recruiter or child protection authority is expected to obtain the necessary information directly from the authorities
 - b. the candidate must provide proof of absence of convictions
 - c. another scenario. Please specify

Please provide details.

The employer is responsible for getting available information from official records. In certain situations, it may be asked of the candidate to bring proof of lack of conviction.

14. If screening is required, who bears the costs of screening procedures?

If the candidate is the one bringing the proof, he bears the expenses.

15. How does your State monitor that employers, volunteer recruiters or child protection authorities comply with the relevant regulations on screening?

Compliance with these obligations is monitored by the competent authorities through administrative and inspection supervision mechanisms, within the scope of their legally defined powers. Employers and institutions that engage persons in positions involving contact with children are required to verify, prior to establishing an employment relationship or engagement, that the legally prescribed conditions are met, including conditions relating to the absence of convictions for certain criminal offences.

For example, in the field of education, supervision over the implementation of the provisions of the General Law on Education and Upbringing is carried out by the Ministry, in accordance with the law. Inspection supervision over the work of educational institutions is conducted by the competent education inspectorate.

In the event that irregularities are identified, the competent authorities may take measures within their jurisdiction, including inspection measures and initiating appropriate proceedings prescribed by law.

16. If screening is required, are there sanctions foreseen for failure to comply with it? If yes, what type of sanctions?

In cases where the verification of criminal convictions is prescribed by law as a mandatory condition for employment or engagement of a person, failure to comply with this obligation may constitute a violation of legal provisions and may result in the initiation of appropriate proceedings against the responsible person or the legal entity.

The sanctions depend on the area in which the obligation to conduct such verification is prescribed and may include misdemeanour sanctions (fines), inspection supervision measures, as well as other measures provided for by specific laws.

Where a person does not meet the legally prescribed requirements due to a final conviction for sexual offences committed against children, such person cannot establish an employment relationship or be engaged in positions for which verification is mandatory.

For example, the General Law on Education and Upbringing of Montenegro provides that a fine ranging from EUR 500 to EUR 15,000 shall be imposed on an institution for a misdemeanour if it employs a teacher contrary to Article 101 of this Law. The responsible person within the institution shall also be fined for the same misdemeanour, with a fine ranging from EUR 100 to EUR 1,500.

17. Is regular screening, beyond the initial recruitment process, required, for:
- a. professionals in contact with children
 - b. volunteers in contact with children
 - c. foster parents and legal guardians?

If regular screening is required, please specify its frequency and provide other details.

With the new law of the Ministry of Interior affairs while working for the police there is a mandatory security risk evaluation for all Police officials once every five years.

18. Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are law enforcement or other authorities allowed to inform the employer or volunteer organisation about the ongoing investigation? If yes, what is the consequence?

Yes, the court is responsible for reporting to the employer of detention, the indictment becoming final and conviction judgment within 3 days, and the employer has to temporarily suspend the employee.

Cross-border screening

19. If the candidate for roles or positions specified in questions 1 and 3 has previously resided or worked in different countries, is it required to verify the absence of criminal convictions for sexual offences against children in each of those countries in respect of:
- a. professionals
 - b. volunteers
 - c. persons wishing to become an adoptive parent, a foster parent or a child's legal guardian?

Please provide details.

YES

20. Is there a mechanism to:

- a. request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings³ (please specify)
- b. provide data about a person's criminal convictions for sexual offences against children to the competent authority of another State outside the context of criminal proceedings (please specify)?

See the answer to question number 21.

21. Is there an obligation to provide data about a person's criminal convictions for sexual offences against children at the request of the competent authority of another State outside the context of criminal proceedings?

Please provide details.

Yes, in accordance with the regulations of international law support.

a. Yes. In accordance with international treaties and regulations on international legal assistance, the competent authorities of Montenegro may, upon a request from the competent authority of another State, provide data from criminal records, including information on criminal convictions for sexual offences against children, where such exchange of data is permitted by law and international standards.

The provision of data outside the context of criminal proceedings is possible where there is an appropriate legal basis, including the application of international conventions, bilateral or multilateral agreements, as well as other regulations governing the exchange of data between the competent authorities of States.

b. Yes. Montenegro may provide information on criminal convictions for sexual offences against children to the competent authorities of another State, under the conditions and in accordance with the procedure prescribed by law. Such exchange of data is carried out through the competent authorities, while respecting rules on personal data protection, purpose limitation of processing, and confidentiality of information.

In particular, where persons are to perform activities involving contact with children, the exchange of data may be permitted for the purpose of verifying compliance with legally prescribed requirements and protecting children, in accordance with the applicable legislation of Montenegro and its international obligations.

Additional details and reflections

22. Please add any further details regarding the modalities of the screening procedures applicable in your State, if relevant.

Please provide details.

In Montenegro, the screening of persons performing work or activities involving contact with children is carried out in accordance with the relevant legal provisions establishing the requirements for performing such activities. Criminal record checks are conducted through the competent authorities, primarily the Ministry of Justice, which maintains the criminal records. The identification of persons is carried out on the basis of the Personal Identification Number

³ For purposes of recruitment, volunteering, adoption, foster care or guardianship.

(JMBG), which represents a unique and permanent identifier, rather than solely on the basis of the person's name and surname. Employers and institutions engaging persons in positions involving work with children are required, prior to establishing an employment relationship or engagement, to verify compliance with legally prescribed requirements, including requirements relating to the absence of convictions for certain criminal offences. A special record-keeping regime applies to sexual offences against children. Information relating to these offences is maintained in a special register and is not subject to deletion through rehabilitation, which enables such information to be taken into account when screening persons who perform activities involving work with children. In addition to criminal record checks, additional mechanisms for screening and assessing the suitability of persons may be applied in certain areas, such as the police, education, social and child protection, in accordance with specific regulations governing these fields. Compliance with these obligations is monitored by the competent authorities through administrative and inspection supervision mechanisms, within the scope of their legally defined powers.

23. What challenges related to the screening for criminal convictions for sexual offences against children of professionals, volunteers and persons wishing to become adoptive parents, foster parents or a child's legal guardian exist in your State in practice (e.g. administrative costs, delays, cross-border co-operation)?

Please provide details.

24. What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

Guidelines for the Imposition of Criminal Sanctions in Cases of Violence against Women and Sexual Violence against Children

The Supreme Court of Montenegro has developed Guidelines for the Imposition of Criminal Sanctions in Cases of Violence against Women and Sexual Violence against Children, thereby fulfilling a key measure under Montenegro's Reform Agenda, based on which the country will receive financial support from the European Union in the amount of EUR 2.317 million.

The Guidelines represent a clear commitment of the judiciary to a zero-tolerance policy towards sexual and gender-based violence, recognising it as a serious violation of human dignity and the fundamental values of a democratic society. They emphasise the crucial role of courts in protecting victims, strengthening public confidence in the judicial system, and promoting the principles of justice and legal certainty through the imposition of effective and proportionate sentences.

The development of this document confirms the commitment of the Montenegrin judiciary to provide a strong institutional response to sexual and gender-based violence through a responsible, consistent and effective criminal justice policy, while sending a clear message that victim protection is one of its highest priorities.

The Guidelines are designed as a practical, normatively grounded and easily applicable tool for judges, providing a clear framework for the individualisation of sentences while fully taking into account all relevant circumstances of each specific case. They do not constitute a limitation of judicial independence; rather, they serve as strong support for it, contributing to the consistency of judicial practice, predictability of court decisions and the strengthening of legal certainty.

The document is based on Montenegro's international obligations, particularly the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), thereby further aligning national judicial practice with the highest international human rights protection standards.

The Guidelines are available at the following link:

[https://sudovi.me/static/vrhs/doc/Smjernice_za_izricanje_krivicnih_sankcija_u_predmetima_seksualnog_i_rodno_zasnovanog_nasilja_finalne_\(2\).pdf](https://sudovi.me/static/vrhs/doc/Smjernice_za_izricanje_krivicnih_sankcija_u_predmetima_seksualnog_i_rodno_zasnovanog_nasilja_finalne_(2).pdf)