

Council of Europe Convention on preventing and combating violence  
against women and domestic violence

First Thematic Evaluation Round

NGO submission to GREVIO by  
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The NGO Parents has been advocating for years for solving one of most important problems related to sexual violence against children, and finally managed before two and half years to push through the amendments to the Criminal Code in regard to stricter prison sentences, register of sexual offenders against children, special surveillance measures.

During the last year, the Police Directorate registered a total of 23 criminal acts against the sexual freedom of minors. In eight months of this year, they recorded 14 such crimes. According to the data provided by the Police Directorate to the Parents.me portal, out of 23 criminal offenses against sexual freedom of minors, three were related to rape, five were qualified as child molestation, 11 criminal offenses related to illicit sexual acts, and four to child pornography. Among the 14 criminal offenses registered by the police this year, there were three rapes in Bar, Tivat and Ulcinj, one criminal offense of attempted rape, six child pornography and four illicit sexual acts. Although the Criminal Code has been changed and the penal policy for perpetuates of the crimes against sexual freedoms of the minors have been tightened, and new institutes of protection and registration introduced, significant part of these changes are not being applied in practice. The amended Criminal Code entered into force in January 2022. The law now prescribes long-term prison sentences of up to 40 years for criminal offences of rape of children, abuse of a vulnerable person, and abuse of a child. By amending the Criminal Code, the NGO Parents also requested forming of a register of perpetrators of criminal offences against sexual freedoms against children and mandatory measures of special surveillance that would be applied after serving of prison sentences.

Unfortunately, implementation is in front of Montenegro, but preparation of by-laws and the ground for the start of the implementation is being postponed. In addition to all this, in practice it happens, as we informed the public and the media reported on it, that misdemeanor sentences are awarded for sexual harassment of children, even to those persons who were previously criminally liable for illicit sexual acts. During the summer months of 2022, as many as three cases occurred in which men were suspected of sexually abusing girls. In connection with one of those cases, the NGO is monitoring the proceedings initiated against a 70-year-old suspect of abusing a five-year-old girl. It took almost five months to wait for the indictment to be filed and confirmed. The trial was postponed several times because the suspect did not appear. And after the first hearing, the judge demanded that the child be heard again, even though she was heard three times previously and even once in a special room for questioning children at the High Prosecutor's Office in Bijelo Polje, which means that there is also a recording.

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It is important to emphasize that people who sexually harass children in Montenegro are often not even held criminally responsible because prosecutors qualify these acts as disturbing public order and peace and prosecute them as misdemeanors. In one of the cases that happened in previous years, which was monitored by the NGO Parents, additional shortcomings were revealed. After misdemeanor proceedings were initiated against the suspect, in the course of a two-year process due to the inaction of the institutions, he was allowed to cheat the court and not answer even for a misdemeanor. By submitting disputed medical certificates, which was confirmed by an expert hired by the court, and by not appearing at the trials because the police “could not locate and find him”, he managed, in cooperation with the lawyer, to meet the statute of limitations. Despite our several warnings to the court, the police, the Judicial Council, the Ministry of Justice, the Council for the Rights of the Child... the procedure is out of date. In this way, he did not respond, and a very bad message was sent to the child and the parents who reported this case, in a country where few dares to report any kind of violence.