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Alternative report for review of Montenegro, March 2025

NGO Parents report – children rights (violence)

Violence Against Children – A Systemic Issue in Montenegro

Violence against children, including sexual violence, is a serious and systemic problem in Montenegro, as well as across Europe. According to the **Council of Europe**, one in five children in Europe is a victim of some form of sexual abuse or exploitation, while only **10% of cases are ever reported to the authorities**. In Montenegro, additional risk factors such as **poverty, social exclusion, political instability, globalization, the development of tourism and technology, as well as deeply rooted stereotypes and traditional views**, contribute to an increased risk of violence against children.

The **Constitution of Montenegro** guarantees **special protection** for children from all forms of violence and exploitation, aligning with international conventions and standards. However, in practice, **systemic support for child victims of violence remains inadequate**. A significant number of cases **go unreported**, and those that do are often **misclassified as misdemeanors rather than serious criminal offenses**. The **lack of clear legal definitions and the absence of sensitivity within institutions** further complicate the process of reporting and prosecuting these cases.

The **NGO Parents (Udruženje Roditelji)** has long advocated for **stronger child protection measures**, which led to **amendments to the Criminal Code in 2022**. These amendments introduced **harsher penalties for perpetrators of sexual crimes against children**, the establishment of a **sex offender registry**, and the implementation of **special monitoring measures**. However, despite these legislative changes, their **implementation has been slow and insufficient**. The sex offender registry was established **only two and a half years after the law came into effect**, and **special monitoring measures have yet to be enforced**.

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Beyond **sexual violence**, children in Montenegro face **various other forms of violence**, including **peer violence, domestic violence, and online abuse**.

Statistics indicate alarming trends – **an increase in reported cases of peer violence, unreported cases of sexual harassment, and a high percentage of children subjected to physical punishment**. Despite **legal reforms and recommendations from international bodies, the child protection system remains ineffective**, and **public attitudes toward violence against children** further discourage reporting and timely institutional intervention.

The **NGO Parents** has repeatedly highlighted the **severe lack of family support services in Montenegro**, which significantly **worsens the situation for children and parents**, particularly in cases of **violence, social vulnerability, and other crises**. There are **no adequate services for psychological, legal, and social support** for families facing **violence, divorce, poverty, or children with special needs**. The **social welfare system is underdeveloped**, and institutions **often lack the capacity** to respond effectively to the needs of vulnerable families. Additionally, the **shortage of professionals**, such as **child psychologists and social workers**, further **delays the provision of support and protection for children**. Although **laws recognize children's rights and the obligation to provide assistance**, in practice, families are often left to navigate an **inefficient, insensitive, and slow-moving system on their own**.

The **NGO Parents** emphasizes the urgent need to **establish systematic family support services**, including **free psychological counseling, legal aid, crisis centers for victims of violence, and programs to strengthen parenting skills**, to **ensure better protection and safety for children in Montenegro**.

Through this report, the **NGO Parents** aims to **highlight key issues in child protection and provide recommendations for improving support systems and violence prevention efforts**.

Legal Framework and Challenges in Protecting Children from Sexual Violence in Montenegro

According to the **Constitution of Montenegro (2007)**, children are guaranteed **special protection from psychological, physical, economic, and all other forms of exploitation or abuse**. This provision aligns with **Article 34 of the UN Convention on the Rights of the Child**, as well as **Articles 1, 2, and 3 of the Optional Protocol on the Sale of Children, Child Prostitution, and Child**

Pornography, and Article 1 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. These legal provisions indicate that Montenegro's highest legal act is **consistent with international standards.**

However, the reality is quite different when a child **experiences sexual violence.** A large number of cases **remain unreported,** and when reported, they are **often classified as misdemeanors** rather than criminal offenses. The **Criminal Code of Montenegro does not explicitly define illicit sexual acts,** leaving their interpretation to **judicial practice.** As a result, **prosecutors' decisions on qualifying sexual crimes against minors heavily depend on the sensitivity of the responsible officials,** making prosecution inconsistent and often ineffective.

Recognizing the **urgent need to strengthen child protection,** the **NGO Parents** has long advocated for **stricter penalties and better legal measures.** These efforts contributed to **amendments to the Criminal Code in 2022,** introducing:

- **Harsher prison sentences** for sexual offenses against children,
- **A sex offender registry,** and
- **Special post-sentence monitoring measures.**

Despite these **legislative advancements,** their **implementation has been significantly delayed.** The **European Commission's reports on Montenegro** highlight that **the extremely low number of reported cases of sexual violence against children** remains a **major concern,** indicating **insufficient reporting and victim identification.** While Montenegro now has a **legislative and institutional framework for fundamental rights,** the **European Commission urges the country to ensure a more systematic approach to justice.** This includes **improving the complaints system and providing free legal aid for victims of human rights violations and criminal offenses,** particularly for **vulnerable groups** such as persons with disabilities, minorities (including Roma and Egyptians), and **women and children who are victims of violence.**

Although the **Criminal Code was recently amended** and **stricter penalties for sexual offenses against minors** were introduced, **the practical application of these provisions remains insufficient.** The **revised Criminal Code,** which came into effect in **January 2022,** now stipulates that for **crimes such as rape, sexual intercourse with an incapacitated person, sexual intercourse with a child, and abuse of position,** offenders can face **long-term imprisonment of up to forty years.**

Additionally, following **advocacy efforts by the NGO Parents**, the Criminal Code now **prohibits courts from reducing sentences for these offenses**. Individuals convicted of sexual crimes against children are also subject to **additional legal consequences**, including:

- **Termination of public office,**
- **Prohibition from employment in professions involving contact with minors, and**
- **Mandatory post-sentence monitoring and reporting to the police.**

Furthermore, **convicted offenders will be banned from visiting places where children gather**, such as **schools, kindergartens, playgrounds, and sports facilities**. After serving their prison sentence, they will be **required to attend professional counseling and report any changes in residence, employment, or international travel**. The **special monitoring measures will be enforced for 20 years following the completion of the prison sentence**, with the possibility of review and removal.

Despite these **legal advancements, implementation remains a major challenge**. The **political instability, frequent changes in government, and delays in appointing key decision-makers and institutional leadership** have significantly slowed the process of enforcing these legal provisions. The **sex offender registry was established two and a half years after the law came into effect**, while the **monitoring measures for offenders are still not being applied**.

Ongoing Challenges in Protecting Children

Even with these reforms, **in practice, sexual harassment of children is often sanctioned as a misdemeanor**, with some **perpetrators receiving only minor penalties, even when they have prior criminal records for illicit sexual acts**.

To ensure **better protection for children**, it is essential for Montenegro to:

- **Fully implement** the Criminal Code provisions,
- **Ensure proper training for judicial authorities** to handle cases of sexual violence against children with sensitivity and efficiency, and
- **Establish systematic mechanisms for victim support and protection**, ensuring that children who experience violence receive the necessary **legal, psychological, and social assistance**.

The **NGO Parents continues to monitor** the implementation of these legal measures and advocates for **a more effective and systematic response** to sexual violence against children in

Challenges in Implementing Legal Reforms and Addressing Sexual Violence Against Children in Montenegro

Upon release from prison, **convicted offenders** will be **obligated to attend professional counseling and rehabilitation programs** while also **reporting any changes in residence, employment, or international travel**. The **special monitoring measures will remain in effect for 20 years following the completion of the prison sentence**, with the possibility of revision or termination.

However, the **implementation of these provisions remains a major challenge**. Although the **sex offender registry was established two and a half years after the Criminal Code amendments came into force**, the **monitoring measures are still not being applied**. This delay is largely due to **Montenegro's ongoing political instability, frequent changes in government, deep political polarization, and the slow process of appointing decision-makers and institutional leadership**.

Concerns Over Weak Legal Classification of Sexual Violence Cases

Despite legislative changes, **in practice, sexual harassment of children is often classified as a misdemeanor**, even for **offenders with prior criminal records for unlawful sexual acts**. For example, in **three separate cases during the summer of 2022**, men were **suspected of sexually abusing young girls**. In one of these cases, **a 70-year-old man was charged with the sexual abuse of a five-year-old girl**. However, it **took nearly five months for the indictment to be raised and confirmed**, and the **trial was repeatedly postponed** due to the defendant's absence. Despite prior testimony from the child, the judge ordered **yet another round of questioning**, despite the fact that the victim had already provided testimony **three times**, including once in a **special child-friendly interview room at the High State Prosecutor's Office in Bijelo Polje**, where the proceedings were recorded.

Impunity and Institutional Inaction

A major concern in Montenegro is that **many individuals who sexually harass children are not held criminally accountable** because **prosecutors often qualify such offenses as disturbances of public order, treating them as misdemeanors rather than criminal acts.**

In one case monitored by the **NGO Parents, institutional failures allowed a suspect to avoid accountability entirely.** The case, originally classified as a misdemeanor, dragged on for **two years**, during which time the defendant **manipulated the system** by:

- Submitting **dubious medical certificates** (later deemed fraudulent by court-appointed experts),
- Failing to appear at multiple hearings while police allegedly "**could not locate him,**" and
- Ultimately **delaying proceedings until the case was dismissed due to the statute of limitations.**

This outcome sent **a deeply troubling message to children and families,** discouraging them from reporting abuse and reinforcing **public distrust in the justice system.**

Public Attitudes and Online Victim-Blaming

A significant portion of the public lacks sensitivity toward child sexual violence cases. When such cases are reported, **victims and their families often face online harassment,** with social media users:

- **Dismissing the allegations,**
- **Accusing the child and family of fabricating claims,** and
- **Defending the accused perpetrator.**

This **secondary victimization** adds to the trauma experienced by the child and their family, leaving them to endure **additional stress without proper institutional protection or support.**

Gaps in the New Criminal Code – Sexual Harassment Still Treated as a Private Matter

The **2024 amendments to the Criminal Code** introduced **sexual harassment as a distinct offense.** However, the law states that such cases can only be

prosecuted through private lawsuits, meaning victims and their families must personally initiate legal proceedings.

Before this legal change, cases of sexual harassment **could only be treated as misdemeanors**, allowing **many perpetrators to evade any serious legal consequences**.

One high-profile case that went **unreported to the police** involved a former teacher **sexually harassing a student, Sara Vujisic**. After graduating, she **reported the incident to the school administration**, hoping to **protect future students**. However, instead of taking formal action, the school:

- **Did not report the case to the police or prosecution,**
- **Did not convene the school's Ethics Committee or Violence Prevention Team, and**
- **Only issued a small fine to the teacher** through an internal disciplinary procedure.

The **teacher admitted to his actions**, yet **no serious consequences followed**. The **case only gained public attention after an investigative journalism center exposed the issue**, leading to **public protests demanding the teacher's dismissal and the resignation of the school principal for failing to report the case**.

The Need for Effective Implementation and Public Awareness

Montenegro has made some progress in **legislative reforms**, but **implementation remains slow and inconsistent**. Without proper **institutional accountability, increased public awareness, and systemic support for victims**, children in Montenegro **will continue to face significant barriers in seeking justice and protection**.

Some **cases of sexual harassment go completely unreported**, such as the case of **Sara Vujisic**, who was **sexually harassed by a former teacher**. After completing her education, she reported the **incident to the school administration**, hoping to **protect future generations of students**. However, **the school failed to take appropriate action**—the case was **not reported to the police or the prosecutor's office**. Instead, the **teacher was merely fined** by the school principal.

The **school's Ethics Committee and Violence Prevention Team did not convene**, and other teachers were **not informed about the situation, despite the fact that the teacher admitted to his actions**. The public only became aware of the case after it was **exposed by the Center for Investigative Journalism**. Following this revelation, **protests were organized**, demanding the **teacher's dismissal and the removal of the principal for failing to report the case to the authorities**.

Escalating Violence Among Children and Lack of Data Collection

Children in Montenegro face **various forms of violence**, and **the widespread presence of violence significantly impacts their behavior**, making them increasingly **aggressive towards peers and others**. There has been a **notable rise in peer violence cases**, not only in schools but also in **other environments where children gather, including public spaces**.

Despite these growing concerns, **Montenegro lacks comprehensive data on violence against and among children**. As of 2024, **there are still no official statistics on the prevalence of violence among children**, as the country lacks an **effective system for recording and analyzing such incidents**.

Schools are legally required to keep records of all forms of violence, but **they do not systematically input data into the Ministry of Education, Science, and Innovation's MEIS system**.

The police do not maintain separate records on peer violence, making it difficult to track trends and responses.

Centers for Social Work only have records of cases in which they were directly involved, leaving many cases undocumented at the institutional level.

Shocking Cases of Violence in Schools

One of the most alarming incidents of **school violence** in recent years occurred in **Bar in 2023**, a city that has faced **numerous challenges related to youth violence**. On **October 7, 2023**, a **17-year-old student (D.M.) from "Niko Rolović" High School was shot** inside the school. A **minor (A.K.) was arrested** for attempted murder. This **incident sent shockwaves** through the country, raising **serious concerns about student safety and school violence prevention**.

Statistics on Violence Against Children in Montenegro

- **69% of children (aged 1-14) have been exposed to emotional or physical violence as a form of punishment (MICS Study, 2018).**
- **31% of children have experienced physical punishment, with 2% suffering severe forms of physical violence.**
- **The number of children subjected to physical punishment increased from 31% in 2013 to 31.4% in 2018, while severe physical punishment cases doubled from 2% to 4.2%.**

Peer Violence

Primary schools:

- **34% of students** have experienced **mockery and ridicule.**
- **33% have been verbally insulted.**
- **32% have been subjected to false rumors.**
- **39% had their school supplies taken without permission.**

Secondary schools:

- **40% of students** have experienced **mockery.**
- **33% have faced verbal insults.**
- **39% have been targeted by false rumors.**
- **40% have had their school supplies taken by peers.**
- **Additionally, 43% of schoolchildren** have witnessed **violence at school (Montenegro Institute for Education Research, 2023).**
- **17% of children reported being victims of violence,** while
- **6.7% admitted to acting violently toward other children.**

The Urgent Need for Systematic Solutions

The rising **incidents of peer violence and the lack of systematic data collection** indicate the **urgent need for stronger institutional responses.** Schools, law enforcement agencies, and social services **must collaborate more effectively to develop prevention mechanisms, ensure proper reporting, and provide adequate support to victims of violence.**

Peer Violence in Schools

Montenegrin children are increasingly exposed to **peer violence,** which manifests in various forms, including **verbal abuse, bullying, and theft.** According to the **Institute for Education Research (2023):**

Primary schools:

- **34%** of students have experienced **mockery and ridicule**.
- **33%** have been **verbally insulted**.
- **32%** have been subjected to **false rumors**.
- **39%** have had their **school supplies taken without permission**.

Secondary schools:

- **40%** of students have experienced **mockery**.
- **33%** have faced **verbal insults**.
- **39%** have been targeted by **false rumors**.
- **40%** have had their **school supplies taken**.

Additionally,

- **43%** of students have **witnessed violence at school**.
- **17%** of children reported being **victims of violence**, while
- **6.7%** admitted to **acting violently towards other children**.

Online Violence

The rise of **digital communication** has led to an **increase in online harassment and cyberbullying**.

- **38%** of children aged **9-17** have **encountered distressing situations online**, including offensive behavior and inappropriate content (**UNICEF, 2017**).
- There is an **alarming trend of organizing fights between peers through social media**, although **no official data is available on the prevalence of these incidents**.

Child Marriages in Montenegro

- **32.5%** of Roma girls (aged **15-19**) and **15.8%** of Roma boys are **married or in informal unions** (**MICS Study, 2018**).
- **72.4%** of Roma girls enter **informal unions before the age of 18**, with **60%** of them **having no choice in selecting their partner**, as decisions are made by their families.

Criminal Offenses and Domestic Violence

- **305 children were victims of violence in 2021**, while the number increased to **365 in 2022**.
- **231 children were victims of domestic violence in 2021**, but this number dropped to **102 in 2022**.

- In contrast, **violence outside the family increased significantly**, from **6 reported cases in 2021 to 114 in 2022**.
- **65% of children among victims of criminal offenses suffered due to crimes against marriage and family**.

Social Norms and Public Perception of Violence

- **62.5% of adults believe that corporal punishment of children is sometimes justified (2013 and 2016 surveys)**.
- **48% of adults consider domestic violence to be a private family matter that should not always be reported**.

Lack of Institutional Resources for Child Protection

Montenegro **lacks essential institutional resources** for effective child protection and violence prevention.

- For **120,000 children**, only **73 psychologists** are available in the entire country.
- **Social workers lack the capacity to provide necessary support to children at risk**. At least **50 additional specialists** are needed in **Centers for Social Work** to adequately respond to the rising cases of violence and neglect.

Key Concerns Regarding Family Violence

1. **231 children** were victims of **domestic violence in 2021**, dropping to **102 in 2022**.
2. **Violence outside the family increased** from **6 cases in 2021 to 114 cases in 2022**.
3. A majority of child victims of criminal offenses suffered due to **family-related crimes**:
 - **65% of children affected in 2019**.
 - **60% in 2020**.
 - **53% in 2021**.
4. **305 children** were victims of violence in **2021**, increasing to **365 children in 2022**.
5. Domestic violence has **risen by 58% compared to 2013 (Institute for Social and Child Protection, 2020)**.
6. **62.5% of adults** believe corporal punishment is sometimes justified.
7. **48% of adults** view domestic violence as a **private matter that should not always be reported**.

8. **GREVIO's report highlights the persistence of patriarchal norms and stereotypes** that hinder efforts to combat family violence.

Conclusion – The Need for Systematic Change

The statistics paint a **disturbing picture of child safety in Montenegro**. The rise in **peer violence, online abuse, child marriages, and domestic violence** indicates the **urgent need for stronger institutional responses, better legal enforcement, and a shift in societal attitudes**. Schools, law enforcement, and social services must **collaborate effectively to improve prevention mechanisms, reporting structures, and victim support services**.

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