

# Montenegro

## 2026

### National Child Protection Legislation

#### National Legislation

- Age of Child: **Under 18 years of age**

[Family Law](#)

**Article 5**

A child is any person under 18 years of age.

[Criminal Code of Montenegro](#)

**Article 142 – Definitions**

(7) A child is deemed to be a person who has not reached the age of fourteen.

(8) A juvenile is deemed to be a person who has reached the age of fourteen, but not the age of eighteen.

(9) A minor is deemed to be a person who has not reached the age of eighteen.

- Age of Consent: **14 years of age**

[Criminal Code of Montenegro](#)

**Article 206**

(1) Whoever commits sexual intercourse or an act equivalent to it with a child under the age of fourteen, shall be punished by imprisonment for five to fifteen years.

- Age of Marriage: **18 years of age**

[Family Law of Montenegro 2020](#)

**Article 24**

A person who has not reached the age of 18 cannot enter into marriage.

As an exception to paragraph 1 of this article, the court may allow the marriage of a child over the age of 16, in accordance with a special law.

- Age of Criminal Responsibility: **14 years of age**

[Juvenile Courts Act of 2020](#)

**Article 2**

A minor is a person who, at the time of the commission of the offence, has reached the age of fourteen but has not reached the age of eighteen, and a young adult is a person who, at the time of commission of the offence, has reached the age of eighteen but has not reached the age of twenty-one.

- **Extraterritoriality**

- [Criminal Code of Montenegro](#)

- **Article 134 –Validity of criminal legislation on the territory of Montenegro**

- (1) The criminal legislation of Montenegro applies to anyone who commits a criminal offense on its territory.

- (2) The criminal legislation of Montenegro shall also apply to anyone who commits a criminal offense on a domestic ship, regardless of where the ship is located at the time of the commission of the offense.

- (3) The criminal legislation of Montenegro shall also apply to anyone who commits a criminal offense in a domestic civil aircraft or in a domestic military aircraft, regardless of where the aircraft was located at the time of the commission of the criminal offense.

- **Article 136 - Validity of the criminal legislation of Montenegro for a citizen of Montenegro who commits a criminal offense abroad**

- (1) The criminal legislation of Montenegro shall apply to a citizen of Montenegro even when he commits any other criminal offense abroad, except for the criminal offenses specified in Article 135 of this Code, if he is found on the territory of Montenegro or is extradited to it.

- (2) Under the conditions referred to in paragraph 1 of this Article, the criminal legislation of Montenegro shall also apply to a perpetrator who became a citizen of Montenegro after the commission of the criminal offence.

- **Article 137 - Validity of the criminal legislation of Montenegro for a foreigner who commits a criminal offense abroad**

- (1) The criminal legislation of Montenegro shall also apply to a person who is not a citizen of Montenegro who commits a criminal offence against Montenegro or its citizen outside the territory of Montenegro, even if the criminal offences referred to in Article 135 of this Code are not involved, or who commits a criminal offence referred to in Articles 276a, 276b, 276c, 422, 422a, 423 and 424 of this Code, in the commission of which a citizen of Montenegro is involved in any way, if he is found on the territory of Montenegro or is extradited to it.

- (2) The criminal legislation of Montenegro shall also apply to a person who is not a citizen of Montenegro who commits a criminal offence against a foreign state or a foreigner abroad for which, under the law of the country in which the offence was committed, a sentence of imprisonment of four years or a more severe penalty may be imposed, if he is found on the territory of Montenegro and is not extradited to a foreign state. Unless otherwise provided for by this Code, the court may not impose a heavier penalty in such a case than that prescribed by the law of the country in which the criminal offence was committed.

- **Dual (or Double) Criminality**

- [Criminal Code of Montenegro](#)

**Article 138 - Special conditions for criminal prosecution**

(1) If, in the case referred to in Article 134 of this Code, criminal proceedings have been initiated or completed in a foreign state, criminal prosecution in Montenegro shall be undertaken only upon approval by the Supreme State Prosecutor of Montenegro.

(2) In the case referred to in Article 134 of this Code, the criminal prosecution of a foreigner may, under the condition of reciprocity, be transferred to a foreign state.

(3) In the case referred to in Articles 136 and 137 of this Code, criminal prosecution shall not be initiated if:

- 1) The perpetrator has fully served the sentence to which he was sentenced abroad;
- 2) the perpetrator has been acquitted by a final judgment abroad or his sentence has become statute-barred or pardoned;
- 3) an appropriate security measure has been taken against the mentally incompetent perpetrator abroad;
- 4) is prosecuted for a criminal offense under foreign law at the request of the injured party, and such a request has not been filed.

(4) In the case referred to in Articles 136 and 137 of this Code, criminal prosecution shall be initiated only when the criminal offence is punishable under the law of the country in which the offence was committed, except for criminal offences referred to in Articles 268, 276a, 276b, 276c, 422, 422a, 423 and 424 of this Code. When, in the case referred to in Articles 136 and 137, paragraph 1 of this Code, the criminal offence is not punishable under the law of the country in which the offence was committed, criminal prosecution may be initiated only upon the approval of the Supreme State Prosecutor.

(5) In the case referred to in Article 137, paragraph 2 of this Code, if the act in question was considered a criminal offence at the time it was committed according to the general principles of law recognized in international law, prosecution may be undertaken in Montenegro upon approval by the Supreme State Prosecutor, regardless of the law of the country in which the criminal offence was committed.

▪ **Mandatory reporting requirements**

[Criminal Code of Montenegro](#)

**Article 386 - Failing to Report Criminal Offences and Offenders**

(1) Whoever knows that a person committed a criminal offence punishable by law by a long-term prison sentence or who knows that such a criminal offence was committed but fails to report it before such criminal offence and the perpetrator are detected, shall be punished by a prison sentence for a term not exceeding two years.

(2) The penalty set out in paragraph 1 of this Article shall also be imposed on a public official or responsible officer who knowingly fails to report a crime he has been informed about in the performance of his duty, where the criminal offence is punishable by law by a five-year prison sentence or a more severe penalty.

(3) The spouse of the perpetrator, his partner in a durable customary marriage, direct blood relative, brother or sister, adoptive parent or adopted child, as well as 110 the spouse of one of the above mentioned persons, or a person living with one of such persons in a durable customary marriage, as well as the offender's defence counsel,

physician or confessor shall not be punished for failing to report the criminal offence or the offender set forth in paragraphs 1 and 2 of this Article.

- **Statute of Limitations**  
[Criminal Code of Montenegro](#)

**Article 124 - Statute of limitations on criminal prosecution**

Unless otherwise provided in this Code, criminal prosecution may not be initiated after the expiration of:

- 1) twenty-five years from the commission of a criminal offense for which a long-term prison sentence may be imposed by law;
- 2) twenty years from the commission of a criminal offense for which a prison sentence of over fifteen years may be imposed by law;
- 3) fifteen years from the commission of a criminal offense for which a prison sentence of over ten years may be imposed by law;
- 4) ten years from the commission of a criminal offense for which a prison sentence of over five years may be imposed by law;
- 5) five years from the commission of a criminal offense for which a prison sentence of over three years may be imposed by law;
- 6) three years from the commission of a criminal offense for which a prison sentence of over one year may be imposed by law;
- 7) two years from the commission of a criminal offense for which a prison sentence of up to one year or a fine may be imposed by law.

(2) If multiple penalties are prescribed for a criminal offense, the statute of limitations shall be determined according to the most severe penalty prescribed.

**Article 125 - Course and interruption of the statute of limitations for criminal prosecution**

(1) The statute of limitations for criminal prosecution begins on the day the criminal offense was committed. If the consequence of the criminal offense occurs later, the statute of limitations for criminal prosecution begins on the day the consequence occurs.

(2) The statute of limitations shall not run during the period during which, by law, prosecution cannot be commenced or continued.

(3) The statute of limitations for criminal prosecution for an act committed against a child shall not run until that person reaches the age of eighteen.

(4) The statute of limitations is interrupted by any procedural action undertaken for the purpose of discovering a criminal offense or for the purpose of discovering and prosecuting the perpetrator for a committed criminal offense.

(5) The statute of limitations shall also be interrupted when the perpetrator commits an equally serious or more serious criminal offense while the statute of limitations is running.

(6) With each interruption, the statute of limitations begins to run again.

(7) The statute of limitations for criminal prosecution shall in any case expire when twice the time period required by law for the statute of limitations for criminal prosecution has elapsed.

**Article 126 - Statute of limitations for the execution of a sentence**

(1) Unless otherwise provided in this Code, a sentence imposed may not be enforced after the expiration of:

- 1) twenty years from the date of conviction to a prison sentence of over fifteen years;
- 2) fifteen years from the date of conviction to a prison sentence of over ten years;
- 3) ten years from the date of conviction to a prison sentence of over five years;
- 4) five years from the date of conviction to a prison sentence of over three years;
- 5) three years from the date of conviction to a prison sentence of over one year or community service;
- 6) two years from the date of conviction to a prison sentence of up to one year or a fine.

(2) The execution of a long-term prison sentence is not subject to a statute of limitations.

▪ **Obligations of Educational Institutions**

**Law on Social and Child Protection of Montenegro**

**Article 8 - Prohibited employee actions**

In the institution, or at another service provider, an employee is prohibited from any form of violence against a child, adult or elderly person, physical, emotional and sexual abuse, exploitation of users, abuse of trust or authority enjoyed in relation to users, neglect of users and other actions that impair the health, dignity and development of users.

**General Law on Education (2025)**

**Article 9a - Prohibition of Violence and Discrimination**

The institution shall prohibit: physical, psychological and social violence; abuse and neglect of children and pupils; personal injury, as well as sexual abuse of children, pupils or employees.

In the institution, every form of violence, abuse and neglect referred to in paragraph 1 of this Article by a child, their parent or other person, as well as a teacher and other employee in the institution against a child, or student, teacher, or other employee in the institution shall be prohibited.

The institution shall initiate the appropriate proceedings against the persons who commit violence, abuse and neglect referred to in paragraph 1 of this Article, in accordance with the law.

Every form of discrimination shall be prohibited in the institution, in accordance with the law.

The institution shall implement preventative measures for the prevention of violence, abuse and neglect referred to in paragraph 1 of this Article.

The contents and manner of implementation of preventative measures referred to in paragraph 5 of this Article shall be stipulated by the state administration body in charge of educational affairs (hereinafter: the Ministry).

#### **Article 97 - Students' Rights**

The school shall guarantee the following rights to the student:

8) To protect against all types of school violence, discrimination, abuse....

#### ▪ **Prohibition to hold certain positions**

##### **[Criminal Code of Montenegro](#)**

#### **Article 42a - Special circumstance for determining the sentence for a hate crime**

(1) If a criminal offense is committed out of hatred towards another person because of national or ethnic affiliation, race or religion or because of the absence of such affiliation, citizenship or because of differences in terms of political or other beliefs, sex, language, skin color, education, social status, social origin, sexual orientation, gender identity or disability, the court shall consider this circumstance as aggravating, unless it is prescribed as a characteristic of the basic or more serious form of the criminal offense.

(2) If the criminal offense was committed against a person belonging to a particularly vulnerable category of persons (children, persons with disabilities, pregnant women, elderly persons, refugees), the court shall consider this circumstance as an aggravating circumstance.

#### **Article 116- Types of legal consequences of conviction**

(1) The legal consequences of a conviction relating to the termination or loss of certain rights are:

- 1) cessation of performing public functions;
- 2) termination of employment or cessation of performing a particular profession or occupation;
- 3) loss of certain permits or approvals granted by decision of a state authority or local self-government authority.

(2) The legal consequences of a conviction consisting of a prohibition on acquiring certain rights are:

- 1) prohibition of holding certain public offices;
- 2) prohibition of acquiring a certain title, calling or profession or promotion in service;
- 3) prohibition on attaining the rank of military officer;
- 4) prohibition of obtaining certain permits or approvals issued by decision of state bodies or local self-government bodies.

#### **Article 117 - Beginning and duration of legal consequences of conviction**

(1) The legal consequences of a conviction shall come into effect on the date the judgment becomes final.

(2) In the event that, after the judgment, on the basis of which the legal consequences of the conviction have occurred, has become final, that judgment is

amended pursuant to an extraordinary legal remedy, the occurrence or further duration of the legal consequences of the conviction shall be adjusted to the new decision.

(3) Legal consequences of a conviction consisting of a ban on acquiring certain rights may be prescribed for a maximum period of ten years.

(4) The time spent serving the sentence shall not be included in the duration of the legal consequences of the conviction.

(5) Rehabilitation shall terminate the legal consequences of the conviction provided for in Article 116, paragraph 2 of this Code.

- **Criminal Law - Defamation**

Defamation was decriminalized in Montenegro in 2011 by a decision of the Parliament of Montenegro thus it is not provided for as a criminal offense in the Criminal Code.

- **Employment Law**

- [General Law on Education \(2025\)](#)

- **Article 83 - Conditions for Dismissal**

- Aside from the cases stipulated by the law, the director of the public institution may be dismissed if:...

- 2) They do not take measures against the employee who does not fulfil work duties, or breaches professional obligation, or abuses their position; ...

- 4) They do not fulfil work duties, or breach professional obligation;

- 5) They abuse their position; ...

- 13e) An indictment is confirmed against them for a criminal offence that renders them unworthy of performing their duties, or if a charge or a private lawsuit is filed, particularly in cases involving criminal offences against sexual freedom;

- 13f) They do not take prescribed measures and actions towards the teacher or other employee in case of a doubt that they committed a criminal act against sexual freedom at the expense of a student or a teacher, or other employee; ...

- 13i) They did not take preventative measures for the protection against violence, abuse and neglect in line with this Law; and ...

- 13k) They do not exercise procedures and rules for the implementation of the preventative programme for combating violence and abuse;

- 13l) They do not cooperate in the external multidisciplinary team for combating violence in the institution;

- 14) In other cases stipulated by the law and the statute of the institution.

- **Article 99a - Temporary Prohibition of Teaching**

- The director of the institution may temporarily prohibit a teacher, against whom proceedings have been initiated for a criminal offence against sexual freedom, from conducting educational work.

- As a rule, the director of the institution shall temporarily prohibit the conduct of educational work to the teacher against whom a complaint for sexual harassment of a student, or other employee, was submitted, until the end of the proceedings based on the complaint.

For the duration of the temporary prohibition of conducting educational work referred to in paragraph 1 of this Article, the teacher shall perform other duties in line with their qualification and shall receive the same wage that they received prior to the temporary prohibition of work.

#### **Article 100 - Prohibition of Teaching**

A teacher who has been convicted by a final court judgment for a criminal offence against sexual freedom cannot perform educational activities.

#### **Article 111 - Termination of Employment**

Aside from the cases defined by the Law on Labour, the teacher's employment shall be terminated if they: ...

(4) They abuse their position;

(5) Incite sexual intercourse or unnatural sexual acts with a student or an employee of the institution; ...

(9) Humiliate, insult, abuse or physically punish the student; ...

The teacher whose employment has been terminated in cases referred to in items 2, 5, 9 and 10 of this Article cannot perform educational work.

### ▪ **Privacy Law/Data Protection Law**

#### **General Law on Education (2025)**

##### **Article 117a - Database**

The institution shall keep a database within the Montenegrin Education Information System (MEIS), which is managed by the Ministry.

The institution shall enter the data in the Montenegrin Education Information System no later than September 15 for the current school year, and update the data within seven days from the date of modification.

Notwithstanding paragraph 2 of this Article, the adult education provider shall regularly enter the information on the number of participants and educational programmes in the Montenegrin Education Information System, no later than 15 days from the date of the participant's enrolment.

Personal data entered in the database referred to in paragraph 1 of this Article shall be collected, analysed, kept and used for the purpose of the educational work of institutions and the Ministry, in accordance with the law.

All forms of collection, analysis, publishing and use of data shall be implemented in accordance with the law regulating the personal data protection.

The manner of keeping, managing and other matters relevant to the functioning of the Montenegrin Education Information System (MEIS) shall be stipulated by the Ministry.

#### **Law on Social and Child Protection of Montenegro**

##### **Article 9 - The right to protection of personal data**

The user has the right to protection of personal data from documentation processed for the purposes of reports or records, including those concerning his personality,

behavior and family circumstances and the manner of exercising social and child protection rights.

With regard to the protection of users' personal data, regulations on the protection of personal data apply.

- **Private Fostering / Family Law**

[Family Law of Montenegro](#)

**FOSTER CARE**

**Article 157**

A child without parental care and a child whose development was disturbed by circumstances in his own family may be placed with another family to be raised, cared for and reared, in the manner and under the conditions established by this law.

A child neglected in terms of his personal and educational development, as well as a child with developmental impairments and difficulties may be placed in another family.

**Article 159**

A child may be placed into a family that consents to receiving him and which provides sufficient guarantees that the child will be well cared for, raised and reared. The family receiving a minor foster child must have adequate housing and material conditions. If a child is placed into a family which has both spouses, their consent is needed for fostering.

**Article 160**

When placing a child in another family, guardianship authority has an obligation to pay special attention to the ethnic, religious, and cultural background of the child, his age, health, and social status, as well as the distance from the place of his previous residence, or the residence of his parents, and the school he is attending.

**Article 162**

Any person of full age and with legal capacity who, considering their personal characteristics and harmonious family relations, is in a position to provide for a child's balanced development and assistance to return to his family of origin, may become spouses receiving a child for family placement or a person receiving a child for family placement (hereinafter: fosterer).

## **Sexual Offenses Against Children**

### **Criminal Code of Montenegro**

#### **Article 132b – Mandatory reporting to the competent police organizational unit**

The measure of mandatory reporting to the competent organizational unit of the police consists of the duty of the perpetrator of the criminal offense referred to in Articles 204, 205, 206, 207, 208, 209, 210, 211, 211a and 211b of this Code against a child to

personally report to the organizational unit of the police in the place of his or her residence or temporary residence, in the manner prescribed by the by-law.

**Article 132c - Ban on visiting places where children gather**

The measure of prohibition of visiting places where children gather consists of the duty of the perpetrator of the criminal offense referred to in Articles 204, 205, 206, 207, 208, 209, 210, 211, 211a and 211b of this Code against a child, not to visit places where children gather, such as kindergartens, kindergarten yards, schools, schoolyards, playgrounds and the like.

**Article 132d - Mandatory visits to professional counseling centers and institutions**

The measure of mandatory attendance at professional counseling centers and institutions consists of the obligation of the perpetrator of the criminal offense under Articles 204, 205, 206, 207, 208, 209, 210, 211, 211a and 211b of this Code against a child to attend professional counseling centers and institutions according to a program determined in the manner prescribed by a by-law.

**Article 132e - Mandatory notification measure on change of residence, temporary residence or workplace**

The measure of mandatory notification of a change of residence, temporary residence or workplace consists of the duty of the perpetrator of a criminal offense under Articles 204, 205, 206, 207, 208, 209, 210, 211, 211a and 211b of this Code against a child to personally notify the competent police organizational unit of the change of residence, temporary residence or workplace within three days of the change.

**Article 132f - Mandatory notification of travel abroad**

The measure of mandatory notification of travel abroad consists of the obligation of the perpetrator of a criminal offense under Articles 204, 205, 206, 207, 208, 209, 210, 211, 211a and 211b of this Code against a child to personally report to the competent police organizational unit no later than three days before traveling abroad.

The person referred to in paragraph 1 of this Article is obliged to provide the competent police organizational unit with information on the country to which he/she is travelling, as well as the exact place and length of stay abroad.

**Article 175a - Misuse of another person's recording, photograph, portrait, audio recording or writing with sexually explicit content**

(1) Whoever makes available to a third party a video or other recording, photograph, portrait, audio recording or document with sexually explicit content, without the consent of the person to whom the document relates, or without the consent of the person depicted in the recording, photograph or portrait or whose voice is recorded in the audio recording, shall be punished by imprisonment for up to two years.

(2) The punishment referred to in paragraph 1 of this Article shall also be imposed on anyone who, using a computer system or in any other manner, creates a new or modifies an existing video or other recording, photograph, portrait, audio recording or document with sexually explicit content and uses or makes such recording, photograph, portrait, audio recording or document available to a third party as authentic.

(3) The punishment referred to in paragraph 1 of this Article shall also be imposed on anyone who threatens another person to make his/her video or other recording, photograph, portrait, audio recording or document with sexually explicit content available to a third party.

(4) Whoever commits the act referred to in paragraph 1 or 2 of this Article through information and communication technologies or in any other manner, as a result of which a video or other recording, photograph, portrait, audio recording or document with sexually explicit content has become available to a larger number of persons, shall be punished by imprisonment for up to three years.

(5) If the act referred to in paragraphs 1 to 4 of this Article was committed against a child, the perpetrator will be punished with imprisonment from one to eight years.

(6) If the act referred to in paragraphs 1 to 5 of this Article is committed by an official in the performance of his/her duties, he/she shall be punished for the act referred to in paragraphs 1, 2 and 3 of this Article by imprisonment for a term of three months to four years, for the act referred to in paragraph 4 of this Article by imprisonment for a term of three months to five years, and for the act referred to in paragraph 5 of this Article by imprisonment for a term of two to ten years.

(7) Video or other recordings, photographs, portraits, audio recordings and documents, as well as special devices used to commit the criminal offense referred to in this Article, shall be confiscated.

#### **Article 211 - Exploitation of children for pornography**

(1) Whoever sells, gives as a gift, shows or makes available to a child under the age of fourteen images, texts, audiovisual or other objects of pornographic content through public display, information and communication technologies or in any other manner, or shows a pornographic performance to him/her, shall be punished by imprisonment for two to ten years.

(2) Whoever induces or uses a child to produce images, audiovisual or other objects of pornographic content (child pornography) or for a pornographic performance, shall be punished by imprisonment for three to ten years.

(3) The punishment referred to in paragraph 2 of this Article shall be imposed on anyone who, without authorization, records, produces, offers, makes available, distributes, imports, exports, acquires for himself or another, sells, gives, displays, publicly exhibits or possesses images, audiovisual or other objects of pornographic content (child pornography).

(4) If the act referred to in paragraphs 1 and 2 of this Article was committed against a minor, the perpetrator will be punished with imprisonment from one to eight years.

(5) If the act referred to in paragraph 2 of this Article was committed by the use of force or threat, the perpetrator shall be punished by imprisonment for three to fifteen years.

(6) The items referred to in paragraphs 1 to 3 of this Article shall be seized and destroyed.

(7) Child pornography, for the purposes of this Article, is considered to be any material that visually depicts a child engaged in real or simulated sexually explicit behavior and any depiction of the sexual organs of a child for primarily sexual purposes.

**Article 211a - Inducing a child to witness the commission of criminal acts against sexual freedom**

(1) Whoever induces a child under the age of fourteen to witness rape, sexual intercourse or an act equivalent thereto, or any other illicit sexual act, shall be punished by imprisonment from one to five years.

(2) If the act referred to in paragraph 1 of this Article was committed against a minor by use of force or threat, the perpetrator will be punished with imprisonment from two to eight years.

(3) If the act referred to in paragraph 1 of this Article was committed by use of force or threat, the perpetrator will be punished with imprisonment from three to ten years.

**Article 211b - Enticing a child under the age of fourteen to commit crimes against sexual freedom**

An adult who, with the intention of committing a criminal offense under Article 204, paragraph 6, Article 205, paragraph 3, Article 206, Article 207, paragraph 3, Article 208, paragraph 1, Article 209, Article 210, paragraph 1 and Article 211, paragraphs 1 and 4 of this Code, using information and communication technology or in another manner, arranges a meeting with a child under the age of fourteen and takes actions to bring about that meeting, shall be punished by imprisonment for five to ten years.

**Article 211c - Sexual harassment**

(1) Whoever sexually harasses another person, shall be punished by imprisonment for up to six months.

(2) Whoever sexually harasses another person who is his superior or who is in a dependent relationship with him or who is particularly vulnerable due to age, illness, disability, addiction, pregnancy, or a serious physical or mental disability, shall be punished by imprisonment for up to two years.

(3) Sexual harassment, within the meaning of this Article, is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, which is intended to violate the dignity of a person or group of persons, or which achieves such an effect, and in particular when such conduct causes fear or creates a hostile, humiliating, intimidating, degrading or offensive environment.

(4) Prosecution for the offense referred to in paragraph 1 of this Article shall be undertaken upon private complaint.

**Article 216 - Cohabitation with a minor**

(1) An adult who lives in an extramarital relationship with a minor, shall be punished by imprisonment from three months to three years.

(2) The punishment referred to in paragraph 1 of this Article shall also apply to a parent, adoptive parent or guardian who enables a minor to live in an extramarital relationship with another person.

(3) If the act referred to in paragraph 2 of this Article was committed by force, threat or out of greed, the perpetrator will be punished with imprisonment from six months to five years.

(4) If the marriage is concluded, prosecution shall not be initiated, and if it has been initiated, it shall be discontinued.

#### **Article 217 - Child abduction**

(1) Whoever unlawfully retains or takes away a child from a parent, adoptive parent, guardian or other person or institution to whom the child has been entrusted, or prevents the execution of a decision entrusting the child to a specific person, shall be punished by a fine or imprisonment for up to two years.

(2) Whoever prevents the execution of a decision of a competent authority determining the manner of maintaining personal relations between a child and a parent or other relative, shall be punished by a fine or imprisonment for up to one year.

(3) If the act referred to in paragraph 1 of this Article was committed out of selfishness or other base motives or if the act seriously endangered the health, upbringing or education of the child,

The offender will be punished with imprisonment from three months to five years.

(4) The court may release the perpetrator of the offense referred to in paragraphs 1 and 3 of this Article who voluntarily hands over the child to the person or institution to whom the child has been entrusted or who enables the execution of the decision on entrusting the child.

(5) If the court imposes a suspended sentence for the offense referred to in paragraphs 1 to 3 of this Article, the court may impose an obligation on the perpetrator to hand over the child to the person or institution to whom the child has been entrusted within a certain period of time or to enable the execution of the decision entrusting the child to a certain person or institution, or the decision determining the manner of maintaining the child's personal relations with a parent or other relative.

#### **Article 218 - Change in marital status**

(1) Whoever, by means of substitution, substitution or in any other way, changes the family status of a child,

shall be punished by imprisonment from three months to three years.

(2) Whoever, by substitution or in some other way through negligence, changes the family status of a child,

shall be punished by imprisonment for up to one year.

(3) An attempt to commit the act referred to in paragraph 1 of this Article shall be punished.

#### **Article 219 - Child neglect and abuse**

(1) A parent, adoptive parent, guardian or other person who, through gross neglect of their duty of care and upbringing, neglects a child for whom they are obliged to care, shall be punished by imprisonment for up to three years.

(2) A parent, adoptive parent, guardian or other person who abuses a child or forces him or her to do excessive work or work that is not appropriate for the child's age or to beg or who, out of selfish motives, induces him or her to perform other acts that are harmful to his or her development,

shall be punished by imprisonment from three months to five years.

**Article 223 - Incest**

An adult who performs a sexual intercourse or another act of equivalent nature over a minor direct blood relative or over a minor brother or sister shall be punished by a prison sentence for a term from six months to five years.

**Article 444 - Human trafficking**

(1) Whoever, by force, threat or kidnapping, misleading or maintaining a misleading position, abuse of authority, trust, relationship of dependence, difficult circumstances of another, withholding, taking away or destroying personal documents, forging personal documents, obtaining or making forged documents or giving or receiving money or other benefits, in order to obtain consent from a person who has control over another person: recruits, transports, transfers, surrenders, sells, buys, mediates in the sale, hides or holds another person, for the purpose of exploiting his or her work, forced labour, placing him or her in a position of servitude, slavery or a relationship similar to slavery, committing criminal activity, prostitution or other types of sexual exploitation, begging, use for pornographic purposes, entering into an illicit marriage, for the purpose of removing a body part for transplantation or for use in armed conflicts, shall be punished by imprisonment from one to ten years.

(2) The act referred to in paragraph 1 of this Article shall be deemed to have been committed against a child even when the perpetrator did not use force, threats or any other of the aforementioned methods of commission.

(3) If the act referred to in paragraph 1 of this Article was committed against a child or the act referred to in paragraph 1 of this Article was committed by an official in the performance of his official duty or the life of one or more persons was intentionally endangered,

the offender shall be punished by imprisonment for at least three years.

(4) If the act referred to in paragraphs 1 to 3 of this Article has resulted in serious bodily injury to a person,

the perpetrator shall be punished by imprisonment for one to twelve years.

(5) If the act referred to in paragraph 3 of this Article has resulted in serious bodily injury to a child,

the perpetrator shall be punished by imprisonment for at least five years.

(6) If the act referred to in paragraphs 1 and 3 of this Article resulted in the death of one or more persons,

the offender shall be punished by imprisonment for at least ten years.

(7) Whoever engages in the commission of a criminal offense referred to in paragraphs 1 to 3 of this Article or the offense is committed in an organized manner by several persons, shall be punished by imprisonment for at least ten years.

(8) Whoever uses the services of a person whom he knows has committed an offense referred to in paragraph 1 of this Article against him, shall be punished by imprisonment for a term of six months to five years.

(9) If the act referred to in paragraph 8 of this Article is committed against a child, the perpetrator shall be punished by imprisonment for three to fifteen years.

(10) The consent of the victim against whom the offence referred to in paragraphs 1 to 3 of this Article was committed shall have no effect on the existence of that criminal offence.

(11) A person who, as a direct victim, was forced to participate in the criminal activities referred to in paragraph 1 of this Article shall not be punished for the acts referred to in paragraph 1 of this Article.

#### **Article 445 - Trafficking in children for adoption**

1) Whoever takes away a child for adoption contrary to applicable regulations, or whoever adopts such a child or mediates in such an adoption, or whoever, for that purpose, buys, sells or gives up a child, or transports, provides accommodation for or conceals him, shall be punished by imprisonment from one to ten years.

(2) Whoever engages in the activities referred to in paragraph 1 of this Article or the act is committed in an organized manner by several persons, shall be punished by imprisonment for at least three years.

#### **Article 445a - Selling children**

Whoever unlawfully offers, accepts or mediates the transfer of a child to another for monetary or other compensation, shall be punished by imprisonment from one to ten years.

### ▪ **Female Genital Mutilation (FGM)/ Female Genital Circumcision** **Criminal Code of Montenegro**

#### **Article 151a - Female genital mutilation**

(1) Whoever mutilates the external parts of the female genitalia, shall be punished by imprisonment from one to eight years.

(2) Whoever induces a female person to undergo the act referred to in paragraph 1 of this Article or assists her in doing so, shall be punished by imprisonment for a term of six months to five years.

(3) Whoever commits the act referred to in paragraph 1 of this Article against a female child, shall be punished by imprisonment for two to ten years.

(4) If the act referred to in paragraph 1 of this Article resulted in the death of a female or child, the perpetrator shall be punished by imprisonment for five to fifteen years.

#### **Article 151b - Forced sterilization**

(1) Whoever, by use of force or threat, sterilizes another person in order to prevent his reproduction, shall be punished by imprisonment from one to eight years.

(2) Whoever commits the act referred to in paragraph 1 of this Article against a child, shall be punished by imprisonment for two to ten years.

(3) If the act referred to in paragraph 1 of this Article resulted in the death of the person against whom the act was committed, the perpetrator shall be punished by imprisonment for five to fifteen years

- [Child/Early/Forced Marriage](#)  
[Criminal Code of Montenegro](#)

**Article 206 - Betrothal to a child under fourteen years of age**

(1) Whoever commits sexual intercourse or an act equivalent to it with a child under the age of fourteen,

shall be punished by imprisonment for five to fifteen years.

(2) If the act referred to in paragraph 1 of this Article resulted in serious bodily injury to a child under the age of fourteen against whom the act was committed, or if the act was committed by several persons, or if the act resulted in pregnancy, the offender shall be punished by imprisonment for at least ten years.

(3) If the act referred to in paragraphs 1 and 2 of this Article resulted in the death of a child under the age of fourteen, the perpetrator shall be punished by imprisonment for at least ten years or by long-term imprisonment.

(4) The perpetrator shall not be punished for the act referred to in paragraph 1 of this Article if there is no significant difference between him and the child in their mental and physical maturity.

**Article 214a - Forced marriage, common-law union or life partnership of persons of the same sex**

(1) Whoever, by force or threat, compels another person to enter into marriage, enter into an extramarital union or enter into a life partnership of the same sex, shall be punished by imprisonment for a term of six months to five years.

(2) Whoever, by force or threat, compels or induces a child to enter into a marriage, enter into an extramarital union or enter into a life partnership with a person of the same sex, or arranges for him/her to enter into a marriage, extramarital union or life partnership with a person of the same sex, shall be punished by imprisonment from one to five years.

(3) Whoever induces another person to leave or takes him abroad with the intention of committing the offense referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment from three months to three years.

**Article 215 - Enabling the Conclusion of a Forbidden Marriage**

Where a public official authorized to conclude marriages knowingly allows while performing his duties the conclusion of a marriage which is prohibited or void under law, he shall be punished by a prison sentence for a term from three months to three years.

**Article 216 - Customary Marriage with a Juvenile**

(1) An adult person who cohabitates in a customary marriage with a juvenile shall be punished by a prison sentence for a term from three months to three years.

(2) A parent, adoptive parent or a guardian who allows a juvenile to cohabit in a customary marriage with another or instigates him into such marriage shall be punished by the penalty set out in paragraph 1 of this Article.

(3) Where the offence set forth in paragraph 2 of this Article is committed by means of force, threats or out of greed, the perpetrator shall be punished by a prison sentence for a term from six months to five years.

(4) Where marriage is concluded, prosecution shall not be instituted, and where it has been instituted, it shall be discontinued.