

## **CRIMINAL CODE**

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(...)

### **CHAPTER EIGHTEEN**

#### **CRIMINAL ACTS AGAINST SEXUAL FREEDOM**

##### **Rape**

###### **Article 204**

- (1) Anyone who forces another person to sexual intercourse or an act equal to it by using coercion or by threats to attack the life or body of that or some other person, shall be punished by an imprisonment penalty of two to ten years.
- (2) If a person commits an act referred to in Paragraph 1 of this Article against somebody under threats of doing something that would harm his/her honour or reputation or by serious threat of some other severe evil, s/he shall be punished by an imprisonment sentence of one to eight years.
- (3) If due to acts referred to in Paragraphs 1 and 2 of this Article a severe bodily injury is inflicted on a person, or if the act is made by more persons in an especially cruel manner or in an especially humiliating manner, or to a juvenile, or the consequence of the act is pregnancy, the perpetrator shall be punished by an imprisonment sentence of three to fifteen years.
- (4) If due to acts referred to in Paragraphs 1 and 2 of this Article a person died or the act is done to a child, the perpetrator shall be punished by an imprisonment sentence of five to eighteen years.

##### **Sexual intercourse with a helpless person**

###### **Article 205**

- (1) Anyone who performs sexual intercourse or an equal act taking advantage of a person's mental illness, mental retardation or other mental disorder, disability or some other state of that person due to which s/he is not capable of resistance, shall be punished by an imprisonment sentence of one to ten years.
- (2) If due to acts referred to in Paragraph 1 of this Article a severe bodily injury is inflicted on a disabled person or if the act is committed by more persons or in a specially cruel or humiliating manner or it is done to a juvenile or the act resulted in a pregnancy, the perpetrator shall be punished by an imprisonment sentence of two to twelve years.
- (3) If due to an act referred to in Paragraphs 1 and 2 of this Article a person suffering the act died or it is done to a child, the perpetrator shall be punished by an imprisonment sentence of five to eighteen years.

##### **Sexual intercourse with a child**

###### **Article 206**

- (1) Anyone who performs sexual intercourse or an equal act with a child shall be punished by an imprisonment sentence of one to ten years.
- (2) If due to an act referred to in Paragraph 1 of this Article a severe bodily injury is inflicted to a person, or the act is performed by more persons or it resulted in pregnancy, the perpetrator shall be punished by an imprisonment sentence of two to twelve years.
- (3) If due to acts referred to in Paragraphs 1 and 2 of this Article a child died, the perpetrator shall be punished by an imprisonment sentence of five to eighteen years.
- (4) The perpetrator of an act referred to in Paragraph 1 of this Article shall not be punished provided that there exists no larger difference between the perpetrator and the child in respect to their mental and physical development.

##### **Sexual intercourse by abuse of position**

###### **Article 207**

- (1) Anyone who by abuse of his/her position induces to sexual intercourse or an equal act a person who is in a subordinate or dependent position to him, shall be punished by an imprisonment sentence of three months to three years.
- (2) A teacher, instructor, guardian, adoptive parent, stepfather, stepmother or some other person who by abuse of his/her position or authorities performs sexual intercourse or an equal act with a minor entrusted to him for teaching, education, custody and taking care, shall be punished by an imprisonment sentence of one to ten years.
- (3) If an act referred to in Paragraph 2 of this Article is performed over a child, the perpetrator shall be punished by an imprisonment sentence of two to twelve years.
- (4) If an act referred to in Paragraphs 1 to 3 of this Article resulted in pregnancy, the perpetrator shall be punished for an act referred to in Paragraph 1 by an imprisonment sentence of six months to five years, for an act referred to in Paragraph 2 by an imprisonment sentence of two to twelve years, and for an act as of Paragraph 3 by an imprisonment sentence of three to fifteen years.

(5) If due to an act as of Paragraph 3 of this Article a child died, the perpetrator shall be punished by an imprisonment sentence of five to eighteen years.

### **Prohibited sexual acts**

#### **Article 208**

(1) Anyone who on conditions referred to Article 204, Paragraphs 1 and 2, Article 205, Paragraph 1, Article 206 Paragraph 1 and Article 207, Paragraphs 1 to 3 of the present Code, performs some other sexual act, shall be punished by a fine or an imprisonment sentence not exceeding two years.

(2) If due to acts as of Paragraph 1 of this Article a severe bodily injury is inflicted to a person, or if the act is performed by more persons or in an extremely cruel or humiliating way or to a child, the perpetrator shall be punished by an imprisonment sentence of two to ten years.

(3) If due to an act as of Paragraph 1 of this Article a person died, the perpetrator shall be punished by an imprisonment sentence of three to fifteen years.

### **Pimping and enabling having a sexual intercourse**

#### **Article 209**

(1) Anyone who procures a minor for sexual intercourse, an act equal to it or some other sexual act, shall be punished by an imprisonment sentence of three months to five years.

(2) Anyone who provides for performing debauchery, an act equal to it or some other sexual act to a minor, shall be punished by an imprisonment sentence not exceeding three years.

### **Mediation in prostitution**

#### **Article 210**

(1) Anyone who leads or incites another person to prostitution or participates in transferring of some person to other for the purpose of prostitution or who by means of public communication or other similar means promotes or advertises prostitution, shall be punished by a fine or an imprisonment sentence not exceeding one year.

(2) If an act as of Paragraph 1 of this Article is committed against a minor, the perpetrator shall be punished by an imprisonment sentence of one to ten years.

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### **Prosecution for criminal acts against sexual freedom**

#### **Article 212**

Prosecution for criminal acts as of Articles 204 and 205 of the present Code done to a spouse shall be taken by a private action.

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## **CHAPTER FIFTEEN**

### **CRIMINAL OFFENCES AGAINST FREEDOMS AND RIGHTS OF MAN AND THE CITIZEN**

#### **Unlawful deprivation of freedom**

##### **Article 162**

(1) Anyone who arrests, keeps in detention or in any other manner unlawfully deprives others of freedom or limits their freedom of movement, shall be sentenced to imprisonment not exceeding one year.

(2) Should the act referred to in Paragraph 1 of this Article be committed by a person acting in an official capacity through abuse of his/her function or powers, shall be sentenced to imprisonment of six months to five years.

(3) Should the act of unlawful deprivation of freedom be longer than thirty days, or should it be conducted in a cruel manner, or should the health of a person unlawfully deprived of freedom in that manner be heavily impaired or other serious consequences occur, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) Should it happen that, due to the acts referred to in Paragraphs 1 and 3 of this Article, a person illegally detained dies, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(5) Sentence shall also be pronounced for an attempt of offences referred to in Paragraph 1 of this Article.

(...)

#### **Coercion**

##### **Article 165**

(1) Anyone who by use of force or threat compels someone to do or not to do something or to endure something, shall be sentenced to

three months to three years of imprisonment.

(2) Anyone who commits the act referred to in Paragraph 1 of this Article with cruelty or by threat of murder or serious bodily injuries or abduction, shall be sentenced to six months to five years of imprisonment.

(3) Should it happen that, due to the act referred to in Paragraphs 1 and 2 of this Article, a serious bodily injury be inflicted or other serious consequences occur, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) Should, due to the act referred to in Paragraphs 1 and 2 of this Article, the person under coercion die, or should the act be committed by several persons in an organized manner, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(...)

## **CHAPTER THIRTY FIVE**

### **CRIMINAL OFFENCES AGAINST HUMANITY AND RIGHTS GUARANTEED UNDER INTERNATIONAL LAW**

(...)

#### **Trafficking in human beings**

##### **Article 444**

(1) Anyone who by force or threat, deceit or keeping in delusion, by abuse of authority, trust, relationship of dependency, difficult position of another person or by keeping back identification papers or by giving or receiving money or other benefit for the purpose of obtaining consent of a person having control over another: recruits, transports, transfers, hands over, sells, buys, mediates in sale, hides or keeps another person for exploitation of work, submission to servitude, commission of crimes, prostitution or begging, pornographic use, taking away a body part for transplantation or for use in armed conflicts shall be punished by imprisonment for a term of one to ten years.

(2) If the offence referred to in Paragraph 1 of this Article is committed to a juvenile person, the offender shall be liable to imprisonment prescribed for that offence, even if there was no force, threat or any other of the stated methods present in the commission of the crime.

(3) If the offence referred to in Paragraph 1 of this Article is committed to a juvenile, the offender shall be liable to imprisonment for a minimum term of three years.

(4) If offences referred to in Paragraphs 1 and 3 of this Article have caused serious bodily injuries, the offender shall be liable to imprisonment for a term of one year to twelve years.

(5) If offences referred to in Paragraphs 1 and 3 of this Article have caused death of one person or more, the offender shall be liable to imprisonment for a minimum term of ten years.

(6) Anyone who deals with committing offences referred to in Paragraphs 1 to 3 of this Article or participates in their organised commission together with several other persons shall be liable to imprisonment for a minimum term of five years.

(...)

#### **Trafficking in children for adoption**

##### **Article 445**

(1) Anyone who abducts a person who has not yet reached the age of fourteen for adoption in contravention of current regulations or whoever adopts such a person or mediates in such adoption or whoever for that purpose buys, sells or hands over another person who has not yet reached the age of fourteen or transports, provides accommodation for or hides such a person who has not reached the age of fourteen, shall be punished by imprisonment for a term of one to five years.

(2) Anyone who deals with activities referred to in Paragraph 1 of this Article or participates in their organized commission together with several other persons, shall be punished by imprisonment for a minimum term of three years.

#### **Submission to slavery and transportation of enslaved persons**

##### **Article 446**

(1) Anyone who breaching the rules of international law put another person into slavery or other similar position or keeps another person in such a position, or buys, sells, hands over to another person or mediates in buying, selling or handing over of such a person or induces another person to sell own freedom or freedom of persons he/she supports or looks after, shall be punished by imprisonment for a term of one year to ten years.

(2) Anyone who transports persons in the position of slavery or other similar position from one country to another shall be punished by imprisonment for a term of six months to five years.

(3) For offences referred to in Paragraphs 1 and 2 of this Article committed to a juvenile person, the offender shall be punished by imprisonment for a term of five to fifteen years.

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