



**MONTENEGRO**

**THE THIRD PERIODIC REPORT  
ON THE IMPLEMENTATION OF THE CONVENTION ON THE  
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST  
WOMEN (CEDAW)**

**submitted in line with Article 18**

**of the Convention on the Elimination of All Forms of Discrimination  
against Women**

Podgorica, September, 2021

## Contents:

1. List of acronyms.....	IV
2. Concluding Observations on the Second Periodic Report of Montenegro CEDAW/C/MNE/CO/2 – Key recommendations.....	V
3. The Third Report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women	
4. Annexes	
4.1. Topics covered during the sessions of the Women's Parliament	
4.2. Data on the training programs of Center for Training in Judiciary and State Prosecution Service	
4.3. Statistics of the Protector of Human Rights and Freedoms on complaints to the Institution	
4.4. Trainings organized by MJHMR	
4.5. Evaluation of the implementation of the Third Action Plan for Achieving Gender Equality in Montenegro 2017–2021 (APAGE)	
4.6. Methodology for policy development, drafting and monitoring of the implementation of strategic documents	
4.7. Strategy for Improving Enabling Environment for the Activities of NGOs 2018– 2020	
4.8. Temporary and special measures – activities of the Department for Gender Equality (Directorate)	
4.9. NGOs – projects implemented in order to conduct public opinion surveys on the level of discrimination against persons with disabilities	
4.10. Projects implemented by the Center for Democracy and Human Rights	

- 4.11. Article 20 of the Law on Amendments to the Criminal Code of Montenegro, (“Official Gazette of Montenegro“ No. 44/2017)
- 4.12. Statistics on early marriages
- 4.13. Table with the number of RE students (7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> grades of primary school) who spent seven days in summer or winter camps during holidays
- 4.14. Law on Amendments to the Criminal Code of Montenegro – provisions addressed in the report
- 4.15. State Prosecution and CEDAW Committee Recommendations
- 4.16. Statistics on cases of violence against women
- 4.17. Operational Team for Combating Trafficking in Human Beings
- 4.18. Victims of trafficking in human beings – statistics and implemented projects
- 4.19. Examples of anti-trafficking awareness campaigns
- 4.20. Number of women MPs in the committees of the Parliament of Montenegro
- 4.21. Education – statistics
- 4.22. Table: Number of Roma and Egyptian students at all levels of education from 2016 to 2020
- 4.23. Data on the number of mentors (teachers) of RE students in primary and secondary schools
- 4.24. Data on the research “Employment of Roma and Egyptians in Montenegro”
- 4.25. Gender Equality Index
- 4.26. National Strategy for Sustainable Development and Gender Equality

## Lista of Acronyms

AIRE	Advice on Individual Rights in Europe – London-based center
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDEM	NGO Center for Democracy and Human Rights
CTJSPS	Center for Training in Judiciary and State Prosecution Service
CRI	NGO Center for Roma Initiatives
MWL	NGO Montenegrin Women's Lobby
Directorate	Department for Gender Equality of the Ministry for Human and Minority Rights / Directorate for Gender Equality of the Ministry of Justice, Human and Minority Rights
Istanbul Convention	CoE Convention on Preventing and Combating Violence against Women and Domestic Violence
PCF	Podgorica Correctional Facility
CC	Criminal Code of Montenegro
MFSW	Ministry of Finance and Social Welfare, formerly the Ministry of Labor and Social Welfare
MICS	Multiple Indicator Cluster Survey, implemented in Montenegro in 2018
MONSTAT	Statistical Office of Montenegro
MJHMR	Ministry of Justice, Human and Minority Rights, formerly Ministry for Human and Minority Rights
MoESCS	Ministry of Education, Science, Culture, and Sports
MoI	Ministry of the Interior
NSSD	National Strategy for Sustainable Development until 2030
Committee	Gender Equality Committee of the Parliament of Montenegro
PwDs	Persons with disabilities
PRIS	Judicial information system
RE	Roma and Egyptians
Strategy	Strategy for Improving Enabling Environment for the Activities of NGOs 2018–2020
SWH	NGO Safe Women's House
UNFCCC	United Nations Framework Convention on Climate Change
WFD	Westminster Foundation for Democracy
Protector	Protector of Human Rights and Freedoms of Montenegro (Ombudsman)
WP	Women's Parliament
WC	Women's Club
WPN	Women's Political Network

## **CEDAW/C/MNE/CO/2**

1. The Committee considered the second periodic report of Montenegro (CEDAW/C/MNE/2) at its 1512nd 1513rd meetings (see CEDAW/C/SR.1512 and 1513) held on 11 July 2017. The Committee's list of issues and questions is contained in CEDAW/C/MNE/Q/2 and the responses of Montenegro are contained in CEDAW/C/MNE/Q/2/Add.1.

### **A. Introduction**

2. The Committee appreciates the submission by the State party of its second periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party's high level delegation which was headed by the Minister for Human and Minority Rights, His Excellency Mr. Mehmed Zenka. The delegation also included representatives of the Ministry of Agriculture and Rural Development, Ministry of Labour and Social Welfare, Ministry of the Interior, Ministry of Health, Ministry of Education, the Supreme Court of Montenegro and Supreme State Prosecutor's Office of Montenegro, Ministry for Human and Minority Rights and the Permanent Mission of Montenegro to the United Nations Office and other international organizations in Geneva.

### **B. Positive Aspects**

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's initial report (CEDAW/CMNE/CO/1) in undertaking legislative reforms, in particular the adoption of:

(a) Amendments to the Law on Gender Equality aligning it with EU standards (2015);

(b) Amendments to the Law on Free Legal Aid (2015), which allows survivors of domestic violence to receive free legal aid; and

(c) Amendments to the Electoral Law (2014), which improves women's political participation.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) The National Action Plan for Gender Equality (2017 – 2021); and

(b) The Strategy for the Protection from Family Violence (2016-2020).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2013; and

(b) The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), in 2013.

## **C. Parliament**

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

## **D. Principal areas of concern and recommendations**

### **Visibility of the Convention**

8. The Committee notes with concern the lack of information on any court or administrative proceedings, where the Convention has been directly applied or invoked.

9. **The Committee recommends that the State party promote capacity-building programmes for judges, prosecutors, law enforcement personnel and lawyers, as well as the Protector of Human Rights and Freedoms of Montenegro, on the Convention to enable them to directly apply or invoke its provisions in judicial or administrative proceedings and to interpret domestic legislation accordingly.**

### **Legal framework for prohibition of discrimination against women**

10. The Committee welcomes the solid legislative framework of the State party to eliminate discrimination against women, including the Law on Anti-discrimination, the Law on the Protector of Human Rights and Freedoms of Montenegro and the Law on Gender Equality. It also welcomes the various capacity building and awareness-raising measures to prevent and address sex-based discrimination and promote gender equality targeted inter alia at representatives of the judiciary, the police and civil society. It however notes with concern:

(a) The limited impact of the abovementioned legislation, which may point to lack of implementation and political will to prioritize gender equality and non-discrimination, as well as to the inadequacy of the capacity building conducted on the prohibition of sex-based discrimination and gender equality; and

(b) The low number of complaints about sex- or gender-based discrimination filed with the Protector of Human Rights and Freedoms, and the absence of any complaints about sex- or gender-based discrimination filed with the Supreme Court. The Committee is concerned that this may be a reflection of an insufficient level of trust in State institutions among women victims of discrimination.

11. **The Committee recommends that the State party significantly increase the human, technical and financial resources allocated to the implementation of the legislation on gender equality and prohibiting sex- and gender-based discrimination, and that it conduct an assessment of the impact of the various capacity-building efforts and based on its outcome, take the necessary measures to increase their efficiency. These measures should also disseminate information, including in cooperation with the Protector of Human Rights and Freedoms of Montenegro, targeted at the general public on accessing justice, the remedies available for obtaining redress and reparation.**

### **National machinery for the advancement of women**

12. The Committee appreciates the efforts made by the Gender Equality Department within the Ministry of Human and Minority Rights, the creation of the National Council for Gender Equality in 2016, as well as of the Parliamentary Committee for Gender Equality, and the adoption of the new Action Plan for Gender Equality (2017-2021). It also appreciates the appointment of gender coordinators, and the creation of councils and offices for gender equality as well as the adoption of local gender action plans in a significant number of municipalities in the State party. It, however, notes with concern:

(a) The insufficient funding of the above-mentioned bodies and action plans, which has a negative impact on the effective implementation of the national and local action plans on gender equality;

(b) The lack of effective gender impact assessments by the bodies forming part of the national machinery in relation to the implementation of legislation and budgeting and the largely symbolic role of these bodies, as demonstrated by the weak status of the National Council for Gender Equality, which was not consulted during the formulation of the Action Plan for Gender Equality (2017 – 2021) and the reportedly passive role of the Parliamentary Committee for Gender Equality; and

(c) The limited impact of the Action Plan for Gender Equality (2012-2017).

13. **The Committee recommends that the State party:**

(a) **Strengthen its machinery for the advancement of women by significantly increasing the human, technical and financial resources allocated to it at both the central and municipal levels;**

(b) **Strengthen accountability mechanisms for achieving gender equality and ensure systematic gender impact assessments, in consultation with the above-mentioned bodies, and actively involve them in the formulation and implementation of national and local legislation, policies and action plans; and**

(c) **Set time-bound targets in the national and local action plans and assess the efficiency of these action plans based on such targets.**

### **Non-governmental organizations**

14. The Committee notes the important role of non-governmental organizations in enhancing the implementation of the Convention. However, it is concerned about the recent adoption of restrictive legislation on the financing of non-governmental organizations which hampers their establishment and activities.

15. **The Committee recommends that the State party amend its legislation to provide an enabling and conducive environment for the establishment and active involvement of non-governmental organizations, notably those advocating for and supporting the implementation of the Convention in the State party.**

### **Temporary special measures**

16. The Committee is concerned about the lack of any temporary measures with regard to areas where women are underrepresented or disadvantaged, such as in employment and with regard to intersecting forms of discrimination in the labour market. It also notes with concern the limited understanding of the concept of temporary special measures in the State party, including among political leaders.

17. **The Committee recommends that the State party raise awareness among politicians, in particular parliamentarians, as well as journalists, teachers and the general public, especially men about gender equality to promote understanding of the importance and non-discriminatory nature of temporary special measures, and adopt temporary special measures, in accordance with**

**article 4 (1) of the Convention and the Committee’s general recommendation No. 25 (2004) on temporary special measures, in all areas in which women are underrepresented or disadvantaged, in order to accelerate the achievement of substantive equality of women and men in the areas covered by the Convention, in particular as regards women facing intersecting forms of discrimination.**

#### **Stereotypes and discriminatory practices**

18. The Committee welcomes the different educational measures taken by the State party to counter sexist stereotypes, as well as the increased use of gender-sensitive language in the media, in accordance with the Law on Gender Equality. It is concerned, however, that patriarchal attitudes and stereotypes regarding the roles, responsibilities and expected behaviours of women and men in society and in the family, continue to be deeply entrenched within society, thereby undermining women’s social status, autonomy, educational opportunities and professional careers, significantly impeding the implementation of the Convention as well as constituting a major root cause for gender-based violence against women. In this regard, it also notes with concern:

(a) The prevalence of son preference in families and within society and the attribution of a subordinate status of women vis-à-vis men, as reflected and perpetuated by a relatively high number of sex-selective abortions, and strong societal pressure on women to refuse inheritance to the benefit of male family members;

(b) That women are frequently assigned traditional family roles and discouraged from engaging in formal employment, and that fathers are considered as the head of the family; and

(c) The inadequacy of the measures taken by the State party to address the prevalence of such discriminatory stereotypes.

19. **The Committee recommends that the State party put in place and sufficiently resource a comprehensive strategy with proactive and sustained measures, targeted at both women and men, girls and boys, including mandatory courses for university students in law and medicine, to eliminate patriarchal attitudes and stereotypes that discriminate against women. The strategy should include a monitoring mechanism to regularly assess the impact of the measures taken and design remedial action. In this regard, the Committee recommends that the State party:**

(a) **Develop and implement awareness-raising measures for the general public and relevant professional groups such as doctors and nurses on the pervasiveness and adverse effects of sex selection giving preference to boys on women’s human rights;**

(b) **Strictly implement the prohibition of sex-selective abortions, establish services, including helplines for women who are pressured into undergoing sex-selective abortions;**

(c) **Continue sensitizing the media on the need to eliminate gender stereotypes by promoting positive images of women as active participants in social, economic and political life and of men as active participants in household and child-rearing responsibilities; and**

(d) **Adequately monitor the use of gender-sensitive language by the media and extend the introduction of gender-sensitive language in educational materials.**

#### **Child and/or forced marriage**

20. The Committee is concerned that the legal minimum age of marriage of is only 16 years of age and that there is a high prevalence of child and/or forced marriages within the Roma, Ashkali and Egyptian community, often resulting in early

pregnancy. It notes with concern that a significant number of girls who are victims of child and/or forced marriage or forced cohabitation with adult men, leading to child and/or forced marriage are victims of sexual exploitation. The Committee is concerned that the State party has made limited efforts to identify child victims and to adequately prosecute and sanction ~~criminalize~~ perpetrators of such crimes.

**21. The Committee draws the State party's attention to Joint General Recommendation/General Comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices (2014) and recommends that the State party:**

**(a) Increase efforts to raise awareness on the harmful impact of child and/or forced marriage on the health, development and education of girls;**

**(b) Identify, rescue and protect victims of forced cohabitation or child and/or forced marriage as well as those exposed to sexual exploitation following their marriage;**

**(c) Strictly enforce the prohibition of forced cohabitation or child and/or forced marriage in particular in cases of further sexual exploitation of the victim, as well as adequately prosecute and sanction perpetrators of such acts; and**

**(d) Raise the minimum age for marriage to 18.**

#### **Gender-based violence against women**

22. The Committee notes with appreciation the many legislative, policy and awareness-raising and educational measures undertaken by the State party to prevent and combat gender-based violence against women, such as the 2014 amendments to the Law on Protection from Domestic Violence, the 2016-2020 Strategy for the Protection from Family Violence, and the establishment of free legal aid offices attached to all first instance courts of the State party. The Committee, however, notes with concern:

(a) That gender-based violence against women, including gender-based killings, remains prevalent and socially accepted in the State party, particularly among Roma, Ashkali and Egyptian communities;

(b) Discriminatory attitudes and/or passiveness towards victims by judges, prosecutors, the police and other law enforcement officers who often give priority to reconciliation over prosecution in order to preserve the family and consider domestic violence as a private matter;

(c) The lack of implementation of the legislative framework to prevent and punish gender-based violence against women due to weak inter-sectoral cooperation, insufficient human, technical and financial resources, low gender-sensitivity among the legal profession, the very small number of protection orders issued even after repeated reports of violence and the growing resort to issuing double-charges to both spouses in cases of domestic violence;

(d) The lenient sentences for perpetrators of gender-based violence against women despite the recent decision by the Judicial Council to implement higher sentences;

(e) Victims' reluctance to report gender-based violence against women due to stigma and social acceptance of family violence, their limited knowledge on how to access protection and services when they are available as well as the limited number of shelters;

(f) The fact that marital rape is not specifically criminalized in the Penal Code;

(g) The definition of rape in the Criminal Code of the State party not being based on absence of consent;

(h) The long transition period providing that the Compensation of Victims of Violent Crimes will be applied only as from the State party's accession to the European Union; and

(i) The lack of accurate data on gender-based violence against women, in particular owing to each institution collecting and processing data according to a different methodology.

**23. In line with its general recommendation No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence against women and with Sustainable, Development Goal 5.2 on the elimination of all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party:**

**(a) Address the underlying causes of gender-based violence against women and develop specific measures to sensitize women and men, including from Roma, Ashkali and Egyptian communities, on the criminal nature of gender-based violence against women;**

**(b) Allocate adequate human, technical and financial resources to combat stereotyped attitudes and tolerance for gender-based violence against women within law enforcement institutions and establish mechanisms to anonymously report such acts and punish perpetrators;**

**(c) Take the necessary awareness-raising measures to combat any approach which gives preference to preserving the family over women's rights, ensure that reconciliation is not given priority over prosecution of perpetrators, and provide redress and reparation, including compensation and rehabilitation, to victims of all forms of gender-based violence against women;**

**(d) Continue its efforts to harmonize domestic legislation with the the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and ensure that criminal law provisions punishing gender-based violence against women are strictly enforced, including by providing capacity building to judges, prosecutors, the police and other law enforcement officers on the strict application of these provisions;**

**(e) Implement the possibility of issuing protection orders against abusive partners, ensure their enforcement and impose sanctions for non-compliance with protection orders;**

**(f) Ensure that perpetrators of gender-based violence against women are prosecuted and adequately punished with sentences that are commensurate with the gravity of their crimes and abolish the possibility of issuing any charges against the victim;**

**(g) Encourage reporting of domestic violence against women and girls, including by launching awareness-raising campaigns through media and public education campaigns and by increasing the number of well-trained and gender-sensitive judges and law enforcement officials, and ensure that reports are effectively investigated and victims provided with adequate assistance and protection;**

**(h) Ensure the availability of a sufficient number of adequate shelters in all regions of the State party and that victims receive counselling, rehabilitation and support services for their reintegration into society;**

**(i) Amend the relevant laws to specifically criminalize marital rape;**

**(j) Speedily adopt the proposed changes to article 204 (2) of the Criminal Code with a view to ensuring that the main element of the definition of rape is lack of fully voluntarily given consent by the victim;**

**(k) Expedite the entry into force of the law on the compensation of Victims of Violent Crimes and provide for a special fund for the compensation of victims of gender-based violence against women; and**

**(l) Align the methodologies for collecting and processing data among the relevant institutions**

#### **Trafficking and exploitation of prostitution**

24. The Committee notes with appreciation the efforts undertaken by the State party to address trafficking in women, including the increased funding for the Office for the Fight against Trafficking in Persons (OFTIP), the recent adoption of a plan of action for the implementation of the 2012-2018 anti-trafficking strategy, its increased cooperation with other States in combatting trafficking as well as the financial support for an NGO-run shelter for victims of trafficking. However, the Committee notes with concern:

(a) The absence of prosecutions or convictions under Article 444 (“trafficking in human beings”) of the Criminal Code in 2015 and 2016, and that several potential trafficking cases were tried as crimes carrying lighter penalties such as the penalty provided for brokering prostitution;

(b) That Roma, Ashkali and Egyptian as well as refugee and asylum-seeking, displaced and internally displaced women and girls and women and girls with disabilities are particularly vulnerable to becoming victims of trafficking;

(c) Reports on collusion of law enforcement officials in cases of trafficking;

(d) That State-provided services to assist victims of trafficking are inadequate and under-resourced; and

(e) The lack of clarity as to whether foreign victims of trafficking who are unwilling or unable to cooperate with the prosecution authorities have full access to victim assistance and protection measures.

**25. The Committee recommends that the State party ensure that all cases of trafficking in persons, especially women and girls, are effectively investigated and prosecuted and that the sentences imposed on perpetrators of trafficking-related crimes, including corrupt law enforcement officials, are commensurate with the gravity of those crimes. It also recommends that the State party provide effective protection to and address the specific vulnerability of Roma, Ashkali and Egyptian as well as refugee and asylum-seeking, displaced and internally displaced women and girls due to factors such as poverty, stigmatization and marginalization. The Committee further recommends that the State party ensure that all victims of trafficking have free and immediate access to shelters, medical care, psychosocial counselling, legal assistance and specialized rehabilitation and reintegration services, as well as temporary residence permits, irrespective of their willingness or ability to cooperate with the prosecution authorities.**

26. The Committee notes that pimping is prohibited in the State party. It notes with concern:

(a) That women in prostitution are often imposed fines or prison sentences, and are frequently separated from their children; and

(b) That the vast majority of women in prostitution are driven into it due to economic hardship or drug dependence.

**27. The Committee recommends that the State party:**

**(a) Decriminalize women in prostitution and discontinue the practice of separating mothers from their children based on the mother's involvement in prostitution;**

**(b) Address the root causes of prostitution, including poverty, discrimination and drug dependency;**

**(c) Carry out educational and awareness-raising measures targeted at the general public, in particular men and boys, to reduce the demand for prostitution. Such measures should place a particular focus on combatting all notions of subordination of women and all forms of objectification of women; and**

**(d) Allocate sufficient resources for exit programmes for women wishing to leave prostitution, including by providing alternative income-generating opportunities.**

### **Participation in political and public life**

28. The Committee notes the measures taken by the State party to increase women's political participation. It nevertheless notes with concern that women, including women belonging to minorities, continue to be underrepresented in public and political life. In this regard, it reiterates its concern raised in its previous concluding observations (CEDAW/C/MNE/CO/1, para. 22) that the Law for the Election of Councillors and Representatives providing for a 30 percent quota for women candidates on political parties' electoral lists does not require that every third rank on a list be given to a woman candidate. Furthermore, the Committee notes with concern that women's participation in political life is additionally hampered by the widespread patriarchal attitudes, as well as the rather limited public dialogue and media coverage on women's political participation.

**29. The Committee reiterates its previous recommendation (CEDAW/C/MNE/CO/1, para. 23 (a)) to review the quota of 30 per cent in the Electoral Law to ensure that in each group of three candidates, at least one candidate is a woman on political parties' electoral lists. Furthermore, the Committee recommends that the State party:**

**(a) Create an enabling environment for women's participation in political and public life, in particular as regards women belonging to minorities, including by raising awareness among political leaders and the general public that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women; and**

**(b) Strengthen capacity-building on political leadership and campaigning for women wishing to enter political life or hold public office and encourage the media to ensure that female and male candidates and elected representatives receive equal visibility in the media, especially during election periods.**

### **Education**

30. The Committee notes with appreciation that several elements on gender equality have been introduced into school curricula at the primary and secondary levels of education. However, it is concerned about:

**(a) The insufficient emphasis placed on dismantling traditional gender roles both in training for teaching staff as well as in educational materials;**

**(b) Sexuality education being insufficiently taught and does not cover the social relations of gender and the impact of patriarchal attitudes and discriminatory stereotypes on sexual relations;**

(c) The low literacy rate among women from the Roma, Ashkali and Egyptian community and the high dropout rates among these girls especially at the secondary level of education;

(d) The limited access to education for asylum seeking, refugee displaced and internally displaced girls;

(e) The concentration of girls in traditional fields of study; and

(f) The absence of gender studies in university education.

**31. The Committee recommends that the State party:**

**(a) Conduct capacity-building programmes for teachers at all levels of education with a view to changing existing stereotypical views and attitudes about the roles of women and men in the family and in society;**

**(b) Ensure the integration into the school curricula of mandatory, age-appropriate sex education, including education on sexual and reproductive health and rights, paying special attention to both the prevention of early pregnancies and sexually transmitted diseases, as well as patriarchal attitudes and violence;**

**(c) Adopt and implement further targeted policies and programmes, to overcome educational barriers faced by Roma, Ashkali and Egyptian, asylum-seeking, refugee displaced and internally displaced women and girls and take effective measures to retain them in school and increase their attendance at the primary and secondary levels;**

**(d) In line with Sustainable Development Goal 4.3 on ensuring equal access for all women and men to affordable and high-quality technical, vocational and tertiary education, including university education, give priority to eliminating traditional stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study, such as science, technology, engineering and mathematics, and provide girls with career counselling on non-traditional fields of study and career paths; and**

**(e) Facilitate the introduction of specialized master's and doctoral programmes in gender studies.**

**Employment**

32. The Committee appreciates the measures taken by the State party to address horizontal and vertical segregation in the formal employment sector, including via the Labour Law which is currently being additionally amended. However, it notes with concern:

(a) That the unemployment rate among women remains disproportionately high, in particular among women belonging to minority groups, such as Roma, Ashkali and Egyptian women, women with disabilities and trans women;

(b) The low representation of women in managerial positions and among business owners;

(c) The significant gender pay gap of 16 percent despite the adoption of the Law on equal pay for work of equal value, resulting in lower pension benefits and a higher risk of poverty for women as compared to men;

(d) The persistence and underreporting of discrimination against women in the labour market based on marital status and motherhood;

(e) The limited availability of affordable childcare facilities of adequate quality and the absence of non-transferable paternal leave, forcing many women to exit the labour force after giving birth, especially when their salary is too low in comparison to the cost of childcare; and

(f) The lack of information on cases where fathers have taken paternal leave.

**33. The Committee recommends that the State party create more opportunities for women to gain access to formal employment, including by adopting and implementing policies, with time-bound targets and indicators, to reverse discriminatory gender stereotypes in order to eliminate occupational segregation and achieve substantive equality of women and men in the labour market, including in traditionally male fields, through intensified technical and vocational training for women in those areas. It also recommends that the State party:**

**(a) Adopt measures to effectively implement the principle of equal pay for work of equal value and to narrow and close the gender wage gap, including by applying gender-neutral analytical job classification and evaluation methods and regular pay surveys;**

**(b) Develop a confidential and safe system for filing complaints relating to sex- or gender-based discrimination in employment, ensure that victims have effective access to such means of redress, and impose timely and commensurate sanctions for employers engaging in discriminatory practices; and**

**(c) Promote the equal sharing of domestic and family responsibilities between men and women, increase the number of adequate and affordable childcare facilities, as well as introduce non-transferable paid paternal leave and provide statistical information in its next periodic report on the number of fathers who have taken paternal leave.**

#### **Health**

34. The Committee notes with concern that:

(a) Services in maternity wards are inadequate with regard to hygienic conditions, access to pain relief, respect for privacy and adequate involvement in decisions;

(b) Women who are not in possession of identity documents, mostly Roma, Ashkali and Egyptian women and girls and refugee and asylum seeking women and girls, can only access emergency medical assistance; and

(c) The use of modern forms of contraception as well as the awareness about sexually transmitted diseases such as HIV/AIDS is very low, including among women and girls from the Roma, Ashkali and Egyptian community.

**35. The Committee recommends that the State party:**

**(a) Regularly monitor and significantly improve hygienic conditions, access to pain relief, respect for privacy and patients' adequate involvement in decisions in maternity wards;**

**(b) Ensure that women's access to basic health care is not dependent on the possession identity documents; and**

**(c) Make modern forms of contraception available to all women and girls, if necessary free of charge, and raise awareness on the prevention of unwanted pregnancies and sexually transmitted diseases, including HIV/AIDS, including among Roma, Ashkali and Egyptian women and girls.**

#### **Economic and social benefits**

36. The Committee is concerned about the economic repercussions on women who chose to opt for the benefits introduced by the amendments to the Law on Social and Child Protection in 2015, which were subsequently declared unconstitutional and void, a problem also acknowledged by the State party. It notes with concern that the

amendments were adopted without any prior gender impact assessments and reinforced women's traditional role as housewives and mothers by creating an incentive for them to leave the formal labour market, as the law promised lifelong benefits to mothers with three or more children. The Committee is particularly concerned that following the annulment of the law, women who had opted for such benefits will only receive them for a very limited period and are facing unemployment and a heightened risk of poverty.

**37. The Committee recommends that the State party establish a fund to support all women who have left their formal employment to opt for the benefits under the annulled 2015 amendments to the Law on Social and Child Protection in 2015 and who are experiencing difficulties to re-enter the workforce.**

#### **Rural women**

38. The Committee notes with concern that rural women, many of whom are elderly women carry a disproportionate burden of unpaid and physically challenging work, under difficult conditions, such as limited access to running water and/or electricity as well as child care facilities, and that rural women:

(a) Are particularly exposed to gender-based violence and have only limited access to justice, victim assistance and protection, as well as health care, social security and other basic services; and

(b) Are frequently excluded from political and public life, in particular from decision-making on rural development.

**39. The Committee raises the State party's attention to General Recommendation No. 34 (2016) on the rights of rural women. It recommends that the State party:**

(a) **Ensure that rural women engaged in unpaid work or in the informal sector have access to non-contributory social protection schemes in line with general recommendation No. 16 (1991) on unpaid women workers in rural and urban family enterprises;**

(b) **Introduce a system of mobile courts aimed at facilitating access to justice for women living in rural and remote areas and ensure that they have access to protection from gender-based violence, including a sufficient number of shelters, as well as to victim assistance, rehabilitation and reparation;**

(c) **Adopt gender-responsive social protection floors to ensure that all rural women have access to essential health care, childcare facilities, as well as income security, deploy mobile health units and enhance public transportation services in remote rural areas; and**

(d) **Ensure the free, effective and informed participation of rural women in political and public life, and at all levels of decision-making, including with regard to rural development, in line with general recommendations Nos. 23 (1997) Political and public life and 25 (2004) Article 4, paragraph 1, of the Convention (temporary special measures).**

#### **Women with disabilities**

40. The Committee is concerned that women with disabilities are exposed to high levels of discrimination in the State party. It particularly notes with concern:

(a) The insufficient consideration of the specific needs of women and girls with disabilities in laws and policies to promote gender equality, as well as in laws and policies for persons with disabilities, such as the Strategy for the Integration of Persons with Disability 2016 - 2020;

(b) That women with disabilities are frequently deprived of access to sexual and reproductive health and rights, as well as of parenthood and may have their children taken away from them; and

(c) The disproportionately high risk of poverty among women with disabilities due to their very low employment rate because their earnings and/or the benefits they receive are frequently shared or entirely used by their families.

**41. The Committee recommends that the State party:**

(a) **Ensure that the specific needs of women and girls with disabilities are systematically taken into consideration, e.g. through impact assessments, in the formulation and implementation of laws and policies to promote gender equality and those for persons with disabilities;**

(b) **In line with the Programme of action on the International Conference on Population and Development Programme of Action and the Beijing Platform for Action and the outcome documents of their review conferences, ensure that women with disabilities have the right to choose the number and spacing of their children, as well as the right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence;**

(c) **Ensure that children are not taken away from their mother based on the mother's disability and that, if needed, community services assist the mother in child-rearing; and**

(d) **Raise awareness about the importance of economic autonomy for women with disabilities, establish appropriate procedures enabling women with disabilities to claim their earnings and/or benefits in case these are taken away from them by family members, and ensure that benefits are directly transferred to women with disabilities rather than to their family members.**

**Roma, Ashkali and Egyptian women**

42. The Committee notes the measures taken by the State party to improve the situation of Roma and Egyptian women and girls, who are frequently exposed to intersecting discrimination and pervasive levels of poverty. In this regard it also notes with concern the particularly dire situation of Roma, Ashkali and Egyptian women and girls living in the refugee camps in Konik and who are exposed to a lack of basic services and infrastructure. It notes with concern that the measures taken by the State party remain inadequate and that they are not supported by sufficient political will to effectively address discrimination against and marginalization of Roma, Ashkali and Egyptian women.

**43. The Committee recommends that the State party:**

(a) **Adopt targeted measures, including temporary special measures, to combat intersecting forms of discrimination against Roma, Ashkali and Egyptian women and girls, including in education, employment and health care;**

(b) **Develop specific poverty alleviation and social inclusion programmes for Roma, Ashkali and Egyptian women; and**

(c) **Continue to strengthen its efforts to improve the situation in the refugee camps in Konik and take measures towards integrating persons living in the camps into the communities.**

**Women in detention**

44. The Committee notes with concern that there is only one prison for women in the State party, where women in pre-trial detention are not separated from convicted women, including those serving long sentences for serious crimes. It is concerned that the long distances for travelling to the prison deprives many incarcerated women

of regular contact with their children or other members of their family if they live in other parts of the State party. It furthermore notes with concern:

(a) Reports of gender-based violence, including sexual harassment and/or assault, against female prisoners by male penitentiary staff; and

(b) The limited access for female prisoners to literacy and educational programmes, drug dependence treatment, and reinsertion programmes.

45. **The Committee recommends that the State party allocate the necessary resources to implement the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (“the Bangkok Rules”), as well as:**

(a) **Ensure that all staff, including male staff in detention facilities receive mandatory training on women’s rights and gender-sensitive behaviour, that the number of female staff is significantly increased, and that women in detention have confidential and effective access to independent judicial and other complaint bodies outside the prison system as well as to closed complaint boxes in prisons;**

(b) **Open additional women only detention facilities throughout the State party and ensure that women with children are placed in a facility within a reasonable distance to the home of their children; and**

(c) **Offer adequate literacy and educational programmes, drug dependence treatment, remunerated work and reinsertion programmes to women in detention.**

#### **Lesbian, bisexual and transgender women**

46. The Committee notes the measures taken by the State party to address discrimination against lesbian, bisexual and transgender (LBT) women, including the Strategy for improvement of quality of life of LGBT people 2013-2017 and the prohibition of discrimination based on “sexual orientation and gender identity” in the Law on Prohibition of Discrimination (LPD) and the Law on Gender Equality (LGE). However, it is concerned about the severe discrimination and gender-based violence against LBT women, widely considered diseased by society. It is also concerned about the legal requirement for transgender persons to undergo surgical intervention in order to obtain legal recognition.

47. **The Committee recommends that the State party raise awareness to combat discrimination, including common misperceptions about lesbian, bisexual, transgender women. It further recommends that the State party:**

(a) **Apply a zero-tolerance policy with respect to discrimination and violence against LBT women including by prosecuting and adequately punishing perpetrators; and**

(b) **Facilitate the procedure for legal recognition of a sex change, including by removing the requirement to undergo sterilization.**

#### **Marriage and family relations**

48. The Committee notes with concern that judges rarely take gender-based violence against the mother in the domestic sphere into account when deciding child custody cases, despite the recent amendment to article 363 of the Family Law stipulating that due consideration shall be given to the safety of the child and the victim in such cases. The Committee also notes with concern:

(a) The lack of information exchange between the misdemeanour court and the judges hearing family law cases in the first instance courts, which results in judges being unaware of the existence of a protection measure; and

(b) Several instances where judges reportedly expressed concern that a woman may fabricate allegations of domestic violence to influence decisions on child custody and visitation rights, as well as the increase in society of defamatory attitudes undermining the credibility of women victims of gender-based violence by portraying them as manipulative and dishonest.

49.. **The Committee recommends that the State party:**

(a) **Ensure that the judiciary receive adequate mandatory training on the requirement to take gender-based violence into account in child custody cases to give priority to prosecution of crimes over family reconciliation in order to adequately punish gender-based violence against women and prevent its recurrence;**

(b) **Ensure that experts on gender-based violence against women are systematically heard in child custody proceedings;**

(c) **Take the necessary measures to ensure systematic exchange of information between the competent misdemeanour courts and family courts on existing or past protection measures in family law cases;**

(d) **Raise awareness to dismantle sexist stereotypes among the judiciary and ensure that judges who express such views receive appropriate disciplinary sanctions; and**

(e) **Combat defamation and hate speech against women, including by applying defamation legislation, as appropriate.**

#### **Economic consequences of divorce and separation**

50. The Committee is concerned about the particularly difficult economic conditions of single mothers, who often receive no alimony from the child's father, and about the insufficient support provided to them by the State party and its frequent failure to enforce alimony payments. In this regard it also notes with concern that a mother who does not receive alimony payments by the father is required to formally sue the father in order to be eligible to receive social benefits instead.

51. **The Committee recommends that the State party allocate adequate human, technical and financial resources to provide support to single mothers and to establish and enforce an efficient mechanism to secure and monitor the regular and timely payment of alimony as well as to facilitate the procedure for mothers to obtain social benefits if the father does not comply with his alimony debt.**

52. The Committee notes with concern that:

(a) The definition of marital property in Article 288 seems narrow and excluding of intangible assets such as accrued pension rights and other work-related benefits in addition to future earning capacity, as well as does not adequately address gender-based economic disparities between spouses resulting from traditional work and family-life patterns that often lead to men benefiting from an enhancement of their human capital and greater earning potential, whereas women often experience the reverse;

(b) Although the law provides for community property regime that equally divides property acquired during marriage upon divorce, women are nevertheless required to prove their actual monetary contribution to the acquisition of property; and

(c) Article 294 allows for unequal division of the joint property in cases where one spouse can prove that his/her contribution has been higher, which constitutes a disposition which according to recent research is detrimental for women for the same reasons as explained in 54 (b).

53. The Committee draws the State party's awareness to General Recommendation No. 29 (2013) on economic consequences of marriage, family relations and their dissolution and recommends that the State party:

(a) Revise the definition of matrimonial property so that a marital right would include pension rights and other work-related benefits, in addition to future earnings and adopt other legal measures as may be necessary to redress economic disparities between men and women upon the dissolution of marriage, including, in particular, recognizing all career-related assets (i.e. earning potential, personal goodwill and enhanced human capital) as part of the marital assets to be distributed between the spouses upon divorce or taken into account in the award of post-divorce periodic payments; and

(b) Ensure the legally accurate enforcement of a joint property regime upon the dissolution of marriage, by abolishing any requirement for women to prove their share in and contribution to such joint property as well as abolish the possibility for unequal sharing of joint property, as well as adopt the legal measures necessary to guarantee that women living in de facto relationships have economic protection, by recognizing their rights to the property accumulated during the relationship

#### **Data collection and analysis**

54. The Committee notes with appreciation the collection and compilation of sex-disaggregated data in the context of the publication "Women and Men in Montenegro in 2016". It is concerned, however, that methodologies for data collection have not been fully aligned across the different sectors and institutions and that proper electronic data collection systems are lacking in various sectors.

55. The Committee recommends that the State party strengthen the collection, analysis and publication of sex-segregated statistical data, with a special emphasis on women's access to education, employment and health, women's economic situation as well as on gender-based violence against women, in particular by modernizing and aligning its methodologies of data collection and regularly exchanging data in between sectors and institution with a view to conducting comprehensive data analysis to inform policy making.

#### **Amendment to article 20 (1) of the Convention**

56. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

#### **Beijing Declaration and Platform for Action**

57. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

#### **2030 Agenda for Sustainable Development**

58. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

#### **Dissemination**

59. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.

#### **Ratification of other treaties**

60. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to which it is not yet a party.

#### **Follow-up to concluding observations**

61. The Committee requests the State party to provide, within [timeframe], written information on the steps taken to implement the recommendations contained in paragraphs 21 (c); 37; 43 (c); 53 (b) above.

#### **Preparation of the next report**

62. The Committee requests the State party to submit its third periodic report, which is due in July 2021. The report should be submitted on time and cover the entire period up to the time of its submission.

63. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).

---

# **The Third Periodic Report of Montenegro on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women**

## **INTRODUCTION**

Pursuant to Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, States Parties undertake to submit a report to the UN Secretary-General on the legislative, judicial, administrative, and other measures they have adopted in order to implement the provisions of this Convention and on the progress made during that period.

After a legal succession procedure, Montenegro has acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Initial Report of Montenegro (CEDAW/C/MNE/1) was considered by The Committee on the Elimination of All Forms of Discrimination against Women at its meetings no.1002 and 1003 (CEDAW/C/SR.1002and1003), held on October 6, 2011.

After consideration of the Initial Report, the conclusions of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW/C/MNE/CO/1) were submitted to the Government of Montenegro. In addition, the CEDAW Committee identified certain areas for which Montenegro was obliged to submit, within two years, information on additional measures taken to improve the implementation of the Convention, in accordance with the Committee's recommendations contained in paragraphs 19 to 23. Report on compliance with CEDAW recommendations of the CEDAW Committee (contained in paragraphs 19 to 23 of the List of Issues and Questions CEDAW/C/MNE/Q/1/Add.1) was adopted by the Government of Montenegro at its session held on January 30, 2014, and submitted to the Committee.

The delegation of the Government of Montenegro presented the Second Periodic Report of Montenegro on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/MNE/2) during the 67th regular session of the UN Committee on the Elimination of All Forms of Discrimination against Women, at the meetings no. 1512 and 1513 (CEDAW/C/SR.1512 and 1513), held on July 11, 2017.

All members of the Montenegrin delegation took part in the discussion with the members of the Committee, and the participation and engagement of the entire delegation were assessed as positive. Efforts to make progress so far had been supported, adding that the Committee's Concluding observations will be a clear indicator of the future engagement of the Government and all other stakeholders in the country.

Non-governmental organizations Center for Women's Rights, Safe Women's House, SOS Hotline for Women and Children Victims of Violence Niksic, Center for Roma Initiatives, Spektra, Juventas, and Queer Montenegro submitted the so-called “shadow reports”.

The CEDAW Committee submitted to the Ministry for Human and Minority Rights its Concluding Observations and Recommendations (CEDAW/C/MNE/CO/2), dated 21 July 2017, regarding the Second Periodic Report on the Implementation of CEDAW, which requested information on the implementation of urgent recommendations 21c, 37, 43c and 53b to be submitted within two years. The Government adopted the Report of Montenegro on the Implementation of the Urgent Recommendations of the CEDAW Committee at its session held on July 4, 2019.

Montenegro was obliged to submit the Third Periodic Report to the CEDAW Committee in July 2021.

The process of drafting the Third Periodic Report was coordinated by the Directorate for Gender Equality of the Ministry of Justice, Human and Minority Rights, which received expert assistance through the UNDP Office in Montenegro. At the beginning of the work on the Draft Report, the following were invited to contribute: the Gender Equality Committee of the Parliament of Montenegro, all line ministries in the Government of Montenegro and other administrative bodies, as well as the judiciary, public prosecutor's office, Protector of Human Rights and Freedoms and 36 non-governmental organizations. international organizations with an office in Montenegro. After Draft no. 3 of the Periodic Report was produced, it was submitted to all stakeholders for their comments, and a consultative meeting was organized. The comments and suggestions received were incorporated into the Draft Report.

The Government of Montenegro considered and adopted the Third Periodic Report at its session held on September 23, 2021, and subsequently sent it to the CEDAW Committee.

## **PART I**

Report on meeting the recommendations based on the Concluding Observations of the Committee on the Elimination of Discrimination against Women from 2017, including additional recommendations related to paragraphs 21 (c), 43 (c), and 53 (b) from 2020.

*Key recommendations:*

### **1. Recommendation 7. CEDAW/C/MNE/CO/2 – The Parliament**

At its session held on November 10, 2017, members of the Gender Equality Committee (Committee) acquainted themselves with the content of the Concluding Observations and Recommendations of the CEDAW Committee on the Second Periodic Report of Montenegro and took the position that it would monitor the implementation of the recommendations received. The Committee immediately informed the OSCE/ODIHR Working Group on the Implementation of Electoral Legislation (working to improve electoral legislation) with the recommendations contained in paragraphs 28 and 29 of the Second Periodic Report.

Examples of good practices related to introducing gender equality principles into public policies, plans, and budgets were presented at the Committee meetings. Several consultative hearings and thematic sessions dedicated to the issues of violence against women, women's entrepreneurship, the position of Roma women and Egyptian women (RE), rural women, women with disabilities, medically assisted insemination, etc., were held. Special attention was also paid to the implementation of UN Security Council Resolution 1325 – Women, Peace, Security and the role of women in armed Forces and police, as well as the economic empowerment of women. The Committee worked on establishing regional and international cooperation, activities in the context of the control function of the Parliament, which relate to monitoring the implementation of the Law on Gender Equality, other laws, as well as international documents regulating the field of gender equality.

During the reporting period, the Committee organized seven sessions of the Women's Parliament (WP).

(Annex 1)

### **2. Recommendation 9. CEDAW/C/MNE/CO/2 – Visibility of the Convention**

All courts have been familiarized with the content of the Convention, which is the subject of this Report, as well as with the recommendations of the CEDAW Committee from July 2017.

As part of the Continuing Professional Development Program for Judges and Public Prosecutors, the Center for Training in Judiciary and State Prosecution Service (CTJSPS) conducts training on women's human rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and other national and international legal documents related to the protection of women, protection against discrimination, human rights, and gender equality.

The initial training curriculum for candidates for judges and state prosecutors provides training on the Istanbul Convention. Since the year 2021, the CTJSPS Program Council has included the topic of Women's Rights and Gender Equality with special reference to CEDAW in the Curriculum.

In cooperation with non-governmental and international organizations, the CTJSPS organized a total of 23 trainings on these topics between June 2017 and June 2021. The trainings were attended by over 300 professionals (judges, state prosecutors, misdemeanor judges, court advisors, advisors in the State Prosecution Office, candidates for judges, candidates for state prosecutors). (Annex 2)

The training on access to justice for persons with disabilities (PWD) for attorneys-at-law, judges, and prosecutors was organized by the Association of Youth with Disabilities of Montenegro. The goal of the training was to improve cooperation, with the aim to, among other things, improve the quality of life of PWDs, improve the institute of free legal aid for PWDs, provide reasonable and procedural accommodations, and prevent discrimination in proceedings before competent authorities.

The handbook titled “Domestic Violence – A Review of International Standards and Jurisprudence of the European Court of Human Rights” was prepared by the Supreme Court of Montenegro in cooperation with the AIRE Center in order to empower those who combat domestic and gender-based violence.

Within the European Union and the Council of Europe cooperation initiative “Horizontal Facility for the Western Balkans and Turkey,” a Gender Analysis has been developed with the aim to mainstream the gender dimension and significantly strengthen the inclusion of European standards on anti-discrimination and gender equality in the judiciary in Montenegro. The analysis was produced in the context of the project titled “Accountability and Professionalism of the Judicial System in Montenegro” and resulted in a series of recommendations related to the strategic approach to gender equality in the judicial system, as well as institutional arrangements to ensure gender parity and anti-discrimination in judicial institutions. The analysis also pointed to the trend of feminization of the judicial profession in Montenegro and the existence of a “glass ceiling” that must be addressed at the strategic level, among other things, through a proactive relationship between professional associations of judges and prosecutors, policy development, prevention of sexual harassment in the workplace, and gender-sensitive budgeting in the judiciary.

In 2020, the Institution of the Protector of Human Rights and Freedoms (the Protector) strengthened the workforce capacities of the Department for Prohibition of Discrimination, Minority Rights and Gender Equality, with an officer assigned to the position of Senior Advisor for the Protection of Persons with Disabilities. This employee is a person with disabilities. However, it is necessary to further strengthen the capacities of this Department in order to combat negative social phenomena in the most effective manner and to further promote equality, especially gender equality.

### **3. Recommendation 11. CEDAW/C/MNE/CO/2 – Legal framework for the prohibition of discrimination against women**

The annual reports on the work of the Protector of Human Rights and Freedoms indicate that very few people file complaints related to sex- and gender-based discrimination, so this can be interpreted as meaning that women and people of different gender identities are still not sufficiently aware of their rights and that it is necessary to work on informing and empowering them to reach out to the Protector and the courts of law in case of discrimination. According to the annual reports on the work of the Protector, 155 cases were processed during 2018. During the year 2019, there were 141 cases in the field of protection against discrimination and violation of the right to equality. Of these cases, 29 were in 2018, 26 in 2019, while in the year 2020 – there were 11 cases related to gender-based discrimination or discrimination based on marital and family status. (Annex 3)

In the last four years, a total of 21 proceedings related to discrimination have been initiated before Montenegrin courts, with 5 lawsuits in 2016, 9 lawsuits in 2017, 6 lawsuits in 2018, and 1 lawsuit filed in 2019. The Supreme Court of Montenegro reported that in 2020, no proceedings were initiated on lawsuits to establish discrimination on the grounds of gender.

There is no consolidated database on cases of discrimination in Montenegro – the one which would include methodologically comparable data, i.e., contain data from courts, state prosecutor's offices, misdemeanor authorities, the Police Directorate and the Directorate for Inspection Affairs on initiated proceedings and decisions related to cases of discrimination.

The Ministry of Justice, Human and Minority Rights (MJHMR), formerly the Ministry for Human and Minority Rights, has been implementing cycles of education and training programs in the field of protection against discrimination for many years, based on the “Curriculum for Education of Civil Servants, Holders of Judicial Functions and Employees in Other Bodies, Organizations and Institutions that Come into Contact with Cases of Discrimination.” For more than eight years in a row, a media campaign on the prohibition of discrimination and the affirmation of anti-discriminatory behavior has been conducted (media campaign in the Montenegrin and Albanian languages, flyers in Braille...). (Annex 4)

Formerly the Department for Gender Equality within the Ministry for Human and Minority Rights, and now the Directorate for Gender Equality within the Ministry of Justice and Human Rights (the Directorate), has limited financial and human resources. It is necessary to improve financial and human resources for the work of the Directorate in order to strengthen its capacity to formulate, implement, advise, coordinate, and monitor the preparation and implementation of legislation and policies in the field of gender equality. It is necessary to provide more substantial funds for the work of the Directorate since the process of gender mainstreaming still largely depends on donors.

Despite all the challenges that the Directorate is encountering, it is evident that the results of its work on changing the context and strengthening women's rights in Montenegro are being felt. Also, the Directorate has established good cooperation with institutional mechanisms for achieving gender equality in the region (it is a member of the “Balkan Region” network established by parliamentary and governmental mechanisms of Bosnia and Herzegovina, North Macedonia, Serbia, Croatia, and Montenegro), the European Institute for Gender Equality,

equality, the Council of Europe – Commission on Gender Equality (GEC), the OSCE Mission, the UNDP Office, and the EU Delegation to Montenegro.

The Committee worked on establishing regional and international cooperation, on activities in the context of the control function of the Assembly, which relate to monitoring the implementation of the Law on Gender Equality, other laws, as well as international documents regulating the field of gender equality. As part of the Regional Parliamentary Program implemented by the Westminster Foundation for Democracy (WFD), the Committee conducted post-legislative oversight of a number of articles of the Law on Amendments to the Law on Gender Equality. As of September 21, 2020, the report is available on the website of the Parliament of Montenegro.

The practice of the Parliamentary Committee has shown that its position in the legislative process is not completely regulated. The competencies defined at the level principle do not reflect the multisectoral nature of the area covered by this working body.

It is worth emphasizing the good cooperation of the Directorate with the Committee with which it regularly exchanges information, cooperates in the implementation of projects and informs the Committee about the adopted documents and implemented activities at its sessions.

In 2020, the NGO SPES implemented the project “Research on the knowledge and application of the Law on Gender Equality in the Institutions of Montenegro” thanks to the financial support of the MJHMR and the support of the Committee in the part related to information collection activities.

#### **4. Recommendation 13. CEDAW/C/MNE/CO/2 – National Mechanisms for the Advancement of Women**

Following the amendments of the Rules of Procedure of the Parliament of Montenegro, the Committee now has 13 instead of 11 members. The budget of the Parliament of Montenegro does not stipulate the funds planned for the work of each permanent working body, so the funds planned for the work of the Committee cannot be known. However, funds for specific activities are approved at the request of the Committee.

The Committee also receives support from international organizations when it comes to the implementation of certain activities. Thus, with the support of the OSCE Mission to Montenegro, it prepared the Action Plan for the Gender Responsive Parliament of Montenegro for the period 2016–2018, evaluated the implementation of this Action Plan, and currently works on the preparation of the Action Plan for the Gender Responsive Parliament of Montenegro for the period 2022–2024.

Information on the Directorate is provided in response to Recommendation 11.

Towards the end of 2020, the UNDP Office in Montenegro financed the preparation of the study titled “The Work of Institutional Mechanisms for Achieving Gender Equality in Montenegro in the Period 2010–2020”.

Since 2017, 106 national and local level focal points who deal with gender equality-related issues, as well as 13 contact persons in the media, have been continuously undergoing training.

At the local level, Decisions on Gender Equality have been adopted in 18 municipalities, while 10 municipalities have adopted local Action Plans for Gender Equality. Special funds for the implementation of activities in the field of gender equality have been allocated in the budgets of seven municipalities. Local LGBT action plans have been adopted in several municipalities. There is also a network of contact points for LGBT-related issues in local self-governments, consisting of representatives of 17 municipalities.

National and local level civil servants undergo numerous trainings organized by the Directorate for Gender Equality and relevant institutions with the support of international organizations and partners (UNDP, OSCE Missions, WFD, Council of Europe, ERBD, etc.). The effects of these trainings are significantly diminished due to relatively frequent turnover of staff who have undergone training, without adequate transfer of knowledge and experience from those leaving their positions to the newly appointed civil servants.

Analysis of the level of gender mainstreaming of national public policies performed in 2020 for the purpose of adopting a new strategic document for gender equality for the period 2021–2025 indicates that of the 97 strategic documents that were the subject of analysis, 26 of them, or

26.8%, treat the issue of gender equality, while 73.2% of national sectoral strategic documents do not in any way address the issue of gender equality.

The evaluation of the implementation of the third Action Plan for Achieving Gender Equality in Montenegro 2017–2021 (APAGE) showed that it: partially influenced the promotion of gender equality in Montenegro; had shortcomings when it comes to a participatory approach; insufficiently articulated the problems of end beneficiaries; remained burdened with a large number of areas without the necessary prioritization and lacked coherence; was formulated without prior assessment of the available budgetary funds, and that most of the planned activities had been implemented. However, it was impossible to measure their effects because the indicators were poorly defined, rather limited in their formulation, oriented towards numerical values and virtually unusable for description and analysis of implemented activities. Yet another conclusion was that the report was hard to comprehend and too exhaustive, without a sufficient number of useful indicators. (Annex 5)

In July 2020, the Government of Montenegro adopted the National Strategy for Gender Equality (NSGE) 2021–2025. The NSGE provides three operational objectives and contains a proposal of the budget for the implementation of the 2021–2022 Action Plan in the amount of 402,700 EUR.

The strategic planning system in Montenegro is based on the Regulation on the Manner and Procedure for Drafting, Aligning and Monitoring the Implementation of Strategic Documents (“Official Gazette of Montenegro,” No. 54/2018), which stipulates minimum quality criteria for each strategic document adopted by the Government of Montenegro. (Annex 6)

#### **5. Recommendation 15. CEDAW/C/MNE/CO/2 – Non-governmental organizations**

The Strategy for Improving Enabling Environment for the Activities of NGOs 2018–2020 (the Strategy) has been implemented since January 2018. Its implementation has been monitored by the Ministry of Public Administration and the Council for Cooperation between State Administration Bodies and Non-Governmental Organizations (NGOs). (Annex 7)

The key achievements of the Strategy relate to the adoption of a new Regulation on the election of NGO representatives to working bodies of state administration bodies and conducting public hearings during the preparation of laws and strategies, which defines in more detail standards for conducting public consultations; and defining and applying a new Methodology for

monitoring and reporting, which regulates the participation of the interested members of the public in the processes of creating and implementing public policies. Its application provides more precise insight into the procedure and methods of conducting public consultations, as well as information on their effects.

The e-Participation service has been improved, allowing citizens to participate in public consultations and discussions online.

With the support of SIGMA/OECD, a Methodology for measuring the impact of NGOs in the creation and implementation of public policies was prepared. It represents a novel approach in monitoring the quality and deeper effects of consultations.

From 2018, pursuant to the Law on Non-Governmental Organizations (“Official Gazette of Montenegro,” No. 039/11 and 037/17), the Ministry for Human and Minority Rights has been allocating funds for financing NGO projects/programs for the following five areas: Protection and promotion the human rights of Roma and Egyptians; Protection and promotion of human and minority rights – Protection and promotion of the rights of LGBT persons; Protection against discrimination of persons with disabilities; Development and improvement of the rights of minority peoples and other minority national communities; and Gender equality (over 3.65m EUR have been allocated within three years). Based on three public competitions for the allocation of funds to non-governmental organizations for the implementation of projects in the field of gender equality, the Ministry for Human and Minority Rights granted 171,000 EUR, 290,000 EUR and 171,000 EUR to projects “Towards Gender Balance in Montenegro,” “The Key is in the Hands of Women,” “For a Stronger Society in Terms of Gender Equality” respectively.

#### **6. Recommendation 17. CEDAW/C/MNE/CO/2 – Temporary special measures**

In addition to its members, the Committee has also been inviting members of other permanent working bodies and employees in the parliamentary service to all seminars/workshops, so that as many persons as possible could acquire knowledge about gender equality and temporary special measures.

The Directorate itself has organized a number of seminars/workshops on gender equality in education, media, at the local level, the role of women in contemporary society and the like. (Annex 8)

During 2019 and 2020, UNDP and Human Resources Management Administration worked intensively on public administration capacity building. An accredited training program had been delivered for 24 gender equality trainers from public administration who received certificates upon successful completion.

MJHMR and the Capital City of Podgorica organized a one-day training for journalists titled “Journalist's pen on gender equality” and a mini-workshop “Measuring gender sensitivity of the media” (November 2018).

Campaigns play an important role in promoting the introduction of special measures as they are aimed at increasing information and raising public awareness about the prevalence and consequences of gender-based violence, especially in the contexts of “16 days of Activism against Gender-Based Violence”, the International Day of Women Entrepreneurs, and International Day of Rural Women.

#### **7. Recommendation 19. CEDAW/C/MNE/CO/2 – Stereotypes and discriminatory practices**

The Law Amending the Law on Prohibition of Discrimination was adopted in June 2017. The amendments improved the provision regulating discrimination based on gender identity, sexual orientation and/or intersex characteristics, with Article 19 stipulating that any discrimination, unequal treatment or unequal position of a person or group of persons on the basis of gender identity, sexual orientation and/or intersex characteristics shall be considered discrimination.

The Law also prescribes relatively high fines (1,000–20,000 EUR for a misdemeanor committed by a legal entity; 500–2,000 EUR for a misdemeanor committed by a responsible person in a legal entity, state body, state administration body, local self-government body and local government; 300–6,000 EUR for a misdemeanor committed by an entrepreneur, and from 50–2,000 EUR for a misdemeanor committed by a natural person).

Public opinion polls were conducted on the level of discrimination against persons with disabilities and the degree of social distance compared to other vulnerable groups in Montenegro. These activities were implemented by NGOs with the financial support of the MJHMR. (Annex 9)

In cooperation with the WFD, in the context of the initiative “Discriminated Women – Coming Back from the Margins” two webinars were organized in Montenegro on July 27 and 28, 2020. Gender equality during the global pandemic, the role of the media in reporting on the needs of vulnerable groups, particularly marginalized women, as well as the journalists’ code, were the main topics during these webinars that brought together representatives of 16 media, trainers, and experts from the Media Institute Montenegro and the region.

In June 2020, the NGO Center for Democracy and Human Rights (CEDEM) conducted a survey “Coverage of gender equality in the media,” the findings of which indicated to which women are less represented in the media than men, making up only 13% of the total corpus analyzed. Men were 38% more represented in media reports than women, and less than 1% of media content addressed the issue of gender equality. The number of reports speaking affirmatively about women is extremely low, making up only 9% of the total analyzed corpus. (Annex 10)

#### **8. Recommendation 21. CEDAW/C/MNE/CO/2 - Child and/or forced marriage**

The Law Amending to the Criminal Code of Montenegro (“Official Gazette of Montenegro” No. 44/2017) introduced a new form of committing the criminal offense of concluding a void marriage (regulated by Article 214), in the case when a person is incited or taken abroad in intent to enter into marriage by force or threat. (The provision can be found in Annex 11).

In 2017, in order to enhance the protection of children from violence, the Ministry of the Interior (MoI) was supported by UNICEF to adopt the Guidelines for the actions of competent institutions in cases of recognition and prosecution of child marriages and extramarital unions, with clearly defined operational procedures. The guidelines provide recommendations to the competent institutions and employees related to taking action in situations related to the occurrence of child marriages. The document also contains a series of steps that each of them should take when they learn that a child entered a union.

In these cases, the police must act urgently, cautiously and with due care, similar to other cases involving children. In case of learning about the occurrence of child marriage, the center for social work and possibly the Office for Combating Trafficking in Human Beings (if there is a suspicion that the child is a victim of trafficking in human beings) will be informed. The police officer is obliged to inform the victim about the possibility of placement in a shelter, the

possibility of obtaining free legal aid, as well as the about their right to choose a person to accompany them during all procedures and actions related to protection (confidential person).

One of the measures in the 2019 Action Plan for the implementation of the Strategy for Combating Trafficking in Human Beings provides for the organization of training of Roma mediators and peer educators on the risks of sexual and economic exploitation. This activity was not implemented, despite the fact that it was important to have mediators in the education and health systems familiarized with the specifics of the problem and early detection of child marriage. For this reason, there are no cases of child marriage identified and reported by mediators (there was only one case when the mediator, working with the primary school in Bar, reported the case of a girl who tried to enter into a child/arranged marriage at the request of her parents).

In March 2020, the Government of Montenegro launched the “Children are children” campaign in cooperation with the Ministry of Labor and Social Welfare (now the Ministry of Finance and Social Welfare - MFSW), MoI, Police Directorate and NGO Center for Roma Initiatives (CRI). The campaign was financially supported by the British Embassy and covered 12 Roma and Egyptian settlements in the four Montenegrin cities – Niksic, Podgorica, Berane, and Tivat. (Statistics are available in Annex 12)

This kind of approach to the campaign resulted in the reporting of 7 cases that were processed by the competent authorities. A large number of direct beneficiaries were also included and offered the opportunity to get acquainted with the ways and possibilities of reporting a child and arranged marriage.

CRI data indicate that state bodies usually do not undertake measures and actions on their own initiative to identify, process and file a bill of indictment, i.e. indictment for criminal offenses entailing the elements of arranged child marriage (field checks, effective preliminary investigation and investigation work, operational findings, measures for detection of criminal offenses etc.).

In cooperation with the Ministry of the Interior, the Police Directorate, the Roma Council and non-governmental organizations, the MJHMR has continuously implemented trainings/campaigns in all Roma and Egyptian settlements in Montenegro on topics such as

combating child marriage, human trafficking, begging, and domestic violence. On that occasion, flyers in Montenegrin, Romani and Albanian were distributed.

In cooperation with the Roma Council, CRI and the NGO “Phiren amenca – Walk with us”, MJHMR organized winter and summer camps for the best Roma and Egyptian students (from the 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> grades of primary school), during which workshops on combating domestic violence and arranged child marriages. (statistics available in Annex 13)

According to the CRI, the competent authorities initiated proceedings against parents who arranged early child marriages only in cases where the perpetrators in the proceedings admitted committing this criminal offense, that is when they admitted that they had received money for concluding a child contracted marriage. The reason behind this practice is reflected in the lack of legal grounds for prosecuting parents solely based on the knowledge about the preparation of this act. Therefore, improving the legislation in this aspect should be considered.

The Multiple Indicator Cluster Survey in Montenegro (MICS), conducted by the Statistical Office of Montenegro (MONSTAT) in 2018 as part of the global MICS program showed the following: when it comes to the general population, the share of women aged 20–24 years who married before the age of 15 was very low (2%) while there were no men aged 20–24 years who married before the age of 15. At the same time, 18, 8% of women and 1% of men aged 20–49 married before the age of 18. The findings indicate a negative correlation between the levels of education and economic status and entering into marriage before the age of 18. MICS has also shown that when it comes to the RE population living in Roma settlements in Montenegro – a total of 23% of women and 6% of men aged 20–24 years were married before the age of 15; 55% of women and 25% of men aged 20–49 years entered into before the age of 18.

There is still no legislative initiative to set the minimum legal age for marriage at 18 years.

#### **9. Recommendation 23. CEDAW/C/MNE/CO/2 - Gender-based violence against women**

The 2017 amendments harmonized the Criminal Code of Montenegro (CC) (“Official Gazette of Montenegro,” No. 44/2017) with the provisions of the Istanbul Convention (the Amendments to the CC are provided in Annex 14). Thus, the acts of female genital mutilation (new Article

151a) and forced sterilization of another person in order to prevent their reproduction (new Article 151b) were incriminated.

Stalking is introduced as a new criminal offense (Article 168a), with special forms of this offense committed against a former spouse or common-law partner, a minor, a pregnant woman, or a person with a disability. The legislator also prescribed two qualified forms depending on the consequence that occurred, the danger to the life, health, or body of another person or a person close to them, or the death of the stalked person or a person close to them.

Changes were made in the definition of the criminal offense of rape (Article 204), in such a way that any sexual act without consent was incriminated (with the retention of the criminal offense of rape for the occurrence of which the use of coercion is necessary). A new form of committing the criminal offense of concluding a void marriage has also been introduced (regulated by Article 214), in the case when a person is incited or taken abroad with the intention of entering a marriage by force or threat. Attempted abuse or treatment of another in a manner that offends human dignity (Article 166a) is now stipulated as punishable.

Penalties for the criminal offense of domestic violence in the family or in the family community have also been increased (Article 220). When it comes to the basic form of this criminal offense, the sentence has been increased from one to two years of imprisonment. When it comes to violating the measure of protection from domestic violence ordered by a court or other state body, the law stipulates imprisonment of up to one year, instead of six months, as was the case with the previous iteration of the law.

Particularly vulnerable categories of persons (children, persons with disabilities, pregnant women, the elderly, refugees) have been additionally protected (Article 183, amended), in such a way that where a criminal offense is committed against a person who belongs to this group, it will be prosecuted ex officio (criminal offenses: breach of the inviolability of the dwelling, violation of the secrecy of correspondence and other parcels, unauthorized wiretapping and recording, unauthorized photography, unauthorized publication and showing of another persons' documents, portraits, and recordings, unauthorized collection and usage of personal data, violations of the right to lodge a legal remedy).

The CC (Article 220, paragraph 5) imperatively prescribes criminal liability of whoever violates the protection measures against domestic violence imposed on him by a court or another state authority under law.

A new Protocol on the Prevention and Treatment of Cases of Domestic Violence was developed, and its implementation started in January 2019. The training program for the implementation of the Protocol on Handling Cases of Gender-Based Violence has ensured the application of a new approach in everyday work and the exchange of information. The first phase of the training reached 100 police officers, who were trained to use the new software and ensure data exchange with the centers for social work, while the second phase of the training aimed at developing, competencies to apply the new approach, which targeted the representatives of the centers for social work and other relevant institutions and organizations in the, gathered 120 experts and was implemented with the support of two non-governmental organizations – SOS Line Niksic and the Shelter for Women and Children Victims of Violence.

Ministry of Finance and Social Welfare has carried out the licensing procedure for non-governmental organizations that provide victim support services. In line with the applicable regulations (Rulebook amending the Rulebook on detailed conditions for the provision and use, norms and minimum standards of accommodation services in shelters and Rulebook on detailed conditions for the issuance, renewal, suspension and revocation of the license for the performance of social and child protection), women's non-governmental organizations have been informed on criteria for obtaining a license to work, which, in addition to professional and licensed staff, also require sufficient spatial and other capacities.

Montenegro has three shelters for victims of domestic violence – the Safe Women's House (SWH), SOS Shelter Niksic, and the Center for Child and Family Support, which have been issued a license to accommodate 35 beneficiaries. According to the standards, one place per 10,000 population is recommended, meaning that shelters in Montenegro should offer an additional 28 places. Also, a large number of NGOs received a license to provide psychosocial support.

There are no crisis centers for sexual violence survivors in Montenegro nor protocols on the conduct of institutions in such cases. Also, there is no shelter in Montenegro that provides

accommodation to victims of illegal and arranged child marriages to help the victims reintegrate with the support of professional workers and associates.

The MFSW, as well as the centers for social work, use the Social Welfare Information System (SWIS) or so-called Social Card. In the context of services provided by the centers for social work, a special module of SWIS for domestic violence has been developed. The centers use it to process all reports of domestic violence, regardless of whether the violence was reported to the center for social work or to the Police Directorate. The Police Directorate sends reports of violence to all centers for social work using this database. In this way, a single database of reports of violence has been established. According to the Protocol on the Treatment, Prevention, and Protection against Violence against Women and Domestic Violence, the Prosecutor's Office and the misdemeanor courts will be linked into a single database.

Courts draw the statistical data from the Judicial Information System (PRIS). PRIS is used by all courts to monitor cases, manage certain aspects of cases, communicate with parties, and collect comprehensive statistics.

The Minister of the Interior decided to establish the Operational Team for Combating Domestic Violence, which began its work on February 21, 2018. The team consists of 18 members. In addition to representatives of the Ministry of the Interior and the Police Directorate, the team also includes representatives of the MFSW, the State Prosecutor's Office, the Supreme Court, and the High Court for Misdemeanors, including the representatives of the Council for Civil Control of the Police, as well as representatives of five specialized NGOs supporting victims of violence. (Women's Rights Center, Safe Women's House, SOS Hotline Podgorica, SOS Hotline Niksic, and Center for Roma Initiatives). The team reviews practices and analyzes specific cases, provides guidelines for action, and works towards improving the prevention and suppression of domestic violence.

The experience of the Women's Safe House shows that citizens still have distrust in institutions when it comes to anonymous reports of domestic violence and violence against women. This NGO made a video in order to raise public awareness of the importance of reporting violence and to help break down the prejudice that violence is a "private matter." (The video is available at the following link <https://www.youtube.com/watch?v=8ZKbI9B2WDk> )

The practice of non-governmental organizations that provide assistance and support to victims of violence shows that when protective measures are ordered, the competent institutions do not supervise their application and fail to inform the prosecutor's office in case of their violation. They also continue to record cases where victims of violence are prosecuted due to counter-reports coming from the side of perpetrators. According to their data, there was not a single reported case of marital rape qualified as a criminal offense. Prosecutors treated such cases as “sexual harassment” in accordance with the Law on Protection from Domestic Violence.

Until the application of the Law on Compensation for Victims of Violence or the provision on the beginning of its application is amended, victims of violence in the process of claiming damages depend on a conviction that provides them with the right to compensation, either within criminal proceedings (criminal proceedings and claims for damages) or within a separate proceeding (civil litigation).

The Law on Protection from Domestic Violence sets forth several protective measures that can be imposed within misdemeanor proceedings while existing legislation does not provide the possibility of imposing urgent measures in criminal proceedings for acts of domestic violence. However, these may be imposed after the end of the proceedings, within the judgment terminating the case.

Despite the fact that the type and amount of the sanction depend on the circumstances of each specific case, the Montenegrin judiciary is of the opinion that it is necessary to make the penal policy stricter. Within the limits of its powers and respecting the basic principles of the judiciary – autonomy and independence – the Supreme Court of Montenegro gave recommendations to criminal court judges that it was necessary to make the penal policy stricter in cases of domestic violence.

By means of appointing individual prosecutors for members of working groups, councils, committees, teams, etc. Prosecutor's Office supports activities related to the recommendations of the CEDAW Committee. (Annex 15)

A prosecutor specializing in working with domestic violence victims shall be appointed according to the annual work schedule. Domestic violence-related cases that are initiated after a criminal report against a certain person are considered – in most cases, perpetrators are

deprived of their liberty and brought to the prosecutor's office for interrogation within 24 hours and a decision is made as soon as possible.

There are no alternative dispute resolution procedures in domestic violence cases.

Within the EU-funded “Support to Anti-Discrimination and Gender Equality Policies” program, implemented by the UNDP Office in Montenegro in cooperation with the MJHMR, the Survey on Domestic Violence and Violence against Women was presented in 2017. The findings have shown that the existing system of care for victims of violence generates high costs. The direct costs of the institutions involved in the protection of victims amount to over 9 million euros, and the average annual cost per victim stands at about 11,500 EUR. Broadly speaking, Montenegro's GDP also recorded significant losses due to partner violence, which negatively affects the productivity of employed women. The cumulative loss due to reduced fertility caused by partner violence amounted to about 215 million euros.

The findings of the research conducted in 2019 show that compared to the previous period, it is noticeable that citizens are significantly more prone to perceive domestic violence as a burning problem. Specifically, compared to the year 2016, there has been an increase of 15 percent in the share of citizens who claim that domestic violence is a high-priority problem. Although the prevailing opinion is that domestic violence is an important problem, almost two-thirds of citizens (63%) believe that it is not given enough attention in public. The largest share of citizens believes that it is necessary to report any form of domestic violence to competent institutions, which is a significant increase compared to 2016 (in 2016, this view was held by 49%, and in 2019 – by 58% of citizens). However, two out of five citizens still believe that it is not necessary to report every form of domestic violence and that there are exceptions that can be addressed within the family.

According to citizens, the main reasons behind the lack of reporting of cases of violence are to be found in the fear from the perpetrator or retaliation (65%), but also in the fear from the opinion of the public (32%).

Since the beginning of the COVID-19 pandemic, all data indicate that the number of reported cases of domestic violence has been on the rise.

With the support of the UNDP Office in Montenegro and the MFSW, a Crisis Action Plan for the Providers of Specialized Services for Victims of Violence has been developed in line with the Istanbul Convention, in order to better help victims of domestic violence,

UNDP Office in Montenegro and the Government developed a digital solution for emergency responses in cases of violence, i.e., the “Stay Safe” mobile application available for both Android and IOS devices. The application allows victims of violence to send a request via SMS to national SOS lines or other organizations/persons of confidence based on their request.

The UNDP Office conducted an awareness-raising campaign in cooperation with the Directorate to address the increase in gender-based violence in crisis situations.

Epidemiological measures imposed in order to protect the population included, among other things, a prohibition of movement, i.e., curfews. According to the United Nations report “Rapid Social Impact Assessment of the COVID-19 outbreak in Montenegro, April–June 2020”, Safe Women’s House received 46% more calls than in the same period last year. In May 2020, accommodation in their shelter was provided to 60% more victims of gender-based violence than in May 2019. The national SOS hotline also recorded an 18% increase in the demand for their services during the COVID-19 pandemic, with a significant increase in the number of calls after the lockdown measures became laxer. In May 2020, this SOS hotline received 32% more calls compared to the same month last year.

The social service "SOS Line for Victims of Sexual Violence" has been operating (24 hours a day, 365 days a year) under the auspices of NGO Montenegrin Women's Lobby (MWL), since June 2019.

(Statistics on cases of violence against women are provided in Annex 16)

#### **10. Recommendation 25. CEDAW/C/MNE/CO/2 – Trafficking in human beings**

The Supreme State Prosecutor and the director of the Police Directorate of Montenegro established the Operational Team for Combating Trafficking in Human Beings in 2018. (Annex 17)

The system for identifying victims of trafficking has been improved following the establishment of the Team for Formal Identification of Victims of Trafficking in Human Beings, which operates in accordance with the National Plan for Formal Identification of Victims of Trafficking in Human Beings. The proposed model envisages that the status of a victim can be granted to an individual on the basis of endangered human rights, not only if the victims are the subject of the criminal offense of trafficking in human beings.

Team members remain available 24 hours a day and will go out to the field visits as support in specific cases. In 2020, this team conducted a formal identification process and granted the status of a victim of trafficking to 52 persons (31 men and 21 women). All of these persons were accommodated in licensed shelters and a specialized shelter for victims of trafficking in human beings. (Data are provided in Annex 18)

During the entire reporting period, measures and activities were undertaken to raise awareness of the wider and professional public about the phenomenon of trafficking in human beings. They are designed to contribute to raising the level of awareness of the general public about the phenomenon of trafficking in human beings/children in order to better understand the problem, the particular vulnerability of Roma women and women, strengthening trust in government agencies, informing the public about ways to report crimes, strengthening the professional capacities of all target groups in the fight against all forms of trafficking in human beings/children through proactive identification, quality protection of potential victims and efficient prosecution of perpetrators. (Annex 19)

As regards the increased risk of trafficking and exploitation along migration routes, especially when it comes to children in migration and women, the Ministry of the Interior produced and distributed multilingual material (translated into English and Arabic) on rights and available services and assistance services for victims of trafficking in 2019. Preventive and educational activities aimed at foreigners seeking international protection have raised awareness in order to eliminate the possibility of becoming a victim of some form of the crime of trafficking in human beings. If persons are identified as victims they are provided with information on how and to whom they can turn for help, and what forms of help are provided to them in these situations in Montenegro. At the end of 2020, a workshop was held for asylum seekers and foreigners under subsidiary protection in Montenegro on the risks and protection mechanisms in relation to trafficking in human beings. The workshop was attended by 7 persons.

For many years, the state budget allocated funds for the operation of the Shelter for Victims of Trafficking in Human Beings, in order to secure accommodation and necessary assistance (primarily health, social, psychological, legal, and other forms of assistance). Victims of human trafficking who stayed in the National Shelter for Victims of Trafficking in Human Beings for which the Ministry of the Interior was in charge until July 2019 were provided with the so-called initial recovery services – through the provision of a basic assistance package consisting of food, hygiene products, medicines, clothing, footwear, etc. In accordance with the specific needs of each individual victim, individual plans were developed and implemented in order to better (re)integrate them into society.

The accommodation and protection service intended for victims of all forms of violence, including victims of trafficking in human beings, has been transferred to the jurisdiction of the MFSW since mid-2019. At that time, a specialized shelter for victims of trafficking in human beings was opened and run by a licensed non-governmental organization. All its beneficiaries are provided with support and protection services in accordance with their individual needs. The MFSW awarded a grant to the Specialized Shelter for Victims of Trafficking in Human Beings in the amount of EUR 40,000 for the year 2020, along with additional financing of monthly costs in the amount of 250 EUR per beneficiary. The financing of the needs of beneficiaries continued in 2021.

Cooperation around the protection of victims is based on the Agreement on Cooperation in Combating Trafficking in Human Beings, which was concluded in 2013 and further revised in 2020 between the Supreme Court, the Supreme State Prosecutor's Office, the Ministry of Health, the Ministry of Labor and Social Welfare, the Ministry of Education, the Ministry of the Interior and the Police Directorate, Public Institution Center for Child and Family Support Bijelo Polje, Red Cross of Montenegro and non-governmental organizations: MWL, SWH, SOS Hotline for Women and Children Victims of Violence – Niksic, Institute for Social and Educational Policy, and Defendology Center from Niksic.

The work program of the Government of Montenegro for 2021 envisages the adoption of a new Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2021–2025 with the accompanying 2021 Action Plan for the second quarter of this year.

## **11. Recommendation 27. CEDAW/C/MNE/CO/2 – Exploitation of prostitution**

Adoption of the Law Amending the Criminal Code of Montenegro (“Official Gazette of Montenegro” No. 44/2017) resulted in harmonization with GRETA recommendation. The criminal offense of trafficking in human beings referred to in Article 444 of the CC has been amended in such a way that it can be committed by means of withholding, taking away or destroying personal documents, counterfeiting personal documents, procuring or manufacturing forged personal documents for the purpose of committing this criminal offense. In Montenegro, engaging in prostitution is not a criminal offense, as it belongs to the domain of misdemeanor liability. In the Law Amending the Criminal Code of Montenegro (“Official Gazette of Montenegro” No. 44/2017), the criminal offense of Pandering referred to Article 210 was amended at the initiative of the Working Group for Monitoring the Implementation of the Strategy for Combating Trafficking in Human Beings. The possibility of punishment has been introduced if this offense has been committed by several persons in an organized manner and a definition has been given. Pandering is the use of persons for sexual activities whereby money or any other form of compensation or reward is given or promised as payment for hiring such a person to take part in sexual activities, regardless of whether the payment, promise or reward are given to that person or to a third party. A more severe punishment is stipulated for the basic form of this criminal offense.

No education and awareness-raising measures for the general public were implemented during the reporting period. Also, there are no exit programs for women who want to leave prostitution.

## **12. Recommendation 29. CEDAW/CMNE/CO/2 – Participation in political and public life**

Women remain under-represented on the boards of directors of public agencies and administrations, and are less represented in management positions in public enterprises and legal entities with high financial power and profitable business operations. Their presence is growing in lower decision-making positions, especially in executive positions with no influence on decision-making. Roma and Egyptian women, women with disabilities, and members of other vulnerable groups are visibly absent from public and political life.

During the 2020 parliamentary elections, the largest number of parties complied only with the legal minimum related to the number of women on the candidate lists, so that 18 women entered the Parliament of Montenegro, which is 22.2% of the total number of MPs. After certain

changes in parliamentary clubs, there are currently 22 women or 27.16% of the total number of MPs in the Parliament.

The President and one Vice-President of the Parliament are men, while the second Vice-President position is occupied by a woman for the first time in more than 30 years.

The Parliament has 15 permanent working bodies. The three committees are chaired by women – the Legislative Committee, the Gender Equality Committee and the Anti-Corruption Committee. In terms of percentage – women chair 20% while men chair 80% of the working bodies of the Parliament. The largest representation of women within a working body is 69.2% in the case of the Gender Equality Committee, while there are no women in the Security and Defense Committee. The three women serve as heads of delegations – to the Parliamentary Assembly of the Council of Europe (PACE), to the Inter-Parliamentary Union (IPA), and to the Parliamentary Dimension of the Central European Initiative (CEI PD). (Details are provided in Annex 20)

In 2017, politicians from 16 political parties, both ruling and the opposition ones, founded the Women's Political Network (WPM) with the aim of working to promote gender equality in Montenegro. Their request to amend the Law on the Election of Councilors and Members of Parliament, submitted to the Committee for Comprehensive Reform of Electoral Legislation, was to increase the quota for the underrepresented sex to 40%, with at least 1 woman in every 3 candidates on the list and to retain the sanction, which proved effective. Despite the promises of the party leaders that they will support this request, the Proposal of the Law on the Election of Councilors and Members of Parliament in 2019 did not receive the necessary support and therefore was not adopted.

WPM also demanded amendments to the Law on Financing of Political Entities and Election Campaigns. Their demands referred to two norms – the first would stipulate that part of the state budget funds allocated to political parties be directed to the account of women's organizations for their work. The second norm referred to changing the formula for the distribution of funds that parties receive based on the number of councilors/members of Parliament so that 20% of such funds would be allocated only to the parties that have women in parliament. The intention was to encourage the parties to position women candidates as high as possible on their lists. An amended version of this law containing the norms advocated for

by WPM was adopted at the end of 2019 and the application of the law began in 2020. In 2020, 500,000 EUR was allocated for these purposes.

The percentage of women in ministerial positions in the Government, elected in December 2020, is the highest in history (33.33%) and, for the first time exceeds the percentage of women in the legislative branch of power. In the current Government, women are at the helm of four ministries – defense; public administration, digital society and media; education, science, culture and sports; and health. The Prime Minister and Deputy Prime Minister are men. The four permanent government commissions are also chaired by men. In each of the commissions, women represent a minority compared to men.

In July 2019, the Government of Montenegro adopted the Strategy for Minority Policy 2019-2023, with the accompanying Action Plan for the period 2019-2020. As one of the five strategic goals, the Action Plan of the Strategy for Minority Policy envisages ensuring authentic political representation and participation of members of minority peoples and other minority national communities in the political life of Montenegro.

Currently, the National Council of Albanians consists of 31 members, of which 4 are women, which is 13% of the total number of members; The Council of the Muslim People of Montenegro consists of 25 members, of which 10 are women, which is 40% of the total number of members; The Serbian National Council consists of 19 members, of which 5 are women, which is 26.31% of the total number of members; The Bosniak Council in Montenegro consists of 26 members, of which 4 are women, which is 11.53% of the total number of members; The Roma Council consists of 17 members, of which 3 are women, which is 17.64% of the total number of members; The Croatian National Council, in its current convocation, consists of 17 members, of which 7 are women, which is 41.17% of the total number of members.

Through the multi-year IPA 2014 Program “Support to Anti-Discrimination and Gender Equality Policies in Montenegro,” in which the UNDP Office was the implementing partner of the MJHMR, the following activities have been undertaken in relation to women's political empowerment: trained teams of trainers in each of the political parties represented in the Parliament; conducted seminars for representatives of their respective women's groups to improve public communication skills, build media relations and media appearances; and established WPM. The development of women's capacities in political parties took place continuously by means of the organization of educational trainings and meetings on capacity

development in various forms and for different groups of women from political parties (368 women underwent this training ). The training program included 48 journalists who were trained on the concept of gender equality and the position of women in the media, in political parties, etc.

In March 2021, the Women's Club was formed in the Parliament of Montenegro, which consists of women MPs from all political parties represented in the Parliament. The agreement on the establishment of the Women's Club was signed by all MPs of the 27th convocation of the Parliament of Montenegro. The goals and principles of the Women's Club are as follows: promoting gender equality at all levels of decision-making; encouraging women to participate in political and public life to a greater extent; improving the position of women in all spheres of society, while encouraging and promoting solidarity and humanity, promoting volunteerism and mutual assistance.

### **13. Recommendation 31. CEDAW/C/MNE/CO/2 - Education**

The national Gender Equality Index in the domain of knowledge, which measures the level of inequality between men and women in educational attainments and segregation in various fields of education, stands at 55.1 index points, while the EU average is 63.5.

As a relevant national institution, the Bureau of Education has accredited teacher training programs on the topic of gender equality. The programs have been attended by more than 70% of the teaching staff in primary education and a good part of the secondary school teachers. Other accredited teacher training seminars also cover topics closely related to gender equality.

During the pandemic, a total of three online seminars were held on the topic “Development of Democratic Education and Human Rights (Intercultural Education),” which put special emphasis on the LGBT population and covered topics related to gender equality.

The Interdisciplinary Area curriculum, in its part related to Health Education, mandates that the topic of sex education should be covered whenever the teaching process allows it.

Elective course title Healthy Lifestyles is one of the three most demanded elective courses in primary and secondary schools. This course is studied in the 8<sup>th</sup> and 9<sup>th</sup> grades of primary school and in the 1<sup>st</sup> or 2<sup>nd</sup> grades of secondary school, with two classes every week. The learning outcomes related to understanding the forms of sexual violence and the ways in which they can

be prevented and suppressed are covered by the course topic titled Reproductive Health with Sex Education and Prevention of Sexually Transmitted Diseases. Teachers were trained for the delivery of the Healthy Lifestyles course prior to its introduction into schools (187 teachers from 95 schools during the initial phase; later, the training was organized on a needs basis, or according to the dynamics of the introduction of this course in schools).

Several seminars, which covered more than 80% of primary school pedagogues and a significant proportion of secondary school pedagogues, were organized on the topics such as: neglect and abuse of children with special emphasis on sexual exploitation and abuse of children, as well as on the occurrence of sexual violence where special emphasis was placed on sexual violence and modern technology.

The Protocol on the Treatment of Child Victims of Abuse and Neglect was adopted. It envisages activities and procedures between the schools and the multidisciplinary operational team from the centers for social work. The Protocol for the Prevention of Violence against Children has been adopted setting a Ministry phone line, to which violence can be reported, while schools, whose students are children who have committed violence and children against whom violence has been committed, now have teams that implement procedures prescribed by the Protocol. Legal consequences have been envisaged for principals in whose schools the procedures are not implemented.

Out of the total number of those who completed their undergraduate studies in the academic year 2019/2020, 56.7% were women, and 43.3% were male. When it comes to postgraduate studies, 55.8% of students in specialist studies were women, and 44.2% were men. As for those studying for the master's degree – 60.4% were women and 39.6% were men. (Annex 21)

Among those who received their PhDs in 2019, there were 12 men and 8 women. Following a look into the data on the number of those who received their Ph.D. degree from 2010 to 2019, it can be concluded that the trend of participation of men and women is uneven – until the year 2018, there were more women, while in other years the number of men prevails.

There are significantly more female students in the fields of pedagogy, health, humanities, and arts. Women traditionally enroll significantly less in faculties of natural sciences and technology. This situation contributes to the already existing segregation of occupations and

the strengthening of prejudices about “female” and “male” occupations. This is supported by the fact that all the students enrolled in the Study Program for Preschool Education (part of the Faculty of Philosophy in Nikšić) in the academic year 2019/20 were women.

In 2018, the Ministry of Science awarded 19 grants to Ph.D. students. Of this number, 14 grant recipients were women (four in the fields of social sciences and humanities and ten in the field of natural sciences, technology, engineering, and mathematics). In 2019, out of 17 grants, 9 grant recipients were women (one in the field of social sciences and humanities and eight in the fields of natural sciences, technology, engineering, and mathematics).

The fact that men and women are equally computer literate and share similar rates of the Internet use (71.4% of men compared to 71.7% of women have used the Internet during the last three months of 2019) is very encouraging.

When it comes to the education of members of RE communities (numbers are provided in Annex 22) with special emphasis on women and girls belonging to the RE population, asylum seekers, displaced persons, refugees, and internally displaced women and girls, adequate measures are implemented for their enrollment, school retention, and increasing their presence in the education system. Some of the measures are:

- at the preschool age, a preparatory kindergarten service is offered to children who have never been enrolled in the formal education system before and have acquired the legal right to enroll in the first grade of primary school;
- the Bureau of Education Services implements professional development programs for teachers;
- preschool education units or outreach services are organized in Roma settlements;
- the flyer Let's keep children safe from trafficking in human beings, intended for school staff, is occasionally produced and disseminated;
- a topic that deals with gender equality is an integral part of the training for a multidimensional individualized approach to learning at preschool age. This training, was passed by 1,152 teachers, professional associates and school management representatives, directly or indirectly;
- a Multisectoral School Dropout Prevention Team has been formed, whose members meet on a monthly basis;

- in cooperation and partnership with UNICEF, an application that follows procedures to identify the risk of early school dropout at primary and secondary school levels has been improved;
- the Protocol on the Conduct and Prevention of Dropout in Schools which envisages the procedures for the activities of all employees in schools as well as partner institutions was drafted;
- campaigns promoting enrollment in the formal education system for all ages, with a special emphasis on girls, are regularly implemented.

The Montenegrin Language Learning Program for Beginners and the Montenegrin Culture Learning Program have been accredited for use with asylum seekers and persons under subsidiary protection. The development of the Curriculum for Advanced Learning of the Montenegrin Language and Culture is also planned.

In the reporting period, all students of the Roma and Egyptian communities were paid scholarships in the monthly installments of 150 EUR (1,500 EUR per year), while Roma and Egyptian secondary school students were paid scholarships in the monthly amount of 60 EUR (EUR 600 per year), however regular full-time specialist and master's degree students were not exempt from tuition fees.

In accordance with the amendments to the Law on Higher Education, students belonging to the RE population are entitled to certain subsidies related to accommodation in dormitories, etc.

In Podgorica, free transportation is provided to Roma and Egyptian primary school students. Also, since September 2019, transportation for Roma and Egyptian primary school students has been provided in Niksic (children from one settlement who attend the first three grades of primary school) and in Berane.

The Committee (2018) organized a consultative hearing of representatives of the Government of Montenegro, on the topic “Exercise of child rights in the Roma community in Montenegro with special reference to the education of girls.”

In the reporting period, associates for the social inclusion of Roma and Egyptians in the field of education were hired to provide services. In 2020, a total of 22 associates (mediators) were

hired in primary schools: in Podgorica, Niksic, Bar, Berane, Ulcinj, Herceg Novi, and Tivat. The engagement of associates for the social inclusion of Roma and Egyptians in the field of education is financed from the budget of Montenegro. The associates monitor the regularity of school attendance of Roma and Egyptian students and are involved in the organization of student transportation.

In the context of the project implemented by the NGO “Young Roma” in cooperation with the MoESCS, a number of mentors (teachers) were hired to support Roma and Egyptian students in primary and secondary schools. (Annex 23)

Due to the highly interactive nature of the training, the implementation of professional training programs in the field of gender equality for educational staff at the level of preschool, primary and secondary education was not realized in 2020 because of the pandemic caused by COVID-19.

Gender studies are still not offered at the higher education level in Montenegro. Nevertheless, the curricula of certain study programs deal with the topics of relevance. Efforts to establish such a program at public or private universities have not yielded sustainable results in the past.

#### **14. Recommendation 33. CEDAW/C/MNE/CO/2 - Employment**

The strategic framework for the implementation of employment policy was defined by the National Strategy for Employment and Human Resources Development 2016-2020. All measures and activities implemented within the period of implementation of the Strategy had a positive impact on labor market trends, including the positive trends of indicators related to women. Compared to 2016, when the employment rate of women (15-64) stood at the level of 46.8%, the employment rate in 2019 reached the level of 49.7%, nearing the planned value, which could be achieved in the final year of implementation of the Strategy. The crisis caused by the COVID-19 pandemic led to a worsening of all indicators and a regression when it comes to plans to achieve the target results in 2020, with the employment rate for women (15-64) at the end of 2020 standing at 44.4%.

There is still a gap in terms of employment of women compared to the employment rate of men (15-64) that, according to data from the 2020 Labor Force Survey, stood at 56.1%.

Pursuant to the provisions of the Labor Law (“Official Gazette of Montenegro,” No. 74/19), among other grounds, direct and indirect discrimination of persons seeking employment and employees on the grounds of sex, gender reassignment, gender identity, or sexual orientation is prohibited (Article 7). The Labor Law kept the proclamation of equal pay for work for the same work or work of equal value (Article 99). However, the wording of the provision does not mention men and women, which had been the case with the previous text of the law.

Special treatment of persons with disabilities, youth, and women has been improved with new provisions, such as that a pregnant employee has the right to one day of absence from work during the month to perform prenatal examinations, during which time they are entitled to compensation as if at work (Article 122). A higher degree of protection of the rights of pregnant employees and employees using the right to maternity or parental leave is also provided in the context of protection against termination of employment and a more precise definition of restrictions related to terminating the employment contract (Article 123). In order to protect the rights of pregnant employees, i.e., employees who are breastfeeding, in connection with the medical advice and recommendations of the competent medical doctor, and to take into account the needs of the employer to maintain the work process, the Labor Law introduced the institute of temporary reassignment from jobs which may endanger the life and health of the employee or the life and health of her unborn child to other appropriate jobs. If the employer is able to organize such a temporary reassignment, the employee will be entitled to all rights from the employment relationship that they had before such need for a temporary assignment. If the employer is not able to organize work in the manner previously described, the employee is entitled to the right to a leave, including the salary that cannot be lower than the one they would have earned if they had been at their workplace (Article 124).

An additional benefit in relation to the treatment of an employed mother who works and breastfeeds a child is reflected in the decision granting her the right to two-hour breastfeeding break every day (previously, it was 90 minutes), up to one year of age of the child and regardless whether the father of the child is exercising the right to parental leave or some other right regulated by this law (Article 129) at that time. This two-hour break can be organized once or twice during the day, and the time provided for it is included in the full office hours.

The Labor Law does not contain provisions prohibiting an employed woman from working in a workplace where particularly heavy physical work, underground, or underwater work is performed, but the said prohibition now applies only to the category of employees under the age of 18. With this change, applying the equal treatment principle, women are exempted from this prohibition and equal in this respect with men, which gives them the opportunity to choose an occupation without any restrictions.

The Labor Law stipulates that the right to parental leave is a right of both the mother and the father of the child. Both parents have the right to parental leave in equal parts. Parental leave can be used after the expiration of maternity leave for up to 365 days from the day of the child's birth.

More favorable treatment is granted to parents in the case of the birth of two or more children when both parents can use maternity leave for a period of 70 days from the birth of the child.

If one of the parents is unemployed and the other is employed, the employed parent has the right to use parental leave.

Data on the number of fathers who used the right to paid parental leave in accordance with the Labor Law are as follows: in 2017 – 200; in 2018 – 216; in 2019 – 49; 2020 – 445.

According to the data from the Decent Work Country Program, Montenegro 2019-2021 (ILO), the gender pay gap is significant in Montenegro and remains at the level of the EU average (16%). Part of this gap can be explained by the fact that women more often face a situation to accept low-paid occupations that are traditionally considered women's jobs despite better educational characteristics compared to men.

A project related to providing legal aid to parents in exercising their employment rights is offered by the Association Parents. To their knowledge, women who lose their jobs when they become mothers rarely choose to protect their rights and speak publicly about it. This happens most often because they are not aware of their rights and because there is not enough institutional support that can help them solve the problem.

Due to the COVID-19 pandemic, the amount of unpaid work of women increased, women were more vulnerable in the labor market and with lower earnings than men.

According to the National Employment Agency data, the number of unemployed women increased by 3,560 in the period from the end of February to the end of June 2020, representing 56% of the total number of newly unemployed persons. This indicates that employers laid off more women than men during the crisis.

The impact of the crisis has hit women working in the private sector the hardest. The decline in the net wages of the female population in Montenegro has been recorded in the following sectors: accommodation and food services, agriculture, forestry and fisheries, wholesale and retail, and motor vehicle and motorcycle repair services. Women working in the public sector were less affected by the decline in wages.

In terms of unpaid work (domestic work, child care, care of the elderly and the sick), the total female population was incomparably more burdened than men – research shows that women worked 92% more than men in the field of unpaid care and domestic work. At the end of 2018, women's contribution to the GDP of Montenegro stood at 43.71%, while the GDP per capita disaggregated by sex is 6,496 EUR for women and 8,571 EUR for men. In other words, women were already in an unequal economic position even before the crisis began, and the crisis further contributed to it and deepened the gap.

#### **15. Recommendation 35. CEDAW/C/MNE/CO/2 – Health care**

Regarding the field of health care, the Gender Equality Index indicates that the level of equality in access to health services in Montenegro is very close to the EU average – the number of index points for Montenegro is 86.9, compared to the EU average of 88.1. In surveys on perceptions of their own health, 65.3% of female respondents rated their health as good or very good, compared to 73.2% of male respondents who rated their health in the same manner. Life expectancy for women in Montenegro is 79.4 years, while the life expectancy for men is 74.1 years.

The Law on Compulsory Health Insurance sets forth the right to compulsory health insurance for all unemployed persons, regardless of whether they are registered with the National Employment Agency or not, which is exercised by registering with the Health Fund. The status of the insured person is determined on the basis of the request and the personal identification document.

Since the introduction of statistics on births and deaths, fewer girls than boys have been born in Montenegro. Data from 2017 show that 47.9% of newborns were female. In 2020, 48.23% of newborns were female. The 2017 campaign of the NGO Center for Women's Rights (CPR) “Unwanted” aimed to shed light on the scale and consequences of the long-standing problem of selective abortions in Montenegro.

MICS shows that the percentage of women aged 15–49 years who are currently married or in the community and who do not use (or whose partner does not use) any of the contraceptive methods is very high at 79%. Women with higher education, living in urban areas, and belonging from the richest quintile are more likely to use contraceptive methods, compared to women with a secondary or lower level of education, and women living in suburban settlements and the poorest households.

#### **16. Recommendation 37. CEDAW/C/MNE/CO/2 – Economic and social benefits**

The Law on the Budget of Montenegro for 2021 envisages funds in the amount of 25 million EUR for the payment of benefits to women who used the right to compensation according to the annulled amendments to the Law on Social and Child Protection from 2015.

#### **17. Recommendation 39. CEDAW/C/MNE/CO/2 - Women in rural areas**

The total number of agricultural holdings is 43,791 (source: MONSTAT – Survey on the structure of agricultural holdings 2016), with 2.27 as an average number of employees in such holdings. Farmers represent about 42% of the workforce on family farms, but women make up only 12% of the total number. However, the number of agricultural holders is increasing as a result of the incentive introduced by the Ministry of Agriculture and Rural Development (MARD) to empower women in agriculture.

The empowerment of women in agriculture is measured through participation in decision-making, regardless of whether the decisions relate to the use of household budget or to the subject of production. According to the ISSP Survey, only 40% of women have full access to money, 35% have limited access, while 26% of women have no access to the household budget at all. The participation of women in social and political processes is also important, because in that way they can influence the policy of managing this sector. In this regard, the ISSP survey reveals that only 5.4% of rural women are members of an organization, while 7.2% of women

are politically active, indicating their weak social capital and lack of potential for a more significant influence on policy in terms of introducing a gender perspective into agricultural policies and budget.

Although there is no assessment of women's needs in agriculture, there is a generally accepted view that women are burdened with household work and family care – a work that is not paid.

With the exception of the IPARD program, the existing agricultural policy and legal framework is gender-neutral and marked by the non-existence of the use of gender-sensitive language and failure to recognize women's needs, their workload or their role in agriculture.

The process of consultation with beneficiaries is not gender-responsive since women in agriculture remain left out. Their interventions are not analyzed from a gender perspective with the aim to identify different needs and subsequent planning of measures and results that will affect gender relations. No effort has been made to bring agricultural and rural development policy measures closer to women in places where they are less represented (especially in the north of the country), making them almost invisible and deprived of a voice.

Women do not have the same access to public resources in Montenegro. When it comes to IPARD assistance, there is only 11.5 percent of female beneficiaries. As for the MIDAS program, only 9.6 percent of beneficiaries are women.

Article 43 of the Law on Courts stipulates that the judicial function may be performed outside the seat of the court (court days) for the purpose of faster and more economical conduct of proceedings and decision-making, which is a model that can help rural women to achieve better access to justice.

#### **18. Recommendation 41. CEDAW/C/MNE/CO/2 – Women with disabilities**

The everyday practice continues to show that women with disabilities are exposed to multiple forms of strong marginalization and discrimination. When it comes to certain groups at risk of multiple forms of discrimination, despite the joint efforts of competent authorities and civil society organizations, women with disabilities remain exposed to distinctly discriminatory treatment due to inadequacies in terms of physical accessibility, information, communication and public transport, inadequate employment policy, lack of support services (only four municipalities in Montenegro have a gynecological examination bed that can be used by women

using a wheelchair), inaccessibility of cultural goods and products, and insufficient application of the institute of affirmative action and reasonable accommodation. In addition, women are often exposed to various forms of violence. Also, their greater involvement in policy-making processes is lacking.

Meeting the specific needs of women and girls with disabilities is addressed in strategic policies that focus on improving the position of persons with disabilities in various fields (protection against discrimination and promotion of equality, education, employment, health care, transport, social and child protection, and others). The area of combating violence against women and domestic violence, which includes, inter alia, prevention and protection from violence against women with disabilities, was addressed through the National Document for the Implementation of the Council of Europe Convention on Combating and Preventing Violence against Women and Domestic Violence.

The Rulebook on Internal Organization and Job Systematization of the Ministry of Justice, Human and Minority Rights adopted in March 2021 resulted in the establishment of the Directorate for the Protection and Equality of Persons with Disabilities, whose mandate will be to deal with the protection of human rights and freedoms of persons with disabilities and their position in society.

The Family Law of Montenegro stipulates that the court may, following a decision in a non-litigation procedure, restrict the parental right of a parent who negligently performs their rights or duties towards the child. From the reasons established by the Law for which the parental right is limited, it is obvious that the children are not separated from the mother due to her disability. The Law on Social and Child Protection provides for the following support services for life in the community: daily stay, help in the house, living with support, personal assistance, and other community life support services. The Law on Non-Governmental Organizations prescribes the manner of financial support for NGOs, and when it comes to persons with disabilities, the financing of projects and programs of non-governmental organizations from the state budget is focused on programs and projects that contribute to the development of support services for life in the community.

In accordance with the Law on Vocational Rehabilitation and Employment of Persons with Disabilities and on the basis of the Rulebook on Procedure and Methodology for Financing Grant Schemes, the National Employment Service of Montenegro publishes a Public Call for

financing projects for employment of persons with disabilities twice a year. This scheme is used to award the resources of the Fund for Professional Rehabilitation and Employment of Persons with Disabilities for financing projects of legal entities and individuals that contribute to the improvement of vocational rehabilitation and employment of persons with disabilities. The total indicative, annual amount for the realization of the subject of the Call is 3 million EUR.

The call aims to improve the professional rehabilitation and employment of persons with disabilities in Montenegro. One of the specific objectives is to enhance the inclusion of women with disabilities in the labor market by including at least 40% of women with disabilities in projects.

### **19. Recommendation 43. CEDAW/C/MNE/CO/2 - Roma, Ashkali and Egyptian women**

The work program of the Government of Montenegro for 2021 envisages the adoption of a new Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2021–2025 with the accompanying 2021 Action Plan for the second quarter of this year. The drafting process is in its final phase, and it will be harmonized with the EU Roma Strategic Framework for Equality, Inclusion and Participation for 2020-2030. A public discussion on the draft Strategy and Action Plan for 2021 is currently underway

The Strategy defines the Strategic Objective, Operational Objectives and performance indicators in the following areas: Discrimination; Poverty; Political participation; Housing; Education; Employment; Health protection; Civil status; Social and family protection (Combating domestic violence, child marriages, begging, and trafficking in human beings).

In June 2018, within the project "Promotion and Protection of Human Rights of Roma, Egyptians and Other Vulnerable Groups", CEDEM conducted research entitled "Employment of Roma and Egyptians in Montenegro," which summarized findings from two research studies – a research on the attitudes of employers and research on the socio-economic situation of the RE population. (Annex 24)

The key achievements in the field of housing are reflected in the construction of housing facilities for Roma and Egyptian citizens through the Regional Housing Program, which greatly contributed to the closure of Camp Konik (the largest collective camp for displaced persons in Montenegro) and other collective centers for displaced and internally displaced persons. This

program resulted in building 233 housing units for persons from Roma and Egyptian communities in Podgorica, Niksic, and Berane, providing housing for over 1,000 persons. The largest collective camp in Montenegro, Camp Konik, was closed upon the construction of said housing units. The contribution of the state, i.e. local self-governments and the Capital City, reflected in the allocation of land for the construction of housing units and the construction of primary infrastructure (water, sewerage, electricity). When it comes to long-term and sustainable solutions for social housing, i.e., the construction of housing units, a significant contribution came from the Help-Hilfe zur Selbsthilfe organization, which implemented several projects funded by the German Government, European Union, and UNHCR and provided 100 housing units in the municipalities of Podgorica, Niksic, Tivat, Berane, Pljevlja and Herceg Novi with the support of donors. In the reporting period (2016-2020), housing units were provided in Herceg Novi (for 23 beneficiaries), Tivat (for 49 beneficiaries - 4 families, “The 7<sup>th</sup> of July” settlement) and Niksic (Zvjerinjak settlement) for a total of 132 beneficiaries. The construction was funded by the German Government.

Given that over 1,000 people from the Roma and Egyptian communities have been provided with housing thanks to the construction of said units, it is safe to say that, in addition to the closure of Camp Konik, this represents a key achievement in the previous five-year period in the field of housing.

Nevertheless, short-term, medium-term and long-term measures need to be undertaken to ensure the economic, socio-cultural and technical sustainability of the Regional Housing Program, especially in the Konik area. Some of these measures have been defined by a 2018 study conducted by the UNHCR and Ministry of Labor and Social Welfare, “Overcoming Vulnerabilities, Achieving Sustainability. Socioeconomic Vulnerabilities of Former Yugoslav Refugees and the Way Forward.”

## **20. Recommendation 45. CEDAW/C/MNE/CO/2 – Women in custody**

Women who have been ordered into custody and who have been sent to serve a prison sentence imposed in criminal and misdemeanor proceedings are accommodated separately in the Institute for the Execution of Criminal Sanctions, i.e., in its two separate organizational units – Remand Prison in Podgorica, when it comes to custody and Women’s Ward of the Podgorica Penitentiary (KPD) when it comes to imprisonment in criminal or misdemeanor proceedings.

Female detainees and convicted persons are accommodated separately from males and juveniles.

The Protector performs the work of the National Preventive Mechanism (NPM) whose task is to prevent torture and other forms of cruel, inhuman or degrading treatment of persons deprived of their liberty, and thus visits the Women's Ward of the Podgorica Penitentiary and produces a report available to the public ([https://www.ombudsman.co.me/img-articles\\_npm/45/izvje-taj-o-obilasku-uiks-a----enskog-zatvora.pdf](https://www.ombudsman.co.me/img-articles_npm/45/izvje-taj-o-obilasku-uiks-a----enskog-zatvora.pdf))

The Women's Ward of the Podgorica Penitentiary provides accommodation facilities for 39 prisoners convicted in criminal and misdemeanor proceedings. The premises for the accommodation of convicted women are double, quadruple and five-bed rooms, and there are also two solitary confinements. A single room for women with disabilities is also provided, as well as a separate room for pregnant women and mothers with children. All rooms for the accommodation of prisoners provide fresh air, lighting, heating, cooling, regular hygiene maintenance facilities, beds with mattresses and linen and a locker for personal belongings of convicts.

With the aim to improve the conditions of accommodation of female convicts in the reporting period, the premises for disciplinary measures (solitary confinement), the common bathroom facilities in the Women's Ward of the Podgorica Penitentiary were adapted. In addition to this the premises for performing searches of convicted women and persons visiting them were also adapted.

Remand Prison in Podgorica can accommodate 21 female detainees. The rooms for female detainees are triple rooms, and there is one single room.

Pursuant to the Law on the Execution of Prison Sentences, Fines and Security Measures, convicted women, as well as male convicts, have the right to a regular visit twice a month, which also includes a visit by children. They also have the opportunity to contact children once a month, with the approval of the person in charge of the prison, during special, extraordinary or family visits. The length of the sentence does not affect the prisoners' contact with their children. Women in the Remand Prison have the right, with the approval of the competent court, and with the prior opinion of the Center for Social Work, to visit the children once a month.

In the Women's Ward of the Podgorica Penitentiary, women prisoners are engaged in hygiene maintenance, laundry, tailoring workshop and library. In the reporting period, one detainee was hired on a monthly basis in the Podgorica Remand Prison to maintain hygiene.

As part of the project "Support to the Efficient Management of the Criminal Sanctions in Montenegro," supported by the Ministry of Justice – Institute for the Execution of Criminal Sanctions, CEDEM 2019 organized a two-day training on applying ethical standards for probation prison officers in July.

In 2019, as part of the nine-month project "Economic and Psychosocial Empowerment of Women Serving Prison Sentences in order to Improve Their Reintegration into Society," which was financially supported by the Ministry of Justice of Montenegro, the NGO Juventas conducted a set of activities aimed at psychosocial support for prisoners and strengthening the capacity of the tailoring workshop. A round table, "Working Engagement in the Prison System of Montenegro," was organized within the project.

In 2021, the NGO Juventas started the implementation of the project "Provision of support to former prisoners for successful re-integration into the community- ReCover" financially supported through the grant scheme as a part of the EU and Montenegro Programme on Employment, Education and Social Policies, in cooperation with the Ministry of Finance and Social Welfare and the Ministry of Economic Development.

#### **21. Recommendation 47. CEDAW/C/MNE/CO/2 – Lesbian, bisexual, and transgender women**

All cases of violence against LGBT persons are treated in a timely manner and in accordance with the law. Courts apply a zero-tolerance policy regarding discrimination and violence against LBT women.

The courts pay special attention to acts committed, inter alia, out of hatred based on gender, sexual orientation or gender identity. Courts find this circumstance aggravating in the process of sentencing, unless said circumstances are prescribed as a feature of a basic or more serious form of a criminal offense.

Since 2017, there have been 3 cases of attacks on transgender people, of which one on a transgender woman and two on transgender men.

The first verdict related to hate crime was passed in February 2019 in the case of the attack on a trans woman, an activist of the Spektra Association in September 2017, in Podgorica. The initial verdict of the Basic Court was 4 months of imprisonment, which is 2 months less than the minimum prescribed, because the hate crime was not characterized as an aggravating circumstance, but only noted as such. The High Court changed it to a suspended sentence. Courts generally do not exhibit positive practice when it comes to hate crimes based on gender identity, gender expression and sexual orientation. They lack sensitization and education on this issue.

Despite the fact that the Positive List of Medications includes hormone therapy, which is used in the process of gender transition, the transgender community is facing a shortage of not only estradiol-based hormone therapy which has been prescribed to trans women in transition since 2018, but also Depo-testosterone from April 2021. Despite numerous efforts of the Association Spektra and Queer Montenegro to solve this problem, by means of initiating communication with Primary Health Care Centers, Ministry of Health, Montefarm, Health Insurance Fund and the Protector of Human Rights and Freedoms, the problem has not been resolved, due to inadequate communication. This situation forces many trans people to reach for hormone therapy in other countries in the region or on the black market, exposing them to risks, both health and legal ones. The situation was further complicated by the crisis caused by the COVID-19, which made resolving this issue even more difficult.

In 2019, a case of discrimination against a transgender woman in the field of health care was recorded. The complainant addressed the Protector of Human Rights and Freedoms, who found a violation of the right to privacy in this case, and facilitated mediation at a meeting between representatives of the Health Center Podgorica, the complainant, and the Spektra Association. The Public Health Care Center representatives were informed about the problems that transgender persons face and committed to taking steps to protect the human rights and rights of patients of transgender and intersex persons.

In 2020, the Guidelines for Healthcare Professionals for Affirmative Treatment of Transgender, Gender-Variable and Intersexual Persons were revised and the Manual for the Treatment of Transgender and Intersexual Persons by Health Professionals was revised and distributed to all primary health care centers. A total of 300 copies of the guidelines were printed.

Trans people in Montenegro still have to undergo sterilization in order to access legal gender recognition.

## **22. Recommendation 49. CEDAW/C/MNE/CO/2 - Marriage and family relations**

The seminar on the topic “The role of the Montenegrin judiciary – gender equality and legal protection of women victims of domestic violence” organized in cooperation with the Center for Democracy and Human Rights – CEDEM, with the support of the Ministry for Human and Minority Rights was intended for advisors working at courts and state prosecution. Topics covered were: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention); The practice of the Montenegrin judiciary and Ombudsman in protection against discrimination against women; The case law of the European Court of Human Rights in the field of domestic and gender-based violence; Analysis of decisions and judgments of courts and state prosecutor's offices in the field of protection of the rights of victims of gender-based violence.

Amendments to the Family Law (2020) deal with referring spouses to mediation in order to reconcile or reach an agreement on the exercise of parental rights after divorce and an agreement on the division of joint property (this issue is regulated by Article 326), but if there is a suspicion of domestic violence, the court will not refer the parties to the initial meeting with the mediator.

In the context of the Law on Alternative Dispute Resolution (Official Gazette of Montenegro, No. 77/20), several provisions related to mediation appear to be important for this report. Thus, in the case of mediation in divorce-related disputes and other disputes related to family relations, in accordance with the law governing family relations, all costs are borne by the budget of Montenegro (Article 27). This solution helps economically vulnerable people, and at the same time, guarantees them adequate protection in an appropriate procedure. In addition, before and during the proceedings, the mediator is obliged to take into account whether the circumstances of the case indicate the existence of domestic violence. In addition to this, the mediator has an obligation to suspend the mediation procedure in all cases in which, due to the suspicion of domestic violence, mediation would not be effective (Article 53). Although the alternative dispute resolution procedure is confidential (Article 5), information that must be disclosed in order to prevent harm to the physical or mental integrity of the child or other family

members, proceedings will not be considered confidential in accordance with the law (Article 55).

Instructions for children on how to protect their rights in the process of parental divorce, and how to protect themselves from domestic and online violence, are available from February 1, 2021 in the form of three comics created as part of the Human Rights Action (HRA) initiative. The initiative was supported by the Supreme Court, the Supreme State Prosecutor's Office, the Ministry of Labor and Social Welfare, the Ministry of Health, the Ministry of Education, Science, Culture and Sports, the Bureau of Education Services and the Protector of Human Rights and Freedoms of Montenegro.

The comics are available in the Montenegrin and Albanian languages at [www.hraccion.org](http://www.hraccion.org), as well as on the websites of many schools in Montenegro.

### **23. Recommendation 51. CEDAW/C/MNE/CO/2 – Economic consequences of divorce and separation**

The Rulebook on Detailed Conditions for Realization of Basic Material Benefits from Social and Child Protection (“Official Gazette of Montenegro,” No. 40/13, 68/15, and 20/16) prescribes that the income that arises from the child-support obligation is taken in the amount determined by the decision of the competent court. If the person does not obtain income based on the child-support obligation, they are obliged to submit proof of initiating the procedure for compulsory execution of the decision of the competent court. Income based on child-support obligation shall not be considered income for exercising the right to financial support until the decision on forced collection is executed.

The amount of financial support for a family that earned income based on the child-support obligation is determined as the difference between the amount determined for a family that has no income and the family's average monthly income in the previous quarter.

Non-payment of alimony puts single-parent families into a crisis that is further worsened in situations such as the COVID-19 pandemic, because parents lose their jobs, have lower income and their livelihoods are threatened. Many parents do not want to provide financial support to their children after a divorce, and no adequate mechanism has yet been found in the legislation to force such parents to pay alimony.

Only one in three parents in Montenegro regularly pays alimony. Monstat data show that almost 60 percent of divorces include marriages with children and that custody of dependent children is entrusted to the mother in 79.4 percent of cases, compared to 9.8 percent of cases when the child is entrusted to their father, 10.2 percent to grandparents, and 0.6 percent to other persons and institutions. During the year 2019 and until August 31, 2020, the courts in Montenegro imposed a total of 203 sanctions on parents who did not pay alimony, whereby 43 people were sent to prison for non-payment of child support, and six were sentenced to house arrest. These figures do not give a real picture of the problem because the problem of collecting alimony is much bigger since not every parent decides to file a criminal complaint against their ex-spouse for not meeting their obligations related to alimony.

The Association Parents formed a Team for support and assistance to single-parent families, which provided continuing support in the form of free legal and psychological counseling during the COVID-19 pandemic. As part of this initiative, online lectures/consultations were held on the topics of “Alimony in the Times of COVID” and “Divorce in the Times of COVID.”

Adoption of the Law on Alimony Fund is one of the priorities of the Women's Club of the Parliament of Montenegro. In May 2021, the NGO Center for Women's Rights submitted to the Women’s Club the Draft Law on Temporary Child Support, which sets out the conditions and regulates the procedure for exercising the right to temporary child support, jurisdiction, records, financing, as well as the establishment of the Alimony Fund and other issues of importance for the realization of temporary support.

The situation of single mothers who are at the same time asylum seekers is rather complex, as they enjoy international protection in Montenegro together with their children based on the Law on International and Temporary Protection of Foreigners. In the process of approving financial support, they are required to provide a certificate of alimony from the country of origin, which in some cases is impossible to obtain. Therefore, it is necessary to regulate a system that respects this specificity and ensures that they are not prevented from enjoying the right to effective social protection for administrative reasons.

#### **24. Recommendation 53. CEDAW/C/MNE/CO/2 – Economic consequences of divorce and separation**

In case there is no agreement on how the property should be divided, the property of the spouses is divided into equal parts at the time of divorce. However, if one spouse proves that his or her contribution to the acquisition of the joint property is clearly and significantly greater than the contribution of the other spouse, the court will divide the joint property according to the contribution of each of the partners. What seems to be important is that in determining the share of each spouse, the court takes into account not only the income and earnings of each of them, but also the help of one spouse to another, their work, household and family, care for raising children, and any other form of work and cooperation in the management, maintenance and increase of joint property

Amendments to the Family Law (Official Gazette of Montenegro, No. 53/16) led to changes in Article 288, so that the joint property of spouses includes income from special property generated by the work of spouses, property acquired through the use of intellectual property rights, property acquired on the basis of insurance as well as through gambling during the duration of the marital union.

The role of public notaries is very important in order to prevent the abuse and alienation of joint property before and during the divorce. Namely, the public notary is obliged to instruct and warn the contracting parties about the legal status of the joint property of the spouses and obtain the consent of the spouse who is not registered as the owner of the property (Article 157 of the Law on Property Relations requires the consent of all joint owners).

Amendments to the Family Law (2020) deal with referring spouses to mediation in order to reconcile or reach an agreement on the exercise of parental rights after divorce and an agreement on the division of joint property (this issue is regulated by Article 326), but if there is a suspicion of domestic violence, the court will not refer the parties to the initial meeting with the mediator.

#### **25. Recommendation 55. CEDAW/C/MNE/CO/2 – Data collection and analysis**

In 2020, in cooperation with the MJHMR, MONSTAT published the eighth publication “Women and Men in Montenegro,” which provides a brief overview of gender-disaggregated statistics in Montenegrin society.

In 2020, the first electronic platform was created – Gender Map, presenting a complex socio-economic picture of women and men in various spheres of Montenegrin society in an innovative way. It offers a wealth of data and information that is the starting point in policy making. The

Gender Map is available on the following link: <https://www.rodnamapa.me/> All those interested in receiving training in numerous areas related to gender equality can apply.

The Gender Equality Index for Montenegro was calculated by MONSTAT, in accordance with the EIGE methodology based on using national and European data sources. The index for Montenegro was published in 2019. The index is not a stand-alone survey, but a compilation of data from other surveys. The results were obtained based on the measurement of 31 indicators, which cover the following domains: work, money, knowledge, time, power and health.

The total value, i.e., the level of gender equality in Montenegro, expressed through index points, stands at 55, which is much lower than the EU-28 average of 67.4. The index shows that the biggest differences are in the domains of power and money, while the smallest differences can be perceived in health and employment. The results of the Index indicate that despite numerous legislative and strategic documents adopted to advance the position of women and achieve full gender equality, inequality continues to be expressed in insufficient political and social participation of women, economic inequality, unequal division of responsibilities, differences in approaches to property rights which put women in a disadvantaged position, etc. (More details are available in Annex 25)

A single database with comparable data has been created to include all actors combating gender-based violence. The Ministry of Finance and Social Welfare (formerly the Ministry of Labor and Social Welfare), as well as the centers for social work, use the Social Welfare Information System (SWIS) - Social Card. – link to recommendation 23.

## **26. Recommendation 56. CEDAW/C/MNE/CO/2 – Amendment to Article 20 (1) of the Convention**

The Parliament of Montenegro adopted the Law on Ratifying the Amendment to Article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women on April 27, 2018. The ratification instrument was sent to the Permanent Mission in New York, with the aim of submitting it to the UN Secretary-General as Depository.

## **27. Recommendation 57. CEDAW/C/MNE/CO/2 – Beijing Declaration and Action Platform**

In May 2019, the Government of Montenegro adopted the National Report on the Implementation of the Beijing Declaration and Platform for Action (BpfA) and the Sustainable Development Agenda 2030 (Agenda 2030) and sent them to the Commission on the Status of Women for consideration and adoption ahead of the 25<sup>th</sup> anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action (1995). The report was prepared in line with the methodological Guidance note for comprehensive national-level reviews at the level of states prepared by the UN Women and the United Nations Regional Commissions in order to assist in conducting comprehensive reviews.

The NGO Center for Creative Skills organized the promotion of international conventions in the field of gender equality in Berane, while the NGO Identity organized the presentation of international conventions in the field of gender equality (Beijing, Istanbul Conventions, CEDAW, etc.).

In the process of joining the EU, Montenegro regularly submits reports on the results achieved in the negotiation chapters 19 “Social Protection and Employment” and 23 “Justice and Fundamental Rights”, as well as reports on Montenegro's progress.

#### **28. Recommendation 58. CEDAW/C/MNE/CO/2 – Agenda for Sustainable Development until 2030.**

Based on the National Strategy for Sustainable Development until 2030 (NSSD), the priority topic *Support for values, norms and patterns of behavior important for the sustainability of society* and the strategic goal *Encourage an active attitude of key actors towards sustainable development* have been defined. The identified strategic goal represents a response to the problems in achieving sustainable development of Montenegro in this area. It also refers to issues of gender equality. This strategic goal is directly related to meeting the fifth Sustainable Development Goal (SDG 5), through the implementation of the NSSD Action Plan and the measure defined in it, specifically: *2.1.2: Eliminate gender discrimination*. In order to make the results of activities in the field of gender equality measurable within the NSSD, target outcomes have been defined (Annex 26).

On July 20, 2018, the Gender Equality Committee of the Parliament of Montenegro held a consultative hearing of the Minister of Sustainable Development and Tourism, on the topic

“Monitoring the implementation of NSSD, in line with Goal 5 of the UN General Assembly’s Sustainable Development Strategy from 2015.”

Montenegro has ratified several international treaties, such as the United Nations Framework Convention on Climate Change (UNFCCC), which promote a gender-sensitive approach and encourage state parties to incorporate a gender dimension into national policies related to sustainable development and climate change. The Paris Agreement, ratified by Montenegro in October 2017, obliges signatory states to take into account the different needs of women and men, their ways of life, and their ability to adapt to climate change when planning climate change adaptation measures. It is also necessary that these countries engage their administrative capacities so that they are able to define their responses to climate change that will be tailored to the specific needs of both women and men.

Montenegro does not have a public policy or decision aimed at achieving the balanced participation of women and men in climate policies, activities, and negotiations. Some progress has been made between 2017 and 2020, when Montenegro participated in a UNDP/UNEP pilot Global Support Program for five Balkan countries and Lebanon, which aimed to build the capacity of these countries to integrate gender dimensions in measuring, reporting and verification procedures, in line with the main priorities of the UNFCCC Gender Action Plan.

Two extremely positive activities came as a result of this program:

- A gender equality focal point has been appointed for the UNFCCC (representative of the Ministry of Ecology, Spatial Planning and Urbanism);
- An Action Plan on Gender and Climate Change has been developed as a framework for the intersection of these two policies, in cooperation with a representative of the Ministry of Ecology, Spatial Planning and Urbanism and the MJHMR. (Annex 26)

Improving the system for collecting and analyzing gender-disaggregated data and gender data relevant to measuring, reporting, verification, and transparency. Funding for activities under this priority is also expected from the CBIT (Capacity Building Initiative for Transparency) mechanism. Both ministries will participate in this activity, but the main role will be entrusted to MONSTAT.

## **29. Recommendation 59. CEDAW/C/MNE/CO/2 – Dissemination**

After receiving the concluding observations from the CEDAW Committee, the MJHMR translated them in order to make them available to the interested stakeholders. Concluding observations were shared with state institutions, all gender equality focal points, members of the Council for Gender Equality, NGOs, representatives of local self-governments, media, etc. (about 200 e-mail addresses). Meetings with local and national coordinators for gender equality and meetings of the Committee were held to present the Concluding observations. The public was informed about the content of the recommendations through the media.

### **30. Recommendation 60. CEDAW/C/MNE/CO/2 – Ratification of other treaties**

Montenegro has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), signed in October 2006.

Certain provisions of the ICRMW are not in line with the positive legal regulations governing the status of the stay of foreigners in Montenegro. Ratification of this convention would result in the need to amend existing legislation in a way that does not guarantee the harmonization of national regulations with EU legislation. The Law on Employment and Work of Foreigners regulates the migration policy that protects the interests of foreign workers and members of their families who reside in Montenegro legally, meaning that the interests of migrant workers are already protected.

As part of accession activities on the path to the EU, Montenegro has so far concluded bilateral social security agreements with 25 countries, including 17 EU member states. These agreements guarantee the rights of migrant workers to social protection through effective international coordination.

### **31. Recommendation 61. CEDAW/C/MNE/CO/2 – Follow-up to the concluding remarks**

The Ministry for Human and Minority Rights has prepared the report in question in coordination with the relevant institutions. The Committee received the report in February 2020 (CEDAW/C/MNE/FCO/2) and examined it at its seventy-sixth session, in July 2020.

## **PART II**

# REPORT ON THE IMPLEMENTATION OF THE ARTICLES OF THE CONVENTION

## A) Articles 1–6

### *Article 2*

Amendments to the Law on Prohibition of Discrimination (“Official Gazette of Montenegro,” No. 46/10, 18/14 and 42/17) from 2017 regulate the matter of what actions will not be considered discrimination, although they put at a disadvantage certain person, i. e. groups of persons compared to other persons. One of these situations is when access to goods and services is intended exclusively or primarily for members of one sex (or persons with disabilities), when such treatment is objectively and reasonably justified by a legitimate aim, and the means used are appropriate and necessary to achieve that aim (Article 2a).

The Law on Civil Servants and State Employees (“Official Gazette of Montenegro,” No. 2/18 and 34/19) is an example of how a law should be harmonized with the Law on Gender Equality. In particular, the provision on the use of gender-sensitive language is further specified in the part where it is said that adequate expressions, depending on the gender of the person to whom these acts refer, must be used in the act on internal organization and job systematization, as well as in individual acts regulating employment, assignment, and appointment, as well as in other acts which decide on the rights and obligations of civil servants and state employees (Article 16). The law prohibits a civil servant or employee from discriminating against citizens on various grounds, including gender, gender reassignment, gender identity, sexual orientation, and/or intersex characteristics (Article 7). Civil servants and state employees have an obligation to keep confidential and personal data according to the law, regardless of how they found out about that data (Article 71), including the data on one's gender identity.

### *Article 3*

The MFSW recently adopted a new Guide and Form for Regulation Impact Analysis at the Local Level, which includes a gender equality perspective (<http://www.sluzbenilist.me/pregled-dokumenta-2/?id={17D396C3-308F-490A-BD29-BB0540602C8F}>). In this way, gender impact analysis becomes a fundamental method for local-level decision-makers to perform gender mainstreaming in the process of drafting regulations and other decisions.

**Article 4.** Covered by recommendations.

#### **Article 5**

Ipsos Strategic Marketing for the UNDP Montenegro conducted a survey on the attitudes and perceptions of citizens and those employed in public administration on gender equality, the results of which were presented in June 2021. It shows that many citizens have a stereotypical view of gender roles, both in private and family life and in the public sphere. More than half of the citizens are of the opinion that as a rule, men are better political leaders, who possess better leadership skills and that they should occupy leading positions in society, while one in two citizens believes that successful business women must inevitably neglect their families. (the research is available at: <https://www.me.undp.org/content/dam/montenegro/docs/publications/ISTRAZIVANJE%20Stavovi%20i%20percepcije%20zaposlenih%20u%20javnoj%20upravi%20o%20rodnoj%20ravnopravnosti.pdf> )

In July 2019, in the context of the project “Women's Empowerment Initiative: Education for Gender Equality!”, implemented in cooperation with WSH and MJHMR, CEDEM produced a movie named “Gender Stereotypes and Equality“ with the aim of raising public awareness of the presence of gender stereotypes, their recognition, roots and causes, as well as ways to overcome them. (Data are available at: Gender Stereotypes and Equality, available at: [https://www.youtube.com/watch?v=4rwQms93\\_34&t=14s](https://www.youtube.com/watch?v=4rwQms93_34&t=14s))

**Article 6.** Covered by recommendations.

#### **B) Articles 7–9**

##### **Article 7**

According to the results of the Democracy Index from December 2020, especially when compared to 2007, the level of gender equality remains at the same level when it comes to equal participation of women in social life, government, discrimination in employment, as well as discrimination in companies and institutions. The most negative trend was noted in relation to hate speech towards women in the media. (Data available at: Democracy Index, CEDEM, Hanns Seidel Foundation for Serbia and Montenegro, 2020, page 90, available at: <https://www.cedem.me/publikacije/istrazivanje/ostala-istrazivanje/send/31> –other–research/1987-index-of-democracy-2020 )

A research of the Women's Political Network on Violence against Women in Politics in Montenegro (available at the following link: <https://www.me.undp.org/content/dam/montenegro/docs/publications/UNDP-mne-istravivanje-zeneupolitici-2021.pdf>) showed that despite the steps forward, a number of systemic shortcomings remained a challenge to women's political participation, and that patriarchal attitudes, prejudices and insufficient interest of political parties were key obstacles to their more active involvement in politics.

For the first time in political life, at the Twelfth Session of the Women's Parliament (held in March 2020), the voice of a representative of the LGBTIQ community, a lesbian, and a member of the NGO “Stana” was heard.

#### ***Article 8***

Out of a total of 34 ambassadors representing Montenegro abroad, by the end of 2020, 28 or 82.4% were men, while 6 or 17.6% were women. The diplomatic and consular network is currently in the process of reorganization.

#### ***Article 9***

In the reporting period, there were no changes in the legislation related to this area.

### **C) Articles 10–14**

***Article 10.*** Covered by recommendations.

#### ***Article 11***

The Gender Equality Index, which was calculated for the first time in Montenegro, was presented on January 29, 2020. MONSTAT produced the Index at the initiative of the Department. The Index represents a compilation of data from a number of clearly defined surveys conducted at the state level. To calculate the Index, 31 indicators are measured, within six basic domains: work, money, knowledge, time, power, and health, which are divided into subdomains. In Montenegro, the degree of equality is expressed through the value of the index of 55. At the individual domain level, the calculated index values are as follows: power 35.1;

time 52.7; knowledge 55.1; money 59.7; work 65.2 and health 86.9. (available at: <https://www.gov.me/en/documents/495023ee-0d49-4c2a-bcad-e7b0e5d9d3d5>).

In cooperation with the Austrian Development Agency and the MJHMR, the UNDP Office has developed the Gender Map of Montenegro e-platform (<https://www.rodnamapa.me>) represents an innovative approach in presenting a complex socio-economic picture of a society in various domains. The Gender Map offers a wealth of data, analyses and other content, allowing decision-makers, as well as the general public, to learn more about certain social trends, but also about the problems that determine the further course of development of Montenegrin society.

**Article 12.** Covered by recommendations.

#### **Article 13**

Measures are taken through appropriate laws (Law on Social and Child Protection, Law on Health Care, Law on Health Insurance, Law on Banks, Law on Sports)

#### **Article 14**

During the 9<sup>th</sup> Session of the Women's Parliament (November 2018), the Gender Equality Committee raised the issue of the rights of women in rural areas. In 2019, with the support of the OSCE Mission and in cooperation with the Ministry of Finance and the Ministry of Agriculture and Rural Development, a pilot project of gender analysis of agrobudget was implemented. The findings of the analysis were presented at a press conference in the Parliament of Montenegro (2019). The analysis showed that women do not enjoy the same access to public resources as men do. By virtue of accepting the recommendations from the Analysis, the Ministry of Agriculture and Rural Development has shown that it intends to allocate budget funds towards improving the position of rural women and to reduce gender inequality in agriculture by applying the concept of gender budgeting, as well as to reach European standards in analysis, preparation, implementation, and monitoring the budget. On the other hand, the Ministry of Finance has started the budget system reform process with the aim of further development of program budgeting, which envisages the introduction of gender-responsive budgeting as an integral part of the program budget and the entire budget cycle.

#### **D) Articles 15–16**

*Article 15.* Covered by recommendations.

*Article 16*

“Survey on Women's Property Rights in Montenegro – Attitudes Vs. Reality”, conducted by SWH in 2019 within the project “Both in the family and in the home – the force of law against common property law“ funded by the MJHMR, shows that the common right of women to renounce property in favor of male family members remains stronger than the positive legislation in Montenegro. The survey shows that although the majority of 82% of citizens believe that family property should be divided between men and women equally, only 25% of them believe that this happens in reality. Nearly three-quarters of them, i.e., 70% of the citizens, believe that society frowns upon women who do not give up their part of the property in favor of their brother(s). As for the reasons behind such a small number of women owning property – three-quarters of citizens mention tradition, while one-quarter report lack of awareness in women about their rights, the fear that the property may become the property of another family, and disrespect for women's rights.

By adopting the Law on Life Partnership of Persons of the Same Sex (Official Gazette of Montenegro, No. 67/20), Montenegro has made a major step towards respecting the position and rights of members of the LGBTQ population, enabling the same-sex unions that, with certain exceptions, can be equated with marriage, i.e. civil union, which is regulated by the Family Law. The partnership is, thus, regulated as a legally regulated community of life of two persons of the same sex, concluded before the competent authority (Article 2), and based on the principles of equality, mutual respect, mutual assistance, and respect between partners (Article 3). Similar to keeping a marriage register in the case of marriage, it is required to keep a register of same-sex partnerships (Article 35). The law prohibits any discrimination based on partnership (Article 5), and regulates property issues related to support based on partnership (Article 46), as well as the support of the partner's child (Article 52). It is also envisaged that partners may have the separate and joint property (Article 55).

# ANNEXES

## Annex 1

### *Topics covered during the sessions of the Women's Parliament (WP):*

- The 7<sup>th</sup> session of the WP (November 2017), which was dedicated to the implementation of activities in the field of prevention and suppression of violence against women and domestic violence, during which the results of research on domestic violence and violence against women were presented, was organized in the context of “Support to Anti-discrimination and Gender Equality Policies” program, implemented by the UNDP Office in Montenegro and the Ministry for Human and Minority Rights, with financial support from EU;
- The report of the GREVIO Committee on the assessment of legislative and other measures applying the provisions of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) was presented by the GREVIO Committee Rapporteur for Montenegro Marcelina Naudi during the Committee’s ninth session (November 2018)
- The 10<sup>th</sup> session of the WP (March 2019) was dedicated to discussing the position of women in the Western Balkans in the context of proposing the adoption of a Resolution on Women's Rights in the Western Balkans (Albania, Bosnia and Herzegovina, Montenegro, Kosovo, Macedonia and Serbia) at a meeting of the Committee on Women's Rights and Gender Equality (FEMM) of the European Parliament;
- The 11<sup>th</sup> session of the WP (November 2019) dedicated to the consideration of the exercise of women's rights in the countries of our region, with an emphasis on combating violence against women and trafficking in human beings;
- The 12<sup>th</sup> session of the WP (March 2020) was dedicated to the implementation of the Law on Gender Equality and changes in the field of gender equality. On the same occasion, the Gender Equality Index for Montenegro was presented for the first time;
- The 13<sup>th</sup> session of the WP (March 2021) focused on the leading aspects of women’s contribution (economy and unpaid work) and additional burdens on women during the COVID–19 pandemic.

## Annex 2

## *Data on the training programs of Center for Training in Judiciary and State Prosecution Service*

In the period from January 1, 2017 to July 23, 2021, the Center for Training in Judiciary and State Prosecution Service conducted the following training on the CEDAW Convention, as well as other national and international legal acts dealing with the protection of women, human rights, and gender equality:

**In 2017**, the Center for Training in Judiciary and State Prosecution Service conducted two training activities:

- **June 7, 2017** – Podgorica, NGO Center for Women's Rights, in cooperation with the UNICEF Montenegro and with the financial support of the European Union, organized a **conference titled “Domestic Violence and Risks to Children – Towards a Comprehensive Solution.”** The Center for Training in Judiciary and State Prosecution Service Through the Judicial Training Center and the State Prosecutor's Office ensured the presence of representatives of the judiciary (23 judges and 2 advisors).
- **June 8–9, 2017** – Podgorica, NGO Center for Women's Rights in cooperation with the UNICEF office in Montenegro and with the financial support of the European Union, organized a ***TRAINING FOR PROFESSIONALS ON PROTECTING CHILDREN FROM DOMESTIC VIOLENCE***. The Center for Training in Judiciary and State Prosecution Service Through the Judicial Training Center and the State Prosecutor's Office ensured the presence of representatives of the judiciary (21 judges and 2 advisors).

**In 2018**, the Center for Training in Judiciary and State Prosecution Service conducted two training activities:

- **May 24–25, 2018**, Podgorica. In cooperation with the Center for Women's Rights, the Center for Training in Judiciary and State Prosecution Service organized a seminar on the topic: **“Protection from domestic violence with emphasis on the Istanbul Convention.”** The lecturers were prominent experts in this area, specifically: Prof. Dr. Vesna Ratkovic, Faculty of Law, University of the Mediterranean, Member of

GREVIO, Council of Europe; Ms. Branka Zigante Zivkovic, Judge of the High Misdemeanor Court of the Republic of Croatia; Ms. Maja Zivaljevic, Judge of the Misdemeanor Court Podgorica; Ms. Maja Raicevic, Director of the Center for Women's Rights and Ms. Ana Jaredic, a psychologist at the Center for Women 's Rights. The seminar was attended by 23 participants (10 judges, 9 state prosecutors and 4 court advisors).

- **November 22–23, 2018**, Podgorica. In cooperation with the Center for Women's Rights, the Center for Training in Judiciary and State Prosecution Service organized a seminar on the topic: “**United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its practical application.**” The topics covered by the seminar were: *Presentation of the CEDAW Convention; Obligations of Montenegro in relation to the CEDAW Convention; Presentation of the Optional Protocol; Overview of cases considered by the CEDAW Committee. In addition to the above theoretical part, the participants also engaged in practical group work during which they discussed the cases considered by the CEDAW Committee.* The seminar was attended by 32 participants (6 judges, 12 state prosecutors, 11 advisors from Montenegrin courts and 3 advisors from the State Prosecutor's Office).

In the context of the implementation of the theoretical part of the Initial Training Program in 2018, two trainings were conducted:

- **July 5, 2018**, Podgorica. In the context of the implementation of the theoretical part of the Program of initial training for candidates for judges and candidates for public prosecutors, the Center for Training in Judiciary and State Prosecution Service, organized lectures during the third day of training on the module titled: Module XI in Substantive Criminal I Law. The topics of the module are: *#Human smuggling and human trafficking; Illegal possession of weapons and explosives; Abuse of power; Abuse of authority in business; Abuse; and Domestic Violence*”. The lecturer was Dr. Branko Vuckovic, President of the Basic Court of Kotor. The module was attended by four participants in the Program: three candidates for state prosecutors and a candidate for judge.

- **July 19, 2018.** Podgorica. In the context of the implementation of the theoretical part of the Program of initial training for candidates for judges and candidates for public prosecutors, the Center for Training in Judiciary and State Prosecution Service, organized lectures during the fourth day of training on the module titled: Module XI in Substantive Criminal Law. The topics of the module are: *#Human smuggling and human trafficking; Illegal possession of weapons and explosives; Abuse of power; Abuse of authority in business; Abuse; and **Domestic Violence***". The lecturer was Dr. Branko Vuckovic, President of the Basic Court of Kotor. The module was attended by four participants in the Program: three candidates for state prosecutors and a candidate for judge.

**In 2019**, the Center for Training in Judiciary and State Prosecution Service conducted three training activities:

- **June 10–11, 2019** – Podgorica. In cooperation with the AIRE Center from London, The Training Center for Judiciary and Public Prosecutor's Office organized training on **“Protection from domestic violence with an emphasis on the Istanbul Convention.”** The lecturers were Nikolina Katic, Deputy Representative of the Republic of Croatia before the ECHR; Dr. Vesna Ratkovic, Faculty of Law, University of the Mediterranean; Ljiljana Klikovac, Head of the Basic State Prosecutor's Office Podgorica; Maja Zivaljevic, Judge of the Misdemeanor Court Podgorica; and Maja Raicevic, Director of the NGO Center for Women's Rights. The training was attended by 31 participants, of which 11 judges from Montenegro, 4 judges from the Republic of Serbia, 1 judge from Bosnia and Herzegovina, 7 prosecutors from Montenegro, 1 prosecutor from Bosnia and Herzegovina, and 1 prosecutor from the Republic of Serbia and 6 court advisors from Montenegro.
- **May 14–15, 2019**, Budva. The US Embassy in Podgorica organized training on **“Treatment, prevention and protection from domestic violence in Montenegro, with an emphasis on the police response.”** US Embassy Rule of Law Programs, ICITAP and INL, sponsored this training, which brought together police officers, state prosecutors (4), judges (3), representatives of the non-governmental sector, and social work centers. The participation of judges and state prosecutors was ensured through cooperation with the Center for Training in Judiciary and State Prosecution Service.

The training focused on the recently adopted Protocol on the Treatment, Prevention and Protection against Domestic Violence and its implementation in practice.

- **November 7, 2019**, Podgorica; In the context of the implementation of the Continuing Training Program for Judges and State Prosecutors for 2019, the Center for Training in Judiciary and State Prosecution Service organized a one-day seminar on “**Article 14 of the European Convention on Human Rights – The Prohibition of Discrimination**”. The seminar was attended by nine judges, six state prosecutors and eight advisors.

As part of the implementation of the theoretical part of the Initial Training Program in 2019, the following trainings were conducted on the topic “**International instruments and case law related to domestic violence, with special emphasis on the Istanbul Convention.**”

- **June 13, 2019**, Podgorica. In the context of the implementation of the theoretical part of the Initial Training Program for candidates for judges and candidates for state prosecutors, the Center for Training in Judiciary and State Prosecution Service organized lectures within the first day of training at module XIII in criminal law. The topics of the module were: “**International instruments and case law related to domestic violence, with special emphasis on the Istanbul Convention.**” The lecturer was Prof. Dr. Branko Vuckovic, President of the Basic Court in Kotor. The module was attended by six candidates for state prosecutors.
- **June 20, 2019**, Podgorica. In the context of the implementation of the theoretical part of the Initial Training Program for candidates for judges and candidates for state prosecutors, the Center for Training in Judiciary and State Prosecution Service organized lectures within the second day of training at module XIII in criminal law. The topics of the module were: “**International instruments and case law related to domestic violence, with special emphasis on the Istanbul Convention.**” The lecturer was Prof. Dr. Branko Vuckovic, President of the Basic Court in Kotor. The module was attended by six candidates for state prosecutors.
- **October 1, 2019**, Podgorica. In the context of the implementation of the theoretical part of the Initial Training Program for candidates for misdemeanor judges, the Center for

Training in Judiciary and State Prosecution Service organized lectures within the third day of training on module V on the topic: “**International instruments and case law related to domestic violence, with special emphasis on the Istanbul Convention.**” The lecturer was Prof. Dr. Vesna Ratkovic, and the module was attended by four candidates for a misdemeanor judge.

- **October 7, 2019**, Podgorica. In the context of the implementation of the theoretical part of the Initial Training Program for candidates for misdemeanor judges, the Center for Training in Judiciary and State Prosecution Service organized lectures within the fourth day of training on module V on the topic: “**International instruments and case law related to domestic violence, with special emphasis on the Istanbul Convention.**” The lecturer was Prof. Dr. Vesna Ratkovic, and the module was attended by four candidates for a misdemeanor judge.
  
- **December 26, 2019**, Podgorica. In the context of the implementation of the theoretical part of the Initial Training Program for candidates for judges and candidates for state prosecutors, the Center for Training in Judiciary and State Prosecution Service organized lectures within the first day of training at module XIII in criminal law. The topics of the module were: “**International instruments and case law related to domestic violence, with special emphasis on the Istanbul Convention.**” The lecturer was Prof. Dr. Branko Vuckovic, President of the Basic Court in Kotor. The module was attended by eight participants of the Program: a candidate for state prosecutor and seven candidates for a judge.

**In 2020**, the Center for Training in Judiciary and State Prosecution Service conducted a total of four training activities: “Protection of women from violence, including domestic violence” (January 29–30, 2020); “The role of the Montenegrin judiciary – Gender equality and legal protection of women victims of domestic violence” in cooperation with the Center for Democracy and Human Rights – CEDEM, with the support of the Ministry for Human and Minority Rights. Topics covered were as follows: the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* and the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)*; *The practice of the Montenegrin judiciary and the Ombudsman in protection against discrimination against women*; *The case law of the European Court of Human Rights*

*in the field areas of family and gender-based violence; Analysis of decisions and judgments of courts and state prosecutor's offices in the field of protection of the rights of victims of gender-based violence.* The training was attended by six court advisors and four state advisors from the prosecutor's office. (September 15–16, 2020) ; “Diversity in representation in the judiciary, including gender representation in Southeast Europe“ (November 12, 2020); “Gender equality with special reference to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) and its practical application“ (December 16–17, 2020). The mentioned trainings were attended by 52 representatives of the judiciary (23 judges, 16 state prosecutors, and 13 advisors).

In the context of the implementation of the theoretical part of the Initial Training Program two days of training were conducted on the topic: “***International instruments and case law related to domestic violence, with special emphasis on the Istanbul Convention; Implementation of the Law on Protection from Domestic Violence***”, the trainings were attended by 8 candidates for a misdemeanor judge (November 11 and November 16, 2020) and 9 candidates for a judge (November 26 and December 3, 2020.)

Three training activities were conducted in the period from January 1 to July 20, 2021:

- The European Judicial Training Network (EJTN) organized a one-hour online seminar in the field of human rights and fundamental freedoms, on the following topic: “**European Law on Gender Equality**“ (March 4, 2021). Thanks to the involvement of the Center, said the online seminar was attended by 8 participants – 6 judges, 1 advisor from the state prosecutor’s office and 1 intern from the basic court).
- In the context of the implementation of the Continuing Training Program for Judges and State Prosecutors for 2021, the Center for Training in Judiciary and State Prosecution Service organized an online training on “**Protection from Domestic Violence with Special Emphasis on the Istanbul Convention**“ (May 10–11, 2021), which was attended by 25 participants (14 judges, 1 court advisor, 5 state prosecutors, 4 advisors from state prosecutor's office and 1 intern from the state prosecutor's office).
- The American National Association of Women Judges (NAWJ) and the International Federation for Peace and Sustainable Development (IFPSD) organized the third annual “Day at the United Nations,” which is designed as a virtual study visit. The topic of this year's virtual study visit was “**Moving Forward; Falling Behind: Achieving Full**

**Empowerment of Women During a Global Pandemic**” (June 4, 2021). A judge of the High Court in Podgorica participated in this virtual study visit, through the Center.

In the context of the implementation of the theoretical part of the Initial Training Program two days of training were conducted on the topic: „*International instruments and case law related to domestic violence, with special emphasis on the Istanbul Convention*, “attended by 6 candidates for state prosecutors (April 28 and April 29, 2021)

### Annex 3

#### *Statistics of the Protector of Human Rights and Freedoms on complaints to the Institution*

Year	Number of complaints	Area and grounds for discrimination
2020	11	<ul style="list-style-type: none"> <li>▪ 6 complaints based on gender discrimination in the area of labor and employment</li> <li>▪ 2 complaints based on gender, gender reassignment, gender identity issues the field of in health care</li> <li>▪ 1 complaint based on gender and gender reassignment issues in proceedings before judicial authorities</li> <li>▪ 1 complaint related to marital or family status in the field of labor and employment</li> <li>▪ 1 complaint related to gender and gender reassignment issues in proceedings before judicial authorities</li> </ul>
2019	26	<ul style="list-style-type: none"> <li>▪ 6 complaints related to gender-based discrimination in the field of labor and employment</li> <li>▪ 1 complaint related to marital or family status in the field of labor and employment</li> <li>▪ 1 complaint based on marital or family status in proceedings before public authorities</li> </ul>

		<ul style="list-style-type: none"> <li>▪ 3 complaints based on marital or family status in the field of social protection</li> <li>▪ 1 complaint based on marital and family status in the field of domestic violence</li> <li>▪ 1 complaint in the field of education</li> <li>▪ 13 complaints related to gender-based violence</li> </ul>
<b>2018</b>	<b>29</b>	<ul style="list-style-type: none"> <li>▪ 4 complaints related to gender, gender reassignment, gender identity discrimination in the field of work and employment</li> <li>▪ 3 complaints related to marital and family status discrimination in the field of work and employment</li> <li>▪ 2 complaints related to gender-based discrimination in proceedings before public authorities</li> <li>▪ 1 complaint related to gender-based discrimination in the field of pension and disability insurance</li> <li>▪ 6 complaints related to gender-based discrimination in the field of social protection</li> <li>▪ 1 complaint related to gender, gender reassignment, gender identity discrimination in the field of health care</li> <li>▪ 1 complaint based on gender in the area of access to goods and services</li> <li>▪ 11 complaints related to gender-based violence</li> </ul>
<b>2017</b>	<b>25</b>	<ul style="list-style-type: none"> <li>▪ 11 complaints related to gender-based violence</li> <li>▪ 1 complaint related to hate speech – based on gender</li> <li>▪ 1 complaint related to exercising the right to equal pay for work of equal value in the field of labor and employment</li> <li>▪ 1 complaint related based on gender in the area of access to goods and services</li> <li>▪ 3 complaints related to maternity rights in the field of labor</li> <li>▪ 1 complaint related to pregnancy rights in the field of labor</li> <li>▪ 7 complaints related to maternity rights in the field of social protection</li> </ul>
<b>2016</b>	<b>26</b>	<ul style="list-style-type: none"> <li>▪ 3 complaints related to gender-based discrimination</li> </ul>

		<ul style="list-style-type: none"> <li>▪ 19 complaints related to discrimination based on maternity rights</li> <li>▪ 4 complaints related to gender-based violence</li> </ul>
--	--	--

## **Annex 4**

### ***Trainings organized by MJHMR***

The Ministry of Justice, Human and Minority Rights (MJHMR), formerly the Ministry for Human and Minority Rights, has been implementing cycles of trainings in the field of protection against discrimination for many years, according to the established “Curriculum for Education of Civil Servants, Judicial Officers and Employees in Other Bodies, Organizations and Institutions that come into contact with cases of discrimination.” In this way, a large number of persons who come into contact with cases of discrimination directly and/or indirectly and focal points in local governments who cooperate with the Ministry for Human and Minority Rights in carrying out protection of vulnerable groups at the local level become further empowered. The training is delivered through 6 seminars and 6 interactive workshops. The introductory seminar is dedicated to the general legal regime of protection against discrimination, while the other 5 modules address the issue of protection against discrimination of special social groups that are identified as most vulnerable, specifically: Roma and Egyptian communities, persons with disabilities, women and girls, LGBTI persons, AIDS and HIV positive persons.

The 2018 campaign was organized under the slogan “Together for equality.” The campaign aimed to raise the level of awareness of the general population towards discrimination, create a tolerant environment and raise public awareness, especially towards the most vulnerable social groups, such as persons with disabilities, especially children with disabilities. The media campaign, in both Montenegrin and Albanian, lasted 60 days and included: broadcasting a video on the national (RTCG) and a local TV station (TV Niksic); broadcasting a radio jingle on the national Radio Montenegro and four local radio stations in Bijelo Polje, Ulcinj, Kotor and Niksic; publishing newspaper advertisements on the campaign on the prohibition of discrimination and promotion of tolerance and respect towards diversity in daily print media in Montenegro; insertion of flyers written in Braille into two newspapers (on two occasions, the total of 5,000 flyers and additional 1,000 flyers for needs of the Ministry for Human and

Minority Rights were printed and distributed); as well as advertising the campaign information and messages on 20 billboards on the busiest streets and roads throughout Montenegro.

## **Annex 5**

### ***Evaluation of the implementation of the Third Action Plan for Achieving Gender Equality in Montenegro 2017–2021 (APAGE)***

The evaluation was conducted by Slavica Strikovic, a national expert, in 2020, with the support of the OSCE Mission to Montenegro. The evaluation aimed to assess the extent to which the implementation of the planned activities improved the state of affairs in the areas listed as priorities. Here is a part of the evaluation results:

“The general conclusion from all phases of the evaluation is that a great deal of planned activities has been implemented. Also, the APAGE is well based on international legislation. On the other hand, major shortcomings in the plan are its lack of focus and a large number of thematic areas, as the document attempts to mirror the commitments from the Beijing Declaration. Still, it lacks the prioritization that is essential for any implementation. To illustrate, it lacks coherence as it does not define the outcomes of activities.

Another flaw of this document is that the data it contains do not mention sources or references, which affects its credibility.

It was almost impossible to measure the results and benefits of this document because it does not contain indicators of the initial state that were used as a basis to plan activities, or the vision. In other words, it does not indicate the initial or desired state. When it comes to assessing achieved goals, more attention should be paid to indicators and the need for their revision and improvement. They are vague, numerical and mainly activities-oriented, it was assessed, and do not provide a basis for an analytical interpretation of what has been achieved.

Implementation reports speak broadly about the activities. There is no clear and concise reporting on measurable indicators of achieved objectives which could make reports analytical. Results and impact are not measured. So, specifically: to be able to have a quality measurement of what has been done, the report on the implementation of the program should express the implemented activities in percentages in relation to the planned ones.

With the reporting method said, there is no measurement of effects or monitoring of trends. Some goals are not realistically defined (e.g., reduction of the “pay gap” is impossible to achieve in the way envisaged by APAGE). An additional aggravating circumstance is that it is difficult and expensive to do research in specific areas when there is no specialization in the field, and it often lacks, which is why foreign experts should be involved and use the methodology developed by experts in the field of gender equality (Gender Equality Index).

There is no reporting on the use of donor and regular funds; having those two compared would otherwise make it possible to assess the effectiveness of the plan and measure its sustainability. Furthermore, there is no systematic collection of gender-disaggregated statistics, which further complicates the assessment of effectiveness.

The evaluation can be found at the following address:

The Montenegrin language version: <https://www.gov.me/dokumenta/ca88f0cd-cdee-4f50-bd50-2d2c667af45a>

The English language version: <https://www.gov.me/dokumenta/dfddd921-dff9-4b72-93e0-27f8710d7974>

## **Annex 6**

### ***Methodology for policy development, drafting and monitoring of the implementation of strategic documents***

The Decree is accompanied and further elaborated by the Methodology for policy development, drafting and monitoring of the implementation of strategic documents (<https://javnepolitike.me/wp-content/uploads/2020/11/Metodologija-razvijanjanja-politika-draft3-preview-22SEP20.pdf> ). The Methodology provides practical guidelines for developing, drafting and monitoring the implementation of strategic documents whose aim is to ensure their quality. The key principles set by the Decree in relation to developing public policies and explained in detail in the Methodology are: the principle of compliance, the principle of financial sustainability, the principle of accountability, the principle of cooperation, the principle of transparency, the principle of continuity and the principle of efficiency and rational planning. Each principle is an equally important starting point for

quality strategic planning and public policies stemming from action plans for achieving gender equality, both at the national and local levels.

## **Annex 7**

### ***Strategy for Improving Enabling Environment for the Activities of NGOs 2018–2020***

With the implementation of the Strategy, general progress has been achieved in the content and dynamics of the cross-sectoral relations. Achievements related to meeting specific objectives of the Strategy, although they have not been accompanied by a performance indicator in the design of the Strategy, exceed the level of result indicators, because the results of the implemented activities are sustainable and their effects are very stable in practice. Overall progress is particularly visible in: an improved model of financing NGO projects and programs in line with the Law on NGOs; improved normative framework for public consultation during the policy-making process; improved communication of public administration with the non-governmental sector; efficiency of the work of the Council for Cooperation of State Administration Bodies and NGOs.

By virtue of participating in the policy-making process, through public debates and the participation of NGOs in the working bodies of state administration bodies, the general public contributes to the definition of policies, as well as to improving democratic processes, increasing transparency and ensuring greater legitimacy of acts that regulate, in more detail, issues of importance for development and functioning society as a whole, and thus gender equality.

- **Link to the Strategy:**

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj1sMbdzo\\_yAhUAgP0HHZi\\_CJYQFjAFegQIDhAD&url=http%2F%2A%2591enja-podsticajnog-okru%25C5%25BEenja-za-djelovanje-NVO-2018-2020-1.pdf](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj1sMbdzo_yAhUAgP0HHZi_CJYQFjAFegQIDhAD&url=http%2F%2A%2591enja-podsticajnog-okru%25C5%25BEenja-za-djelovanje-NVO-2018-2020-1.pdf) & usg = AOvVaw069LoNxBtnrTID-qe0nfWH

- **Link to the Evaluation Report on the Strategy for Improving Enabling Environment for the Activities of NGOs 2018–2020:**

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj1sMbdzo\\_yAhUAgP0HHZi\\_CJYQFjADegQICRAD&url=https%3F%FFager%26rType%3D2%26file%3DEvaluation%2520o%2520evaluation%2520Strategy%2520for%2520action%2520NVO%25202018-2020.pdf](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj1sMbdzo_yAhUAgP0HHZi_CJYQFjADegQICRAD&url=https%3F%FFager%26rType%3D2%26file%3DEvaluation%2520o%2520evaluation%2520Strategy%2520for%2520action%2520NVO%25202018-2020.pdf) & usg = AOvVaw0nVjKs4o64RLzlFYB1fgqd

## **Annex 8**

### ***Temporary and special measures – activities of the Department for Gender Equality (Directorate)***

The Directorate organized a large number of seminars/workshops, including two one-day seminars on the topic: "Respect for gender equality as an instrument of greater security in education," in cooperation with the Bureau of Education Services, for a total of 70 civic education teachers of. In cooperation with the OSCE Mission to Montenegro, a two-day workshop for media staff on gender equality was organized in the context of the "Strengthening Mechanisms for Gender Equality at the Local Level" program; within the IPA 2014 project "Support to anti-discrimination and gender equality policies," and in cooperation with the Association of Professional Journalists in Montenegro, two two-day workshops were delivered to a total of 30 participants; a panel and presentation of research on the topic "The position of journalists in the Montenegrin media" was held in cooperation with the Association of Professional Journalists in Montenegro; three two-day round table were organized in cooperation with the Directorate for Relations with Religious Communities. The topics of the round tables were as follows: "The Role of Women in Modern Society," "Women and Violent Extremism" and "Human Rights – An Interdisciplinary Approach."

## **Annex 9**

### ***NGOs – projects implemented in order to conduct public opinion surveys on the level of discrimination against persons with disabilities***

Projects implemented by NGOs in order to conduct a public opinion survey on the level of discrimination against persons with disabilities and the degree of social distance compared to other groups of vulnerable groups in Montenegro:

- “Empowerment and education in the fight against discrimination” conducted by the NGO Equivalent from Podgorica, aimed at learning about the exercise the right to work and employment of persons with disabilities in underdeveloped municipalities in northern Montenegro;
- “For the Equality of Persons with Disabilities”, which was implemented by the Center for Civic Education, aimed at researching citizens' attitudes towards persons with disabilities, the level of discrimination, and social distance.
- “Identification of architectural barriers in public administration facilities” implemented by the NGO AD Hoc from Ulcinj aimed to identify architectural barriers in the municipality of Ulcinj.

## **Annex 10**

### ***Projects implemented by the Center for Democracy and Human Rights***

In June 2020, the **Center for Democracy and Human Rights – CEDEM** conducted a survey entitled “**Analysis of the presence of the topic of gender equality in the media**“, according to which women are less represented in the media than men, making up only 13% of the total corpus analyzed. Men were 38% more represented in media reports than women, and less than 1% of media content addressed the issue of gender equality. The number of reports speaking affirmatively about women is extremely low, making up only 9% of the total analyzed corpus. Also, the fact that features that fight against stereotypes were present in less than 2% cases can be considered less positive. The media must take a more active role in raising the general public's awareness about strengthening the role of women in Montenegrin society.

Data available are at:

Analysis of the presence of the topic of gender equality in the media, CEDEM, 2020, page 2, available at:

<https://www.cedem.me/component/jdownloads/send/31-ostala-istrazivanje/2003-analiza-medijskog-prisustva-teme-rodna-ravnopravnost-u-medijima>.

## **Annex 11**

***Article 20 of the Law on Amendments to the Criminal Code of Montenegro,  
("Official Gazette of Montenegro" No. 44/2017)***

**“Article 20**

In Article 214, after paragraph 2, a new paragraph is added to read as follows:

(3) Whoever incites another to go abroad or takes another person abroad with the intention to commit the criminal offense set forth in paragraph 2 of this Article, shall be punished by a prison sentence for a term from three months to three years.”

The current paragraph 3 becomes paragraph 4.

**Annex 12**

***Statistics on early marriages***

The “Children are Children” campaign was implemented in March 2020 by the Government of Montenegro in cooperation with the Ministry of Labor and Social Welfare, the Ministry of the Interior, the Police Directorate and the Center for Roma Initiatives with the financial support of the British Embassy.

A total of 60 workshops were organized in order to promote videos of women from the Roma and Egyptian communities, who were encouraged to tell their life stories during the workshops, which contributed to further raising awareness among other participants about bad practices and the consequences of child marriage.

The workshops were attended by 751 persons, of whom 244 were adult men (fathers), 251 women (mothers) and 256 were young Roma and Egyptians, aged 12 to 18 years.

In Podgorica, Berane, Tivat and Nikšić, the CRI team and Roma and Egyptian volunteers visited 12 Roma and Egyptian settlements (Podgorica: Konik 1, Konik 2, Vrela Ribnicka 1, Vrela Ribnicka 2, and Kakaricka gora, Tivat: Lovanja and Gradiosnica, Niksic: Trebjesa, Zeljezara, and Humci, Berane: Rudes and Talum) reaching 270 families. On that occasion, they talked to 700 members of the Roma and Egyptian communities (Podgorica: 290, Berane: 110, Tivat: 120, Niksic: 180) about child rights, the consequences of early child marriages, as well as sanctions related to arranged child marriages.

**Statistics on early marriages available from the Survey of Multiple Indicator Cluster Survey in Montenegro – MICS 2018 Research – links:**

*In the Montenegrin language:*

<http://www.monstat.org/uploads/files/MICS/FINAL%20Crna%20Gora%202018%20MICS6%20SFR.pdf>

*In the English language:*

[http://www.monstat.org/userfiles/file/MICS/ENG/eng/Montenegro%20\(National%20and%20Roma%20Settlements\)%202018%20MICS%20SFR\\_English\\_v4.pdf](http://www.monstat.org/userfiles/file/MICS/ENG/eng/Montenegro%20(National%20and%20Roma%20Settlements)%202018%20MICS%20SFR_English_v4.pdf)

### **Annex 13**

***Table with the number of RE students (7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> grades of primary school) who spent seven days in summer or winter camps during holidays***

Table: Number of students who spent seven days in summer or winter camps during holidays				
	Winter vacation		Summer vacation	
	M	F	M	F
2016	13	12	10	6
2017	15	7	14	3
2018	12	11	12	10
2019	11	13	18	6
2020	11	12	Not organized due to the COVID-19 pandemic	
TOTAL	62	55	54	25
	117		79	
	196			

### **Annex 14**

***Law on Amendments to the Criminal Code of Montenegro – provisions addressed in the report***

The Law was published in the "Official Gazette of Montenegro" No. 44/2017 from July 6, 2017, and entered into force on July 14, 2017.

**“Article 6**

Article 42a is amended to read as follows:

“(1) Where a criminal offense is committed out of hatred towards another person due to his national or ethnic affiliation, race or religion or due to the lack thereof, or due to disability, sex, sexual orientation or gender identity, such a circumstance shall be taken as aggravating by the court, unless that is stipulated as an element of the basic or more serious form of that criminal offense.

(2) Where a criminal offense is committed against a person who belongs to a particularly vulnerable category of persons (children, persons with disabilities, pregnant women, elderly persons, refugees) such a circumstance shall be taken as aggravating by the court.”

**Article 9**

After Article 151, two new articles are added to read as follows:

**“Female genital mutilation**

**Article 151a**

(1) Whoever mutilates external parts of female genitals shall be punished by a prison sentence for a term from one to eight years.

**Forced**

**Sterilization**

**Article**

**151b**

Whoever, by means of force or threats, commits sterilization of another person with a view to make his reproduction impossible shall be punished by a prison sentence for a term from three months to five years.“

**Article 10**

In Article 159, paragraph 1, after the word "identity“, the word “disability,” is added.

## **Article 11**

In Article 166a, after paragraph 2, a new paragraph is added to read as follows:

“(3) An attempt of an offense set forth in paragraphs 1 and 2 of this Article shall be subject to punishment.”

## **Article 12**

After Article 168, a new article is added to read as follows:

### **“Stalking**

#### **Article 168a**

(1) Whoever persistently stalks another person in a manner that may considerably endanger his life, health, body or way of life shall be punished by a fine or a prison sentence for a term not exceeding three years.

(2) Where the offense set forth in paragraph 1 of this Article is committed against a former spouse or common-law partner, the offender shall be punished by a prison sentence for a term from three months to five years.

(3) Offenders who commit the offense against a minor, a pregnant woman or a person with disability shall be punished by the sentence set out in paragraph 2 of this Article.

(4) Where the offence set forth in paragraph 1 of this Article caused danger to life, health or limb of another person or a person close to him, the perpetrator shall be punished by a prison sentence for a term from three months to five years.

(5) Where the offense set forth in paragraph 1 of this Article results in the death of another person or a person close to him, the perpetrator shall be punished by a prison sentence for a term from one to ten years.

(6) A person is deemed to be persistently stalking another person, within the meaning of this Article, where during a specific period of time:

- 1) he follows in an unauthorized manner or takes other actions with a view to achieving physical closeness to such a person;
- 2) he attempts to establish contact with that person contrary to his will, directly, through a third party or means of communication;
- 3) he abuses the personal data of that person in order to order goods or services;
- 4) he threatens the life, limb or freedom of that person or a person close to him;
- 5) he undertakes other similar actions towards that person.

## **Article 15**

Article 204 is amended to read as follows:

“(1) Whoever forces another into sexual intercourse or another act of equivalent nature without the person’s consent shall be punished by a prison sentence for a term from one to eight years.

(2) Whoever forces another into sexual intercourse or another act of equivalent nature by means of force or threats to directly attack the life or limb of that or of another person shall be punished by a prison sentence for a term from two to ten years.

(3) Where the offense set forth in paragraphs 1 or 2 of this Article was committed under a threat of revealing information about that or another person that would harm their honor or tarnish their reputation or by a threat of committing another grave wrong, the perpetrator shall be punished by a prison sentence for a term from one to eight years.

(4) Where an offense set forth in paragraphs 1, 2 or 3 of this Article results in a serious bodily injury of a person against whom the offense was committed, or where the offense was committed by several persons or in an especially cruel or especially degrading manner, or against a juvenile, or where the offense resulted in pregnancy, the perpetrator shall be punished by a prison sentence for a term from five to fifteen years.

(5) Where an offense set forth in paragraphs 1, 2 or 3 of this Article results in the death of the person against whom the offense was committed or where the offense was committed against a child, the perpetrator shall be punished by a prison sentence for a minimum term of ten years.”

## **Article 16**

In Article 208, paragraph 1, the words: “from Article 204, paragraphs 1 and 2” shall be replaced by the words: “from Article 204, paragraphs 1, 2, and 3”.

## **Article 17**

In Article 210, paragraph 1, the words: “a fine or a prison sentence for a term not exceeding one year“ shall be replaced by the words: “shall be punished by a prison sentence for a term from three months to two years.”

Paragraph 2 is amended to read as follows:

“(2) Where the offense set forth in paragraph 1 of this Article is committed against a minor, or where the offense was committed by several persons in an organized manner, the perpetrator shall be punished by a prison sentence for a term from two to ten years.”

After paragraph 3, a new paragraph is added to read as follows:

“(4) Pandering is, within the meaning of this Article, the use of persons for sexual activities whereby money or any other form of compensation or reward is given or promised as a payment for hiring such a person to take part in sexual activities, regardless of whether the payment, promise or reward are given to that person or to a third party.”

### **Article 18**

In Article 211, after paragraph 6, a new paragraph is added to read as follows:

“(7) Child pornography, within the meaning of this Article, is deemed to be any material that visually depicts a child engaged in real or simulated sexually explicit conduct and any depiction of a child's sexual organs for primarily sexual purposes.”

### **Article 20**

In Article 214, after paragraph 2, a new paragraph is added to read as follows:

“(3) Whoever incites another to go abroad or takes another person abroad with the intention to commit the criminal offense set forth in paragraph 2 of this Article, shall be punished by a prison sentence for a term from three months to three years.”

The current paragraph 3 becomes paragraph 4.

### **Article 21**

In Article 220, paragraph 1, the word “one” is replaced by the word “two.”

In paragraph 5, the words: “six months” are replaced by the words: “one year.”

### **Article 34**

In Article 443, paragraph 1, the words: “Whoever based on difference in race, color, nationality, ethnic origin or any other personal characteristic“ shall be replaced by the words:

“Whoever, due to national or ethnic affiliation, race or religion or due to the lack thereof, or due to the differences in terms of political or any other belief, sex, language, education, social position, social origin, sexual orientation, gender identity, disability, financial standing or any other personal characteristic”.

### **Article 35**

In Article 444, paragraph 1, the words: “withholding identity documents“ shall be replaced by the words: “withholding, confiscation or destruction of identity documents, forgery of identity documents, acquisition or production of forged documents.”

### **Article 36**

In Article 448, paragraph 1, after the word “protection,” the words: “or a member of his family“ shall be added.

In paragraph 2, the word “endangers” is replaced by the words: “may endanger.”

In paragraph 4, the words: “forty years of imprisonment“ shall be replaced by the words: “long-term imprisonment.”

In paragraph 5, the word “him” is replaced by the words: “his life or limb or that of a member of his family.”

### **Annex 15**

#### ***State Prosecution and CEDAW Committee Recommendations***

Thus, prosecutors have been appointed to the membership of the Coordination Committee for the Coordination, Implementation, Monitoring and Evaluation of Policies and Measures to Prevent and Combat All Forms of Violence Covered by the Istanbul Convention; Council for Gender Equality; The National Advisory Board for Combating Domestic Violence and Violence against Women, the Operational Team for Combating Domestic Violence and Violence against Women; working groups for drafting the Protocol on Prevention and Protection from Domestic Violence; RE Population Support Team; the working groups to develop guidelines for the application of the principle of impunity for victims of trafficking in human beings.

### **Annex 16**

#### ***Statistics on cases of violence against women***

- SUPREME STATE PROSECUTOR'S OFFICE

In 2020, due to the commission of the criminal offense of domestic violence under Art. 220 of the Criminal Code of Montenegro, 271 persons were reported. Together with unresolved reports against 22 persons from the previous period, there were reports against 293 persons.

State prosecutors dismissed criminal charges against 90 persons, indictments were filed against 181 persons, direct indictments were filed against one person, indictments were assigned in 4 cases, while at the end of the reporting period, indictments against 17 persons remained unresolved.

In addition to the unresolved indictments against 72 persons from the previous period, the court had a total of outstanding 255 indictments. A conviction was handed down against 165 persons, of which 77 persons were sentenced to imprisonment, 67 persons were given suspended sentences, 10 persons were sentenced to community work, 6 persons were fined, and 1 person was reprimanded. Following the court decision, 4 persons were imposed a security measure of compulsory psychiatric treatment and confinement in a medical institution. In addition to criminal sanctions, the court imposed 15 security measures: compulsory psychiatric treatment out of the institution for 1 person, compulsory treatment of drug addiction for one person, compulsory treatment of alcohol addiction for one person, seizure of travel document for 2 persons, restraining order for 6 persons and removal from the place of residence for 4 people.

At the end of 2020, the indictments against 78 persons remained unresolved in court, while 4 charges have been assigned. A decision to acquit the defendant was pronounced in relation to 4 persons, and a judgment of dismissal was passed in relation to 3 persons.

State prosecutors appealed against the courts' decisions against 18 persons due to pronounced sentences, so together with 2 unresolved appeals against decisions from the previous period, there were a total of 20 appeals, 17 of which related to the decision on sentence and 3 related to other reasons. Deciding on the appeals, the court accepted the appeal against 4 persons in relation to the decision on the sentence, and rejected the appeals against 13 persons in relation to the decision on the sentence. At the end of the reporting period 3 appeals remained unresolved.

Indictment control	
Unresolved indictments at the end of 2020.	78

Resolved indictments	177	
Total indictments	255	
Indictments received from another prosecution	1	
Indicted in 2020	182	
Unresolved indictments from an earlier period	72	
Unresolved investigation at the end of 2020		
Resolved investigation		
Suspension of the investigation		
Assigned investigations		
Termination of the investigation		
Total investigations in progress		
The investigation received from another prosecution office		
Unresolved investigation from an earlier period		
Draw at the end of 2020.	17	
Preliminary investigation	269	
Investigation orders		
Resolved reports	Report Assigned	4
	Immediate indictment	1
	The bill of indictment	181
	Dismissed	90
Total reports in progress	293	
Reports in 2020	271	
Unresolved reports from an earlier period	22	

Article of the Criminal Code of Montenegro	Article 220 of the CC
--	-----------------------------

## • SUPREME COURT OF MONTENEGRO

Overview of cases related to Article 220: Domestic or family violence, in 2020

Article of the CC	Total number of cases in a procedure	Number of cases with the final decision as of December 31, 2020	Type of final decisions by the number of persons		
			Convicted	Acquitted	Suspension of proceedings
220	252	140	139	3	3

Final sentences in 2020

Type of sentence	Number of pronounced sentences
SERVING IN PRISON	57
IMPRISONMENT IN THE PLACE OF RESIDENCE	5
COMMUNITY WORK	8
PROBATION	55
MONETARY FINE	6
RESTRAINING ORDER ART. 77A	6
DISCIPLINARY MEASURE (ADMONISHMENT)	2
COMPULSORY PSYCHIATRIC TREATMENT AND CONFINEMENT IN A MEDICAL INSTITUTION	1
COMPULSORY TREATMENT OF ALCOHOL AND DRUG ADDICTION	3
COMPULSORY TREATMENT OF ALCOHOL ADDICTION	2
COMPULSORY TREATMENT OF DRUG ADDICTION	1
COMPULSORY PSYCHIATRIC TREATMENT OUT OF THE INSTITUTION	5
COMPULSORY PSYCHIATRIC TREATMENT IN A MEDICAL INSTITUTION	3
SEIZURE OF TRAVEL DOCUMENT – PASSPORT	1
REFERRAL TO A NON-RESIDENTIAL INSTITUTION	1
<b>Total</b>	<b>156</b>

- SOS LINE**

Statistics for the period January–December 2020

Table 1. National SOS line for victims of domestic violence – Data on the number of persons who requested assistance

<b>Victims</b>	<b>Number</b>	<b>%</b>
<b>Women</b>	<b>334</b>	<b>94.35</b>
<b>Children</b>	<b>13</b>	<b>3.67</b>
<b>Men</b>	<b>7</b>	<b>1.98</b>
<b>Total</b>	<b>354</b>	<b>100</b>

Table 2. Number of services provided by the National SOS line

<b>Type of service</b>	<b>Number</b>	<b>%</b>
Informing	2,087	59.07
Confidential conversations / emotional support	775	21.94
Psychological counseling	349	9.88
Legal counseling	184	5.21
Mediation with institutions and urgent interventions	101	2.86
Request for accommodation	37	1.04
<b>Total</b>	<b>3,533</b>	<b>100</b>

Table 3. Victims of domestic violence

<b>Victims</b>	<b>Number</b>	<b>%</b>
<b>Women</b>	<b>334</b>	<b>94.35</b>
<b>Children</b>	<b>13</b>	<b>3.67</b>
<b>Men</b>	<b>7</b>	<b>1.98</b>
<b>Total</b>	<b>354</b>	<b>100</b>

Table 4: Perpetrators of domestic violence

<b>Gender of the perpetrator</b>	<b>Number</b>	<b>%</b>
Men	349	98.59
Women	5	1.41
<b>Total</b>	<b>354</b>	<b>100</b>

Table 5. SOS shelter for women and children with experience of violence – Data on the number of persons who received assistance

<b>Victims</b>	<b>Number</b>	<b>%</b>
Children	30	49.15
Women	31	50.85
<b>Total</b>	<b>61</b>	<b>100</b>

Table 6. SOS shelter for women and children with experience of violence – Data on the number of overnight stays and the number of persons per day

<b>Total number of overnight stays</b>	<b>4,725</b>
<b>Number of persons per day</b>	<b>13</b>

- **Judicial Information System of Courts (PRIS):**

Based on the data obtained from the Judicial Information System of Courts (PRIS), it follows that during 2020, in a total of eight (8) cases, the courts imposed the security measure of restraining order under Article 77a of the Criminal Code of Montenegro.

When it comes to the duration of the measure, based on insight into final judgments, it can be concluded that in six cases, it was ordered that this measure would last one year after the judgment becomes final, in one case – two years after the judgment becomes final. In one case – the ordered duration of the measure was three years after the judgment became final. Also, as stated in these decisions, the time served in prison is not included in the duration of this measure.

In 2020, the misdemeanor courts imposed a total of 408 protective measures, as follows:

- removal from the place of residence, 54;
- restraining order, 111;
- prohibition of harassment and stalking, 185;
- compulsory treatment for addiction, 16;
- compulsory psychiatric treatment, 31, and
- compulsory psychosocial treatment, 11.

## **Annex 17**

### ***Operational Team for Combating Trafficking in Human Beings***

The Operational Team for Combating Trafficking in Human Beings consists of representatives of the Ministry of the Interior, the Police Directorate, the Higher State Prosecutor's Office and the MPLJMP. The key tasks of the mentioned team are: More efficient processing of human trafficking cases; coordination of activities and coordination of work with other participants in the fight against trafficking in human beings; identification of victims of human trafficking in the human trafficking chain and other criminal offenses committed by criminal groups; gathering information on financial resources acquired through human trafficking and other criminal offenses for the purpose of conducting financial investigations; achieving international cooperation through direct contact with police services, especially in countries in the region, as well as with other international organizations, initiatives and participation in joint investigation teams, etc. Since its establishment, this team has given significant results.

Consolidated statistics on trafficking in human beings in Montenegro:

	Number of charges	Number of indictments filed	Number of judgments
2017	0	1	0
2018	2	0	0
2019	2	2	0
2020	8	4	3
2021 – as of April	2	2	2

## **Annex 18**

*Victims of trafficking in human beings – statistics and implemented projects*

<b>STATUS</b>	<b>NUMBER</b>	<b>TYPE OF EXPLOITATION</b>	<b>NATIONALITY</b>
Victim	2 adult men	Work exploitation	PAKISTAN
Victim	1 minor girl	Conclusion of illegal marriage	SERBIA
Victim	1 minor girl	Begging under coercion and conclusion of illegal marriage	MONTENEGRO
	1 minor boy	Begging under coercion	
Victims	12 adult women	Labor exploitation	TAIWAN
	25 adult men		
Victim	1 minor girl	Conclusion of illegal marriage	MONTENEGRO
Victim	1 adult woman	Conclusion of illegal marriage	KOSOVO
Victim	1 adult man	Begging under coercion	MONTENEGRO
Victim	1 minor girl	Victim of illegal marriage	MONTENEGRO
Victim	4 minors, 2 boys and 2 girls	Begging under coercion	MONTENEGRO IDP
Victim	2 adult women	Sexual exploitation	SERBIA
			MONTENEGRO

The team for formal identification of victims of trafficking in human beings is comprised of professionals from the Ministry of the Interior, the Police Directorate, social welfare, and a representative of civil society organizations. Based on the National plan for formal identification adopted by the Government, the Team conducts an analysis of any suspected case of trafficking in human beings. The tasks of the Team are as follows: coordinate the initial referral and protection of a person presumed to be a victim of trafficking; conduct the procedure of formal identification of victims of trafficking in human beings; communication and cooperation with local partners; visiting sites where vulnerable categories reside; informing the Minister of the Interior about the results of its work on a quarterly basis.

Every year, a campaign is realized to promote the 116666 SOS line for victims of trafficking in human beings by broadcasting the video “End Trafficking in Human Beings.” The SOS line is financed from the state budget and calls to this number can be made free of charge for all networks in Montenegro. In December 2018, in cooperation with the Ministry of Culture, a video was made that involved the engagement of a public figure (a member of the national basketball team of Montenegro) who joined the action of raising public awareness about the problem of trafficking in human beings and the promotion of the SOS line. In 2019, within the project that Terres de Hommes was implementing in Montenegro and the countries of the region, an additional video was produced and distributed to media outlets for broadcasting.

In the reporting period, i.e., years 2017, 2018, and 2019, a campaign titled “Protection from domestic violence, violence against children and forced child marriages among Roma” was conducted in cooperation with the Department for Combating Trafficking in Human Beings and the former Ministry for Human and Minority rights, together with the Police Directorate, Centers for Social Work, local governments, the Red Cross of Montenegro and the non-governmental sector. The campaign included visits to Roma settlements throughout Montenegro, during which discussion forums were organized. The forums were attended by children and their parents. On those occasions, the negative consequences of early and forced marriages for children, especially girls, were discussed together with topics such as the importance of protection from forced child marriages, as well as begging and domestic violence. During the campaigns, flyers related to trafficking, early and illegal marriages and begging were produced and distributed in Montenegrin, Romani and Albanian.

In 2017, an art competition on the topic “End trafficking in human beings” was organized for secondary school students and a seminar was held for media representatives on the topic “The

role of the media in the fight against trafficking in human beings.” Also, various media appearances were arranged in order to inform the public about this issue.

In order to develop measures for the protection of children from sexual exploitation in travel and tourism, the implementation of the “The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism” continued. In 2017, a survey of tourism professionals was conducted to learn about the extent of their knowledge related to the identification of children who are potential victims of sexual exploitation in travel and tourism. After analyzing the results of the survey, a curriculum was made and modules for the delivery of training to tourism professionals were defined. During 2018, a total of 4 trainings were delivered to tourism professionals from the northern, central and southern regions of the country. The training was attended by a total of 60 professionals. The trainings were implemented in 2019 as well.

Based on the Decision on the allocation of funds for financing projects/programs of non-governmental organizations in the field of social care for children and youth – with the aim to implement a campaign to reduce demand for services by victims of trafficking in human beings, the Ministry of the Interior financially supported the following NGO projects in 2019:

1. “CENTER OF THE NORTH” from Bijelo Polje. The amount of 2,583.60 euros was allocated for the implementation of the project “Media campaign towards the contribution to the Strategy for combating trafficking in human beings”.
2. “INSTITUTE FOR SOCIAL AND EDUCATIONAL POLICY” from Niksic. The amount of 2,000 EUR was allocated for the implementation of the project “Don't watch - React!!!”
3. “CENTER FOR THE DEVELOPMENT OF ACTIVISM AND VOLUNTEERING – KAN” from Bielo Polje. The amount of 2,583.60 euros was allocated for the implementation of the project “Open your eyes – Stop trafficking in human beings.”
4. “CENTER FOR POLITICAL EDUCATION” from Niksic. The amount of 2,625.60 EUR was allocated for the implementation of the project “They are someone’s treasure as well – Let's save them.”
5. “MONTENEGRIN WOMEN'S LOBBY” from Podgorica. The amount of 2 593.60 EUR was allocated for the implementation of the project “Implementation of the campaign to reduce the demand for services by victims of trafficking in human beings.
6. “THE DEVELOPMENT CENTER” from Bielo Polje. The amount of 2 613.60 euros was allocated for the implementation of the project “Contribution to the prevention of

trafficking in human beings among secondary school students – STOP TRAFFICKING.”

In 2021, the project titled “The victim can be your daughter, sister, mother, or wife” is being implemented within a GIZ project “Prevention and Combating Trafficking in Human Beings in the Western Balkans.” The project is implemented by the NGO Montenegrin Women's Lobby.

## **Annex 19**

### ***Examples of anti-trafficking awareness campaigns***

The NGO Montenegrin Women's Lobby developed and presented to the professional and general public “A Better Path for Women Victims of Human Trafficking” – a publication that contains an analysis and recommendations for six case studies concerning women victims of trafficking who before, during and after trafficking suffered other forms of violence (domestic violence, physical and psychological violence, sexual, economic violence, or were victims of arranged child marriages). In 2018, in the context of the project “Together for the Inclusion of Roma Women in Montenegro”, this NGO published a handbook for institutions and non-governmental organizations dealing with the protection of victims of violence, trafficking in human beings and contracted child marriages in Montenegro. The handbook was printed in 300 copies.

In cooperation with the Red Cross of Montenegro, a workshop on “Trafficking in Human Beings” was organized for asylum seekers residing in the Center for Asylum Seekers in 2018. Also, Red Cross volunteers distributed information flyers from the info desk in the center of Podgorica. The flyer was produced by the National Office for Combatting Trafficking in Human Beings. In cooperation with the Police Directorate – Border Police Sector, posters with SOS line numbers for victims of trafficking in human beings were placed at border crossings. The Ministry of Health distributed these posters in 18 health care institutions (primary health care centers) in order to promote the SOS line.

The National Council for Education and the Bureau of Education Services (2017/2018) accredited the Teacher Training Program on Trafficking in Human Beings and conducted a two-day teacher training on “Prevention of early and arranged marriages and economic

exploitation of children through the education system”. The overall goal of this program is to strengthen the capacities of representatives of educational institutions in the fight against forced child marriages and forced begging, in order, among other things, to identify risk categories among students. The training was attended by 25 teachers. During 2018, the trainings were delivered to 50 teachers and professional associates in 3 primary schools in Podgorica and 3 primary schools in Nikšić. The training program continued in 2019, when two trainings were held for principals, teachers and pedagogical and psychological service professionals of primary and secondary schools from the northern, central and southern regions of Montenegro, reaching a total of 81 participants.

UNICEF provided support to the implementation of the project “Standard Operating Procedures for the Treatment of Unaccompanied or Separated Children with Special Emphasis on Proactive Identification of Potential Victims of Trafficking in Human Beings” (2017/2018). An international expert and an intersectoral working group have developed a matrix of actions to be undertaken by competent institutions and organizations that can contribute when there is a suspicion that a child migrant, who is separated from their parents or unaccompanied, is a potential victim of human trafficking. Outreach workshops were organized reaching a total of 195 representatives of law enforcement agencies who were acquainted with the matrix. In addition, a manual was developed and distributed at all border crossings and all municipal centers.

## **Annex 20**

### ***Number of women MPs in the committees of the Parliament of Montenegro***

Out of a total number of 81 MPs at the beginning of the 27<sup>th</sup> convocation of the Parliament of Montenegro, 18 or 22% were women. On July 20, 2021, out of 81 MPs, 22 or 27.16% were women. One woman occupies the position of the Vice-President of the Parliament of Montenegro. The Parliament has 15 permanent working bodies. When it comes to the leadership of the committee, 3 women are chairs of the committees as follows: the Constitutional Committee, the Gender Equality Committee, and the Anti-Corruption Committee. The largest representation of women is in the Gender Equality Committee (69.3%). The next largest percentage of women is in the Legislative Committee (46.1%) and in the European Integration Committee (38.46%). When it comes to the Constitutional Committee,

the Committee on Political System, Judiciary and Administration, the Economy, Finance and Budget Committee, the Committee for Education, Science, Culture and Sports, and the Health, Labor and Social Welfare Committee there are 30.7% women members in each. The lowest percentage of women is in the Committee on International Relations and Diaspora (15%), the Committee on Human Rights and Freedoms (15%) and the Committee on Anti-Corruption (15.38%). There are no women in the Security and Defense Committee. When it comes to the temporary working body of the Committee for Comprehensive Electoral Reform, it has 14 members, of which 5 are women (35.7%).

Three women serve as heads of permanent delegations – to the Parliamentary Assembly of the Council of Europe (PACE), to the Inter-Parliamentary Union (IPA) and to the Parliamentary Dimension of the Central European Initiative (CEI PD). Nine women are members of eight delegations and the EU-Montenegro Stabilization and Association Parliamentary Committee. Two women serve as deputy members in the Delegation of the Parliament of Montenegro to the NATO Parliamentary Assembly (NATO PA).

## **Annex 21**

### ***Education – statistics***

Source of data: Montenegro in Figures 2020, MONSTAT

<http://monstat.org/uploads/files/publikacije/CG%20u%20brojkama%202020%20MNE.pdf>

<b>Primary education 2019/2020</b>	
Number of schools <sup>1)</sup>	425
Number of students	68,025
girls	32,462
boys	35,563
Number of teachers	5,006
women	3,955
men	1,051

<b>Secondary education</b>	
Number of schools	53
Number of students	27,446
girls	13,362
boys	14,084
Number of teachers	2,043
women	1,394
men	649
<b>Higher education</b>	
number of enrolled students	
<b>Undergraduate studies</b>	
	18,582
women	10,284
men	8,298
<b>Postgraduate studies</b>	
	4,288
women	2,444
men	1,844
<b>Ph.D. studies</b>	
	93
women	41
men	52
Number of teachers	1,622
women	819
men	803

1) The number of schools consists of: central school units and branch units

## **Annex 22**

***Table: Number of Roma and Egyptian students at all levels of education in the period from 2016 to 2020***

<b>Table: Number of Roma and Egyptian students at all levels of education in the period from 2016 to 2020</b>						
School year	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21

Preschool education	224		190 (113 M, 77 F)	191	208	224 (118 F)
Primary education	1,438 (772 M, 666 F)	1617	1,860 (998 M, 862 F)	1793	1830	1,793 (864 F)
Secondary school	99 (49 F)	112	142 (79 M, 63 F)	137 (62 F)	142	174 (73 F)
Higher education	20	20	27	14 (7 F)	13	17 (9 F)

## Annex 23

### *Data on the number of mentors (teachers) for RE students in primary and secondary schools*

The number of mentors (teachers) for RE students in primary and secondary schools who were hired through a project implemented by the NGO “Young Roma” in cooperation with the MoESCS:

- In the period from January 2020 to June 2020, a total of 35 mentors were hired in primary schools for 130 RE students from grades 8 and 9. In the period from October 2020 to December 2020, a total of 47 mentors were hired in primary schools for 169 RE students from grades 8 and 9.
- Within the same project, in the period January 2020 to June 2020, a total of 44 mentors were hired in secondary schools for 120 RE students. In the period from October 2020 to December 2020, a total of 48 mentors were hired for 157 secondary school students.

## Annex 24

### *Data on the research “Employment of Roma and Egyptians in Montenegro”*

In June 2018, in the context of the project “Promotion and Protection of Human Rights of Roma, Egyptians, and other vulnerable groups”, CEDEM conducted research titled “**Employment of Roma and Egyptians in Montenegro**”, which summarized findings from two studies: a research on the attitudes of employers and research on the socio-economic position of the RE population. According to the results of the research, the material status of RE in Montenegro has slightly improved compared to previous research, but the level of overall, formal employment did not improve. In terms of education, there has been recorded a

positive trend in terms of enrolment and attendance levels in kindergartens and primary schools, and a negative trend in terms of enrolment and attendance levels in secondary schools.

Data are available at:

1. Forms and degree of discrimination in Montenegro, CEDEM, 2020, available at the following link: <https://www.cedem.me/publikacije/istrazivanja/ostala-istrazivanja/send/31-ostala-istrazivanja/1980-obraci-i-stepen-diskriminacije-u-crnoj-gori-u-2020-godini>
2. Employment of Roma and Egyptians in Montenegro, CEDEM, EU Delegation to Montenegro, 2018, available at the following link: [http://www.cedem.me/images/jDownloads\\_new/Zaposljavanje\\_Roma\\_MNE.pdf](http://www.cedem.me/images/jDownloads_new/Zaposljavanje_Roma_MNE.pdf)

## Annex 25

### *Gender Equality Index*

The measurement results show that, at the national level, women in Montenegro are the least equal to men when it comes to power, followed by time, knowledge, money and work. Women are mostly equal to men in the field of health. However, women remain underrepresented in the labor market, entrepreneurship, policymaking, and politics. The values of the calculated index, disaggregated by domain are as follows: power 35.1; time 52.7; knowledge 55.1; money 59.7; work 65.2, and health 86.9. Following the analysis of the index values, it is easy to perceive which domains require improvement and where more work is needed. The index was presented on January 29, 2020, in Podgorica.

Montenegro	Montenegro	EU average
<i>Work</i>	65.2	72
<i>Money</i>	59.7	80.4
<i>Knowledge</i>	55.1	63.5
<i>Time</i>	52.7	65.7
<i>Power</i>	35.1	51.9
<i>Health</i>	86.9	88.1
<b>TOTAL value</b>	<b>55</b>	<b>67.4</b>

Table 7: Comparison of the degrees of gender equality in Montenegro with the EU average, by individual domains in 2019. Source: MONSTAT

## Annex 26

## ***National Strategy for Sustainable Development and Gender Equality***

In order to make the results of activities in the field of gender equality measurable within the NSSD, the following target outcomes have been defined:

- Political, economic and any other gender-based discrimination eliminated;
- Minimum 40% in political decision-making bodies at the national and local levels;
- All forms of violence against women and girls in public and private spheres, including trafficking in human beings and sexual and other forms of violence eliminated;
- Gender-balanced participation in unpaid work;
- Gender-balanced participation in unemployment;
- The national gender equality mechanism strengthened.
- It is necessary to ensure that women have equal rights and opportunities, not only in the political but also in the economic life of the country, including access to economic resources, property rights, the right to work, equal pay for equal work, with protection from all forms of discrimination in the labor market.

The Action Plan on Gender Equality and Climate Change identifies the following objectives:

1. Improving regulations and public policies in the field of climate change (strategies and bylaws) by mainstreaming gender perspective, as well as climate change perspective into policies related to gender equality. This priority will be financed from the state budget, and it is expected that measures related to gender and climate change will be incorporated in the new Gender Equality Program 2021–2026. The entire process will be coordinated by the Ministry for Human and Minority Rights.
2. Strengthening national institutions to engender the transparency framework in the field of climate change. This priority involves three steps – the first and second are expected to be financed through the CBIT, with the Ministry of Ecology, Spatial Planning and Urbanism playing a key role, as follows:
  - a) assessing the capacity of institutions to cross-link gender and climate change;
  - b) a series of trainings on gender equality and climate change;

- c) designation of a person who will be in charge of gender equality affairs in the Working Group on Climate Change within the National Council for Sustainable Development.