

ANNEX I:

Source: the Supreme State Prosecutor

Office for Combating Trafficking in Human Beings;	Workshop „Strengthening multi-sectorial approach in the fight against child trafficking, child begging and forced marriages”	28-29 January 2016;	High State Prosecutor Podgorica; BSP Podgorica;	State Prosecutor Tatjana Begovic; State prosecutor Andrijana Nastić;
CEDEM	“Strengthening of judicial practice in the fight against discrimination”	6 Jun 2016.	Supreme State Prosecution of Montenegro;	State prosecutors Maja Jovanovic and Milos Soskic
The Ministry of Human and Minority Rights;	The experience and practice of implementation of the law on same-sex unions	9 - 10 June 201 Podgorica	Supreme State Prosecution of Montenegro;	Dragoslav Jovanovic, Advisor in SSP
UNDP	“Invitation for participation in the Advisory Committee on Domestic Violence”	7 September, Podgorica	BSP PG	State Prosecutor: Danka Ivanovic Djeric
The Ministry of Human and Minority Rights;	Panel discussion “Contribution to improving the quality of life of LGBT people in Montenegro”	15 June 2016.	Supreme State Prosecution of Montenegro;	State prosecutor Andrijana Nastić
UNDP	“Advancing gender equality policy in the Western Balkans and in Turkey”	13 December, hotel Splendid, Budva	BSP PG	State prosecutors: Danka Ivanovic Djeric, Vukas Radonjić

ANNEX II

Source: the Protector of Human Rights and Freedoms

2015 Work Report of the Protector of Human Rights and Freedoms:

"Data on procedures before the Protector:

In 2015, the Protector had in work 83 cases in the area of prohibition of discrimination, which is 34.93% more than in the previous year when in work were 54 complaints. All cases in this area have been completed. In thirteen (13) cases the Protector found a violation of rights by discriminatory behaviour and issued an opinion with a recommendation, in two (2) cases a violation was removed in the course of the procedure, in thirty (30) cases the Protector could not find a violation of rights, in fourteen (14) cases the complainants were referred to other legal remedies because it was estimated that the removal of violation thus will be more effective, in six (6) cases the Protector dismissed the proceeding on the ground that the complainant did not cooperate during the process, in six (6) cases, the procedure was dismissed, because after the filing of the complaint was initiated a court proceedings, in four (4) cases procedure was dismissed because the complainant withdrawn the complaint, in two (2) cases the Protector did not act because the complaint was anonymous, and was not possible to determine closer indicators of treatment, in one (1) case, the Protector was not competent to act, in one (1) case the Protector did not act because effective and efficient remedies were not exhausted, in one (1) case the Protector did not act because the complaint was filed after the expiration of one year, in one (1) case, the complaint was not amended in given deadline and even after the deadline, in one (1) case, the complaint was repeated but was not submit new evidence and one (1) case was completed by merger. The dominant grounds for discrimination, or personal characteristic to which complaints referred during this period, was nationality, membership to a group or sex. Structured on grounds, i.e. personal characteristics, in work was the following number of complaints: national affiliation fifteen (15) cases, sex and motherhood eight (8), mobbing eight (8), affiliation to a group eight (8), area of labour six (6), disability six (6), sexual orientation and gender identity five (5), religion and religious symbols four (4) gender-based violence four (4), political discrimination four (4), citizenship two (2), trade union membership two (2), social status of two (2), marital status two (2), health status one (1), place of residence one (1), alphabet and language one (1), family reunification (right to privacy) one (1), belonging to a group at a public assembly one (1), hate speech one (1), expressed opinion one (1). The Protector, according to the legal authority, in four (4) cases initiated proceedings on his own initiative. Also, in several cases it insisted and asked for closer information and consent of the potentially discriminated person to initiate the procedure on its own initiative, but there was no response or approval. Therefore, in the absence of approval for acting, the Protector did not have procedural authority to initiate proceedings on its own initiative in those cases. In the reporting period, the Protector had in work 68 complaints filed by individuals and nine (9) collective complaints. Only two (2) anonymous complaints were registered. Despite the legal norms that authorize the Institution not to act on the anonymous complaint, the Protector was acting, considering to have grounds for that in case there is information about facts and events that point to discrimination, and the procedure can be initiated without the individualization of personal characteristics on the basis of available data. Of course, at some point the anonymity was a problem, and was the decisive fact in the dismissal of the process due to lack of evidence on existence of violation at the damage of allegedly discriminated person as a victim of a violation of a right. During the reporting period, before the Institution, women filed

34 complaints and man 34 as well. When we talk about the manner indicated in the complaints in which rights were violated, 32 complaints indicated that the infringement was committed by an act, in 36 by an action, while in 15 cases were pointed to violations caused by failure to act.

Data from the judicial competence:

As in previous reports, the Protector is warning about nonexistence of electronically kept database which would contain all the data on reports, procedures and decisions related to discrimination before misdemeanour and other courts, prosecution and police and inspection authorities, to which the Protector would have access in accordance with the Law on Prohibition of Discrimination and secondary legislation - Rulebook governing this system. In the absence of such a base, the Protector again this year, in a timely manner, addressed the courts and authorities individually: Judicial Council, the High Misdemeanour Court, the Administration for Inspection Affairs, the Supreme State Prosecutor and the Ministry of Internal Affairs - the Police Directorate, in order to obtain exact data on the number and status of complaints/reports/procedures for discrimination. This failure to keep and lack of existence of records in the state authorities (courts, public prosecution, misdemeanour bodies, the administrative authority responsible for policing and inspection bodies), is a barrier to effective communication and exchange of information in specific cases of discrimination. The Judicial Council has provided data on the number of filed civil lawsuits in 2015. Before the Montenegrin courts were initiated eight (8) civil proceedings to determine discrimination, of which before the Basic Court in Podgorica four (4) proceedings. Judicial Council submitted the information that four proceedings were initiated by women and four by men. The tabular presentation it submitted, lacks the information on the basis as well as the area of discrimination, except in one case that relates to the labour area. No procedure initiated in 2015 was resolved in merits, while in two cases, charges were withdrawn. Submitted data relates to the complaints lodged in 2015, but there is no indication whether are registered those complaints that have been transferred from earlier period, while in 2014 in work were 19 lawsuits for protection against discrimination. The Protector does not have information as to whether the proceedings that were initiated in 2014 completed or not and in what way, except for those cases in which the Protector has participated as an intervener on which was discussed in the previous report. Because Rulebook did not closely specify for which criminal offences the records are kept, the Protector sought and received information on the cases in which the defendants are prosecuted for those criminal offences which by their elements may be considered discriminatory, since they are committed against a person because of his/her personal characteristic. Thus, for the criminal offense of aggravated murder to the detriment of a pregnant woman or a child (Article 144 of CC) were seven cases; violation of equality under Article 159 of CC - three cases; violation of freedom of religion and performance of religious rites from Article 161 of CC - three cases; damaging the reputation of the nation, minority nation and other minority national communities from Article 199 of CC - one case; rape under Article 204 of CC - four cases; the sexual intercourse over a helpless person under Article 205 of CC - one case; sexual intercourse with a child under Article 206 of CC - four cases; sexual intercourse by abuse of position Article 207 of CC - one case; procuring and enabling sexual intercourse under Article 209 of CC - one case; mediation in prostitution under Article 210 of CC - eight cases; common-law marriage with a minor from Article 216 of CC - 10 cases; deprivation of a minor from Article 217 of CC - 15 cases; failure to provide sustenance from Article 221 of CC - 302 cases; violation of equality in employment from Article 225 of CC - two cases; inciting national, racial and religious hatred from Article 370 of CC - two cases; racial and other discrimination from Article 443 of CC - one

case. In respect of these cases, were registered 246 finally resolved cases, 228 convictions, 33 sanctions of community service, nine warnings, 28 fines, 53 prison sentences, 127 suspended sentences and nine security measures. According to the structure the victims are predominantly women.

The Police Directorate of the Ministry of Internal Affairs in the Government of Montenegro submitted the data on registered cases of discrimination which were failed in the period from 1 January 2015 to 31 December 2015. That organ has registered 19 cases regarding discrimination, of which 13 by an unknown perpetrator. Of that number, 16 reports were due to discrimination based on sexual orientation, and three reports were based on national affiliation. 22 persons were reported. Three reports were re-qualified by the state prosecution, two in the criminal offence under Article 433 of CC (racial and other discrimination) and one in the criminal offence under Article 168 of CC (endangering safety). In four cases the prosecutor pleaded no elements of a criminal offense or misdemeanour. 15 cases were processed. A number of perpetrators (seven) despite the measures taken, could not be identified, because the offense was committed via the Internet, and profiles on the social network Facebook were disabled. Inspection Directorate, for 2015 forwarded the information on the registered number of five (5) cases in the field of discrimination. For labour inspection were registered (4) cases, of which three (3) in relation to discrimination and one (1) related to mobbing, while the tourist inspection registered one (1) case in relation to discrimination based on sex. Of this, only in one case (1) the tourist inspection found a violation."

ANNEX III

Source: Police Directorate

In **2015**, was registered 180 criminal offences of violence in family and family community and was filed 167 criminal charges based on that. The criminal offences were committed by 185 persons, of which 169 man and 16 women. Four of them were minors, while 19 were returnees. Number of victims of criminal offence of domestic violence was 203, of which 62 men and 141 women. 14 of them were minors.

Because of 1,326 misdemeanours referred to in Article 36 of the *Law on Protection from Domestic Violence*, in 2015, the Police filed 1,238 misdemeanour charges. Misdemeanours were committed by 1,306 persons, out of which 1,069 men and 237 women. In the commission of these offenses, were registered 137 returnees.

Victims of committed offenses were 1,386, of which 544 men and 842 women. Of the total number of victims, 27 were minors.

In 2015, in accordance with Article 28 of the Law on Protection from Domestic Violence, in 24 cases the police issued an order of removal from or prohibition to return to his/her apartment or other living space.

In accordance with Article 37 of the Law on Protection from Domestic Violence, 68 reports for neglect were filed.

During 2015, 11 multidisciplinary teams held 76 meetings in which also police officers actively participated.

Tabular presentation of the number of ordered protective measures and the type of measures, for which execution the police is competent according to Article 33, paragraph 2 of the Law on Protection from Domestic Violence:

<i>Type of protective measures</i>	<i>Removal from the apartment, Article 21</i>	<i>Restraining order, Article 22</i>	<i>Prohibition of harassment and stalking, Article 23</i>
TOTAL	32	46	88

During **2016**, were committed 198 criminal offences for which were filed 197 criminal charges. The stated number of criminal offences has been committed by 203 persons, of whom 186 men (five of which were minors) and 17 women. During this period, 25 persons were returnees to the commitment of the criminal offence of domestic violence, one of whom was minor.

293 persons were victims of criminal offences of domestic violence, 93 men and 200 women. Out of the total number of victims 14 were minors (seven males and seven females).

In 2016, the Police Directorate filed 1,335 misdemeanour charges for violations committed in 1,458 misdemeanours from the Law on Protection from Domestic Violence. The stated number

of offenses were committed by 1,479 perpetrators, of which 1,218 men and 261 women. 175 returnees were registered for the execution of offenses under the Law on Protection from Domestic Violence

1560 persons were victims of committed misdemeanours, of which 600 men and 960 women. Out of the total number of victims of committed offenses, 149 were minors (78 males and 71 females).

In **2016**, in 28 cases in accordance with Article 28 of the Law on Protection against Domestic Violence, police officers ordered removal or prohibition of returning to the apartment or other living space.

Also, officers of the Police Directorate, in accordance with Article 37 of the Law on Protection from Domestic Violence, submitted 52 requests for neglect.

Tabular presentation of the number of ordered protective measures and the type of measures, for which execution the police is competent according to Article 33, paragraph 2 of the Law on Protection from Domestic Violence:

<i>Type of protective measures</i>	<i>Removal from the apartment, Article 21</i>	<i>Restraining order, Article 22</i>	<i>Prohibition of harassment and stalking, Article 23</i>
TOTAL	19	26	54

ANNEX IV

Source: General Secretariat of the Parliament of Montenegro

In the current sitting of the Parliament of Montenegro (26th convocation) out of 81 MPs, 19 are women or 23.46%, what is an increase compared to the 25th convocation when there were 15 women or 18.5%.

The structure of parliamentary bodies, on 16 December 2016, shows representation and presence of women in all permanent working bodies.

- Constitutional Committee - 2 women (15.38%);
- Legislative Committee - 2 women (15.38%);
- Committee for Political System, Justice and Administration - 1 (7.69%),
- Committee for Security and Defence - 1 (7.69%);
- Committee for International Relations and Emigrants - 1 (7.69%);
- Committee for European Integration - 4 (30.76%);
- Committee for Economy, Finance and Budget - 1 (7.69%);
- Committee for Human Rights and Freedoms - 1 (9.09%);
- Committee for Gender Equality - 4 (36,36%);
- Committee for Tourism, Agriculture, Ecology and Spatial Planning - 3 (23,07%);
- Committee for Education, Science, Culture and Sport - 2 (18.18%);
- Committee for Health, Labour and Social Welfare 1 (9.09%);
- Committee for Anticorruption - 2 (15.38%);
- Administrative Committee - 2 (15.38%);
- Commission for Monitoring and Control of Privatization - not established.

In the working bodies the percentage of women is 15.51%.

Only three women are presidents of the Committees, namely: Legislative Committee, Committee for Gender Equality and the Committee on Anti-Corruption.

Democratic Party of Socialists has 35 MPs - 10 women (28.57%); SocialDemocratic Party has four MPs -1 women (25%);

Democrats have 8 MPs - two women (25%);

Grand coalition - Key - Demos, SNP, URA have nine MPs - two women (22.22%); Democratic Front has 18 MPs - four women (22.22%).

At the meetings of the Committee for Gender Equality, the REA Network "FIRST" consisting of Roma and Egyptian activists from Montenegro, is represented by the executive director of the NGO "Centre for Roma Initiatives" .

ANNEX V

During 2016, before the competent courts, in work were five criminal cases for violations of labour rights (Articles 224-232 of the Criminal Code) in which women appear as victims, of which:

1. Two cases were before the Basic Court in Kotor, K.br.77/15/14 for a criminal offense under Article 224 of the Criminal Code of Montenegro (violation of right arising from labour) and K.br.404/15/15 for a criminal offense under Article 229 of the Criminal Code of Montenegro (violation of rights from social security), of which first sentence was delivered on 20 November 2015 and became final on 19 April 2016 and the second was delivered on 5 November 2016 and became final on 9 May 2016. In both cases was pronounced a suspended sentence.

2. Before the Basic Court in Rozaje in work was one criminal case K.br.59/16 for a criminal offense of violation of rights arising from u referred to in Article 224 paragraph 1 of the Criminal Code of Montenegro, in which the defendant was acquitted of the charges and the verdict became final on 4 October 2016.

3. Before the Basic Court in Cetinje there were two cases of this kind, K. no. 84/14 for the criminal offense under Articles 224 and 229 of the Criminal Code of Montenegro (violation of the rights arising from labour and violation of rights from social security), which is still in course, and K. no. 143/15 for the criminal offense under Articles 224 and 229 of the Criminal Code of Montenegro, which was finally ended with an acquittal.