



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the initial report of Montenegro at the Committee's fiftieth session, held in October 2011. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/MNE/CO/1). You may recall that in the concluding observations, the Committee requested Montenegro to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 19 and in paragraph 23 of the concluding observations.

The Committee welcomes the follow-up report received in February 2014 (CEDAW/C/MNE/CO/1/Add.1) under the CEDAW follow-up procedure, although it was received with a four-month delay. At its fifty-ninth session, held in October-November 2014 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 19** of the concluding observations that the State party "ensure that all reports of domestic and sexual violence against women and girls are effectively investigated and that perpetrators are prosecuted and sentenced commensurate with the gravity of their crimes": The State party mentioned that, since the entry into force of the Law on Domestic Violence Protection in August 2010, there has been a notable increase in the number of reported cases and verdicts issued by misdemeanour courts in respect to domestic violence against women, which evidences the application of the law in practice. The Committee welcomes the increase in the number of cases of domestic violence investigated and prosecuted since the adoption of the Law on Domestic Violence Protection. However the Committee considers that the State party failed to provide details on measures taken to ensure that perpetrators are sentenced commensurate with the gravity of their crimes. Moreover, the Committee notes that the State party did not provide any information on the steps taken to effectively investigate and prosecute acts of sexual violence against women and girls which are committed outside of the domestic sphere. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Her Excellency
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Regarding the recommendation that the State party “provide mandatory trainings to judges, prosecutors and police officers on standardized procedures for dealing with victims in a gender-sensitive manner and on the application of protection orders under the Law on Protection against Family Violence”: The State party mentioned that the Ministry for Human and Minority Rights conducted, in the framework of the Gender Equality IPA 2010 Programme, a range of trainings in 2012 and 2013 for police officers, judiciary agents, as well as social and health workers with the objective of providing them with a standardized approach to deal with cases of domestic violence. Moreover, the State party indicated that a system of cascade training (training of trainers) was set up for the purpose of continuing the efforts in sensitizing the relevant professional stakeholders on the Protocol on Conduct and the principles of inter-sectoral cooperation in cases of domestic violence. The Committee considers that the State party took significant steps to implement the recommendation. However, the Committee considers that the State party failed to indicate whether the trainings were mandatory, and whether they provided sufficient information on the application of protection orders under the Law on Protection against Family Violence. The Committee considers that, for the period under consideration, the recommendation **has been implemented**.

Regarding the recommendation that the State party “expedite the adoption of implementing regulations under the Law on Protection against Family Violence”: The State party mentioned that the Ministry of Interior issued the Regulation on orders of removal or prohibition of returning to the residence, which was published in the Official Gazette 42/12 on 31 of July 2012. The State party added that the Ordinance on the detailed method to determine and implement the protective measure of mandatory psychosocial treatment was completed and published in the Official Gazette 50/13 on 10 October 2013. The Committee considers that the State party took some steps towards the adoption of implementing regulations under the Law on Protection against Family Violence. However, the Committee considers that the State party failed to provide information on whether any remaining implementing regulations still need to be adopted. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “identify any gaps in the application of protection orders in criminal proceedings”: The State party mentioned that the provisions related to protection measures were reinforced in the amended Criminal Code of August 2013, which provides for restraining orders and removals of perpetrators to ensure enhanced protection for victims. The Committee notes the introduction of two provisions aimed at improving protection for women victims of violence in the amended Criminal Code. However the Committee considers that the State party failed to provide details on measures taken to identify any gaps in the application of protection orders in criminal proceedings. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “provide adequate assistance and protection to women victims of violence, especially an adequate number of shelter facilities funded by the State party”: The State party mentioned that the Law on Domestic Violence Protection provides for the protection and assistance to victims of domestic violence through various entities and structures, including the Centre for Social Welfare, social and child protection institutions, as well as health institutions. The law further prescribes the establishment of an assistance plan for the victim, and envisages the creation of protection committees comprising experts from the Centre for Social Welfare, local government officials, police forces, as well as non-governmental organizations charged with coordinating and overseeing the delivery of assistance and protection to victims. The State party also mentioned the establishment of public institutions as well as NGO or jointly run shelters that accommodate women and children victims of different forms of violence. The State party specified that shelters will continue to be constructed for women and children victims of violence to ensure adequate geographical coverage. The Committee considers that the State party took some steps to implement the recommendation. However the Committee notes that shelters for victims of domestic violence are predominantly run and funded by NGOs, and that additional shelter facilities are required to

ensure adequate protection space and geographical coverage. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “provide adequate assistance and protection to women victims of violence, especially psychosocial rehabilitation, as well as funding for NGOs that assist victims”: The Committee considers that the State party failed to provide information on actions taken to provide psychosocial rehabilitation to women victims of violence, as well as funding for NGOs that assist victims. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “conduct research and collect comprehensive statistical data on violence against women, disaggregated by sex, age and relationship between the victim and perpetrator and carry out an in-depth analysis of the research and statistical data and utilize them to design policies and measures to combat violence against women”: The State party mentioned that, within the scope of the Law on Domestic Violence Protection, statistical data on reported incidences of domestic violence, including information on victims, abusers, and orders of protection and assistance granted, are maintained by government institutions such as the Police, misdemeanour body, public prosecution services, the Centre for Social Welfare, child and social welfare institutions, as well as health institutions. The State party further indicated that the Ministry for Human and Minority Rights, which is responsible for centralizing the collected information, conducted a survey on domestic violence to develop a better understanding of the perceptions, intensity and forms of the phenomenon. The State party added that the analysis of the survey’s results were helpful in planning and defining measures and activities aimed at preventing and combating domestic violence as part of the Plan of Action for Gender Equality, which was adopted in January 2013. The Committee commends the State party for collecting statistical data and conducting a survey on the scope and extent of domestic violence. However, the Committee considers that the State party failed to elaborate on other forms of violence against women, as well as to provide sufficient information on whether collected statistical data were disaggregated by sex and age of victims and perpetrators. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “set a time frame for ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011)”: The State party mentioned that the Law on Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was adopted by the Parliament on 1 March 2013. The State party ratified the Convention on 22 April 2013. The Committee considers that the recommendation **has been implemented**.

The Committee recommends that, in relation to paragraph 19 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Ensure that all reports of domestic and sexual violence against women and girls are effectively investigated and that perpetrators are prosecuted and sentenced commensurate with the gravity of their crimes;
- 2) Expedite the adoption of any remaining implementing regulations under the Law on Protection against Family Violence, and identify any gaps in the application of protection orders in criminal proceedings;
- 3) Provide adequate assistance and protection to women victims of violence, especially psycho-social rehabilitation and an adequate number of shelter facilities funded by the State party, as well as funding for NGOs that assist victims; and

4) Extend the scope of the collection of statistical data in order to include all forms of violence against women, and ensure that they are disaggregated by sex, age and relationship between the victim and perpetrator.

The Committee also recommends that the State party indicate whether the trainings provided by the Ministry for Human and Minority Rights to police officers, judiciary agents, as well as social and health workers were mandatory, and whether they provided sufficient information on the application of protection orders under the Law on Protection against Family Violence.

Regarding the recommendation made in **paragraph 23** of the concluding observations that the State party “review the 30-percent quota 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”: The State party mentioned that the Law on the Election of Councillors and Members of Parliament (2011) stipulates, in Article 39(a), that electoral lists shall comprise at least 30 percent of candidates from under-represented sex in recognition of the principle of gender equality. In addition, the State party indicated that a working group was set up on 11 June 2013 with a view to propose amendments to the electoral legislation, including the realization of the gender balance in the composition of the Parliament. The State party, however, noted that no consensus was reached thus far on the introduction of guaranteed quota for the less represented sex in the Parliament. The Committee welcomes the ongoing parliamentary debate on the introduction of guaranteed quota for the less represented sex in the Parliament. However, the Committee considers that the State party failed to review the 30-percent quota 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. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “introduce legislative measures and procedures for the implementation of article 10 of the Law on Gender Equality, including provisions on the rejection of proposals for appointments that do not comply with the principle of gender-balanced representation, unless there are justifiable reasons for exemption from this principle”: The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “adopt other temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25 (2004), such as a gender parity system for appointments and accelerated recruitment of women in the public service, especially in senior positions”: The State party mentioned the existence of legislative measures ensuring gender equality and gender-balanced representation, such as article 10 of the Law on Gender Equality (2007), the Law on Election of Councillors and Members of Parliament (2011), and the Law on Civil Servants and State employees (2011). The State party also presented figures that indicate the low level of representation of women in various State institutions, especially in managerial positions. The Committee considers that the State party failed to provide information on any steps taken to adopt other temporary special measures since the issuance of the previous concluding observations. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “remove discriminatory practices and address cultural barriers that prevent women from moving into decision-making and management positions in the education sector and so ensure proportionate representation of women and men in principal positions”: The State party mentioned that the Ministry of Education runs a policy aimed at eliminating discriminatory practices and cultural barriers that prevent women from occupying decision-making and leadership positions in the education sector and ensuring proportional representation of women and men in positions of director of institution. The State party, however, presented data that clearly indicate the overall low level of representation of women as directors of educational institutions in Montenegro (31.98 percent). To this regard, it recognized the need to increase its efforts to empower women in order to achieve proportionate representation of women

and men in principal positions of the education sector. The Committee considers that the State party failed to provide information on any steps taken to remove discriminatory practices and address cultural barriers that prevent women from moving into decision-making and management positions in the education sector and so ensure proportionate representation of women and men in principal positions. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “provide incentives for political parties to nominate equal numbers of women and men as candidates and harmonize their statutes with the Law on Gender Equality, e.g. through party financing and by encouraging broadcasting media to allocate extra time to those parties during electoral campaigns”: The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “create an enabling environment for political participation of women, including Roma, Ashkali and Egyptian women, e.g. by adequately funding campaigns of women candidates, educating young women leaders, and strengthening women’s wings of political parties”: The State party mentioned that the Ministry for Human and Minority Rights organized, in 2012, a series of trainings and lobbying campaigns on the political empowerment of women for representatives of parliamentary political parties, international organizations and the media. Moreover, the State party indicated that, in September-October 2013, the Gender Programme IPA 2010 led a campaign aimed at encouraging women to politically associate and delegate their representatives in the managerial positions of their respective parties, as well as introducing specific measures on funding women’s groups within political parties in the Law on Financing of Political Parties. The Committee welcomes the steps taken by the State party to create an enabling environment for political participation of women. However, the Committee considers that the participation of women in political parties and their accession to managerial positions remain a challenge in Montenegro. Moreover, the Committee considers that the State party failed to provide details on measures taken to enhance political participation of Roma, Ashkali and Egyptian women. The Committee considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 23 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Review the 30-percent quota 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;
- 2) Introduce legislative measures and procedures for the implementation of article 10 of the Law on Gender Equality, including provisions on the rejection of proposals for appointments that do not comply with the principle of gender-balanced representation, unless there are justifiable reasons for exemption from this principle;
- 3) Adopt other temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25 (2004), such as a gender parity system for appointments and accelerated recruitment of women in the public service, especially in senior positions;
- 4) Remove discriminatory practices and address cultural barriers that prevent women from moving into decision-making and management positions in the education sector and so ensure proportionate representation of women and men in principal positions;
- 5) Provide incentives for political parties to nominate equal numbers of women and men as candidates and harmonize their statutes with the Law on Gender Equality, e.g. through

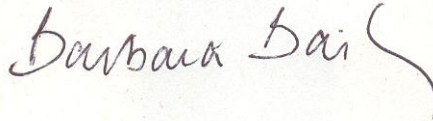
party financing and by encouraging broadcasting media to allocate extra time to those parties during electoral campaigns; and

6) Intensify its efforts to create an enabling environment for political participation of women, including Roma, Ashkali and Egyptian women, by encouraging women to politically associate and delegate their representatives in the managerial positions of their parties, as well as by introducing specific measures on funding women's groups within political parties in the Law on Financing of Political Parties.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Montenegro on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Barbara Bailey
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women