



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: [registry@ohchr.org](mailto:registry@ohchr.org) – [cedaw@ohchr.org](mailto:cedaw@ohchr.org)

REFERENCE: AS/follow-up/Montenegro/76

14 July 2020

Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the second periodic report of Montenegro, at the Committee's sixty-seventh session, held in July 2017. At the end of that session, the Committee's concluding observations (CEDAW/C/MNE/CO/2) were transmitted to your Permanent Mission. You may recall that in paragraph 61 on follow-up on the concluding observations, the Committee requested Montenegro to provide, within two years, written information on the steps taken to implement the recommendations contained in 21 (c), 37, 43 (c) and 53 (b) of the concluding observations.

The Committee welcomes the follow-up report received with a seven-month delay in February 2020 (CEDAW/C/MNE/FCO/2) under the CEDAW follow-up procedure. At its seventy-sixth session, held remotely due to COVID-19 pandemic in July 2020, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 21 (c)** of the concluding observations, urging the State party to “**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**”:

The Committee welcomes measures taken by the State party to reduce child and/or forced marriage, including workshops by the Ministry for Human and Minority Rights to raise participants' awareness of the consequences of such marriage and the importance of educational opportunities for Roma and Egyptian communities. It also takes note of the amendment of article 216 of the Criminal Code, which criminalizes the cohabitation in customary marriage with a minor committed by the use of force or threat. Nevertheless, the Committee is concerned about the lack of effective implementation of legislation on child marriage and the low prosecution rates. While noting the adoption of the "Guidelines for dealing with competent institutions in cases of identifying and prosecuting child marriages and common-law marriages" by the Ministry of Interior, the Committee is concerned about the effective implementation of the guidelines. The Committee considers that the State party took some steps to implement the recommendation. Hence, it considers that the recommendation **has been partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

His Excellency  
Mr. Milorad Šćepanović  
Permanent Representative of Montenegro  
to the United Nations Office at Geneva  
Rue de Varembe 7  
1202 Geneva

Email: [missionofmontenegro@bluewin.ch](mailto:missionofmontenegro@bluewin.ch)



The Committee recommends that, in relation to **paragraph 21 (c)** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

**Strictly enforce the prohibition of forced cohabitation or child and/or forced marriage, including through the effective implementation of legislation and “guidelines for dealing with competent institutions in cases of identifying and prosecuting child marriages and common-law marriages,” in particular in cases of further sexual exploitation of the victim, as well as adequately prosecute and sanction perpetrators of such acts.**

In relation to the recommendation made in **paragraph 37** of the concluding observations, urging the State party to “**establish a fund to support all women who left their formal employment to opt for the benefits under the annulled 2015 amendments to the Law on Social and Child Protection and who are experiencing difficulties in re-entering the workforce**”:

The Committee welcomes the establishment of a monthly compensation scheme, which provides a monthly compensation for a period of three to five years to all beneficiaries who left their employment or ceased to perform entrepreneurial or agricultural activities on their own will, under the Law on the Execution of the Decision of the Constitutional Court. Hence, it considers that the recommendation **has been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

Regarding the recommendation made in **paragraph 43 (c)** of the concluding observations, urging the State party to “**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 community**”:

The Committee welcomes the Regional Housing Program for Montenegro, which provided access to housing for persons belonging to vulnerable groups, including those in the refugee camps in Konik, and improved their standard of living. However, it is concerned about the reported lack of consideration of the needs of women and girls in the government’s plan to improve the sustainability of the Regional Housing Program. The Committee also regrets the absence of information on the impact of the Strategy for Social Inclusion of Roma and Egyptians in Montenegro (2016-2020) in terms of the integration of people in the camps into communities. The Committee considers that the State party took some steps to implement the recommendation. Hence, it considers that the recommendation **has been partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 43 (c)** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

**Ensure the sustainability of the Regional Housing Program with particular attention to the needs of women and girls, and provide information on the outcome of the Strategy for Social Inclusion of Roma and Egyptians in Montenegro (2016-2020) and its Action Plans on the integration of persons living in the refugee camps in Konik into communities.**

With regard to the recommendation made in **paragraph 53 (b)** of the concluding observations, urging the State party to “**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, abolish the possibility for unequal sharing of joint property and 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”:**

The Committee notes that the Family Law's provisions on the joint property upon the dissolution of marriage apply equally to those who have been in de facto relationships for more than three years. It is, however, concerned about the result of a survey conducted in February 2019 showing that the majority of people think family assets are not equally divided between men and women in practice due to the traditional view that put women under pressure to waive their rights to property as a family tradition. The Committee regrets the State party does not provide any information on the measures it has taken to this recommendation since the dialogue with the State party. The Committee considers that the State party did not take steps to implement the recommendations fully. Hence, it considers that the recommendation **has not been implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 53 (b)** of the concluding observations, the State party:

**1. Provide, in its next periodic report, information on actions taken to ensure the legally accurate enforcement of a joint property regime upon the dissolution of marriage, including de facto relationships, in practice, by abolishing any requirement for women to prove their share in and contribution to such joint property, abolish the possibility for unequal sharing of joint property, and eliminate discriminatory practices that hinder women's access to property.**

**2. Seek technical assistance from the United Nations entities to provide capacity-building or educational programmes to strengthen the enforcement of a joint property regime upon the dissolution of marriage.**

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Lia Nadaraia  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women