# NGO REPORT ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS IN MONTENEGRO

143<sup>rd</sup> Session (3 March 2025 - 28 March 2025)



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#### Montenegro's Compliance with the International Covenant on Civil and Political Rights Suggested List of Issues Prior to Review of the Second Periodic Report

### Submitted by The Women's Rights Center a non-governmental organization from Podgorica, Montenegro

on behalf of the following organisations:

Women's Rights Center
Association Spectra
Association of Youth with Disabilities of Montenegro

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### A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

UN treaties, including the Covenant, remain largely unknown to a significant portion of the Montenegrin state apparatus and its citizens.

This issue has been further exacerbated by the loss of institutional memory due to frequent and substantial political changes since the 2020 elections, leading to new appointments within the state administration.

Within the implementation of the Covenant, the State does not provide information in accessible formats for persons with disabilities and national and ethnic minorities.

Covenant is modestly included in the normative framework within the national strategic documents such as the National Strategy for Gender Equality 2021-2025<sup>1</sup> or in the National Strategy for Judiciary Reform 2024-2027<sup>2</sup>. However, it was not addressed as referential framework in those strategies covering trafficking in human beings<sup>3</sup>, anti-corruption<sup>4</sup>. The first ever victim protection strategy has not been drafted yet, even though the working group was formed by the Ministry of Justice. To address these gaps, systematic, specialized, gender-responsive, and mandatory training for all relevant institutions should be established in collaboration with women's NGOs. Such training should go beyond legal procedures to ensure a comprehensive understanding of the principles and standards of international treaties, including the CCPR.

Montenegro put in place solid legal framework, particularly in the field of domestic and genderbased violence. However, effective legal safeguards for gender equality and anti-discrimination remain inadequate. The Law on Gender Equality<sup>5</sup>, last amended in 2015, fails to provide guarantees for functional national gender mechanisms, imposes relatively mild penalties, and is not fully aligned with ratified international standards. The National Council for Gender Equality does not exist, and the Law on Equal Opportunities and Anti-Discrimination<sup>6</sup> has been pending adoption for over three years. The National Gender Equality Strategy 2021–2025<sup>Z</sup> has achieved only about 65% of its objectives, with progress often dependent on the repeated extension of activities from one annual action plan to the next. Additionally, the Law on Free Legal Aid does not recognize WCSO as specialized free legal aid providers, even though these organizations offer a disproportionately higher volume of free legal aid to victims of violence compared to state

national strategy-for-gender-equality-2021-2025/

<sup>&</sup>lt;sup>1</sup> National Strategy adopted in 2021 is on the link: https://www.gov.me/dokumenta/41e3ee6a-757a-4684-9763-9fee5e933afd

<sup>&</sup>lt;sup>2</sup> See more at: https://www.gov.me/dokumenta/16081d4d-bba3-4f10-9bff-ba23b16ea16c

<sup>&</sup>lt;sup>3</sup> See also: https://www.gov.me/dokumenta/ffaddb5a-c40e-4ab2-ad5d-3606cfca4a97

<sup>&</sup>lt;sup>4</sup> See the strategy at link: https://www.coe.int/sr/web/podgorica/-/the-government-of-montenegro-adopts-the-strategy-for-the-fight-against-corruption

<sup>&</sup>lt;sup>5</sup> Law on Gender Equality (Official Gazette 046/07 ... 035/15 od 07.07.2015.) at link: https://www.ombudsman.co.me/docs/1612165858\_zakon-o-rodnoj-ravnopravnosti.pdf

<sup>&</sup>lt;sup>6</sup> Public debate was organised in 2022, se more at: https://www.gov.me/clanak/odrzana-zavrsna-javna-rasprava-o-nacrtu-zakona-o-zastiti-jednakosti-i-zabrani-diskriminacije

<sup>&</sup>lt;sup>7</sup> Monitoring of the implementation of NGES 2021-2025, link: https://womensrightscenter.org/monitoring-report-on-implementation-of-2023-action-plan-for-

services (further discussed in the Violence Against Women chapter) <sup>8</sup>. A human rights legal framework must be improved and enacted with due diligence to ensure full protection of gender equality and non-discrimination.

1. Specific Information on the Implementation of Articles 1–27 of the Covenant, with Regard to the Previous Recommendations of the Committee

#### Constitutional and Legal Framework within which the Covenant is implemented (Art. 2)

Although the Judiciary and Prosecutorial Training Centre organizes annual educational workshops on human rights issues, these are primarily framed within the European Court of Human Rights (ECHR) case law and the Council of Europe's (CoE) human rights standards in the field of gender-based violence<sup>9</sup>. Educational modules on the CEDAWare also included. However, no training has been specifically dedicated to the promotion of the CCPR.

It is worth noting that judges and prosecutors receive education on issues covered by the CCPR, such as anti-corruption, torture and ill-treatment, and human trafficking. However, these modules are not designed to enhance the visibility of the CCPR but rather focus on other international instruments. Additionally, there is a significant lack of awareness of the CCPR among parliamentarians. In light of this, and in addition to the above recommendation, Parliament should dedicate at least one session annually to review and discuss the status of the implementation of human rights treaties, including the CCPR,

Non-discrimination, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 20, 26 and 27)

A single database on cases of discrimination at the national level has not yet been established, even though the obligation was adopted in 2021<sup>10</sup>. Protector of Human Rights and Freedoms (Ombudsperson) continuously proposed its introduction.<sup>11</sup>

State institutions, particularly Judicial and Prosecutorial Council failed to keep the case evidence according to the Rulebook on the method of keeping special records of reported cases of

<sup>&</sup>lt;sup>8</sup> More on Free legal aid see in the Chapter on Violence against women and children

<sup>&</sup>lt;sup>9</sup> Lates Annual Report for 2022 of JPTC activities is at the link: http://cosdt.me/wp-content/uploads/2023/03/Godisnji-izvjestaj-o-radu-Centra-za-obuku-u-sudstvu-i-drzavnom-tuzilastvu-za-2022.-godinu.pdf (page 23). Previous reports of the JPTC are not available on the link: http://cosdt.me/izvjestaji-o-radu-centra/

<sup>&</sup>lt;sup>10</sup> According to the 2021- 2022 Action Plan of the National Strategy for Gender Equality 2021-2025, one of the obligations of the Ministry of Human and Minority Rights is to establish and consolidate records on cases of discrimination based on sex and gender.

<sup>&</sup>lt;sup>11</sup> A statement of the Deputy Protector Nerma Dobardzic, June 3 2022, available at: https://www.ombudsman.co.me/34781.news.html

discrimination<sup>12</sup>. Furthermore, they remain inconsistent in data collection and fail to comply with preestablished data collection forms, making the resulting statistics difficult to use and disseminate<sup>13</sup> The number of complaints related to gender discrimination filed with the Ombudsperson remains low (26 cases in 2018, 29 in 2019, 11 in 2021, 8 in 2022, and 15 in 2023)<sup>14</sup>. In 2023, the Ombudsperson registered 12 cases of hate speech (compared to 16 in 2022) and 7 cases of hate speech in public discourse and media (compared to 14 in 2022), including instances of discrimination based on ethnic and gender identity.<sup>15</sup>.

### Measures taken to combat discrimination and prejudice against lesbian, gay, bisexual, transgender and intersex persons

A study conducted by Asocijacija Spektra found that 93.8% of participants felt that their gender identity was the basis for discrimination or harassment within the past 12 months(93.8%). The rights of minority groups, particularly lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, continue to face significant barriers, despite legal advancements. The implementation of the <a href="Strategy for improving the quality of life of LGBT persons for the period 2019-2023">Strategy for improving the quality of life of LGBT persons for the period 2019-2023</a> has largely fallen short of its goals, with only one of fifteen operational goals fully achieved and four partially achieved. Notably, 60% of the measures that were fully or partially implemented were carried out by NGOs.

A same-sex couple has filed two lawsuits against the state after their children were denied Montenegrin citizenship, despite one parent being a citizen. The Ministry of Interior has failed to issue a decision within the legally mandated one-year period, leaving the children without access to essential rights such as education, healthcare, and social security. The Ombudsperson previously urged the Ministry to address this legal gap, emphasizing that individuals of different sexual orientations must enjoy equal rights without discrimination. While the Ombudsperson's office makes significant efforts to deliver timely and high-quality opinions to change discriminatory institutional practices, the institutional response to its recommendations remains inadequate or is entirely absent. Montenegro must enhance protections against gender-based discrimination, strengthen the capacity and power of public institutions—including the Ombudsperson's office—to efficiently handle and resolve these cases, and finally establish a comprehensive national database. Additionally, the state must ensure the full implementation of the Strategy for Improving the Quality of Life of LGBTQI Persons (2024–2028) by recognizing the specific needs of the LGBTQI+ community and improving their overall living standards and safety.

<sup>&</sup>lt;sup>12</sup> The Rulebook is not publicly available, WRC received it upon request addressed to the Ministry of Human and Minority Rights.

<sup>&</sup>lt;sup>13</sup> From the Analysis of the implementation of the Rulebook on the method of keeping special records of reported cases of discrimination, published by Ministry of Human and Minority Rights, UNDP and Ombudsperson, authors Aneta Spaić and Nina Radović Sentić

<sup>&</sup>lt;sup>14</sup> The Ombudsperson's Annual Reports 2018-2023, available at:

https://www.ombudsman.co.me/Izvjestaji\_Zastitnika.html

<sup>&</sup>lt;sup>15</sup> European Commission Country Report on Montenegro, 2023, more at: <a href="https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2023">https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2023</a> en

Several hate crimes against LGBTQI+ individuals have been reported to state authorities; however, none of these cases have received an adequate resolution.

On the night of August 28, 2019, a transgender man was violently attacked. 16 Initially, the defendants were sentenced to eight months in prison by the Basic Court in Kolašin for violent behavior. However, the Higher Court in Bijelo Polje overturned the verdict and ordered a retrial. The trial was repeatedly delayed, and after five years, the case was closed due to the statute of limitations. In 2023, a transgender woman psychologist was subjected to two violent attacks in Bar and Podgorica<sup>17</sup>. Between December and January 2025, two transgender persons in Podgorica were attacked three times near their residence. The latest attacks involved a group of minors using metal rods and stones. Despite promptly reporting the incidents, the victims received no updates from the police, nor were they informed if the perpetrators were identified or prosecuted. While some minors were initially identified, according to the victims' testimony, when they offered to come forward for identification, the police never followed up. Association Spectra publicly reacted, <u>calling on the Police Directorate to urgently share information</u> on the measures taken within their competence to find the perpetrators of the violence, but we have not received a response. The failure of the police and other relevant institutions to address these attacks highlights a broader pattern of impunity for violence and discrimination based on sexual orientation and gender identity.

The Law on Same-Sex Partnerships was adopted in 2020 but remains largely unimplemented due to the state's failure to harmonize 27 related laws and bylaws. Initially, only six were amended, with no further progress since, despite intense efforts of civil society to address this issue. Civil society organizations have provided clear analyses and guidelines on the necessary amendments, sharing them with all relevant ministries and parliamentary clubs <sup>18</sup>. However, the lack of implementation continues to deny same-sex couples full legal recognition and rights.

#### Self-determination law – latest developments

The adoption of the Law on Legal Gender Recognition based on Self-Determination remains blocked by Prime Minister Spajić and the Government of Montenegro. Despite broad support from various internal and external actors throughout 2024, and the fact that the law was a joint 8-year long work of civic society, institutions and legal experts (one of them being now the Supreme State Prosecutor), the law has been repeatedly removed from the agenda of the Commission for Political System, Internal and External Politics at the request of the Prime Minister who persistently prevents the law from reaching the Parliament where it is supposed to

<sup>&</sup>lt;sup>16</sup> See more <a href="https://www.vijesti.me/vijesti/crna-hronika/409162/pokrenut-optuzni-predlog-protiv-osumnicenih-za-prebijanje-trans-muskarca">https://www.vijesti.me/vijesti/crna-hronika/409162/pokrenut-optuzni-predlog-protiv-osumnicenih-za-prebijanje-trans-muskarca</a>

<sup>&</sup>lt;sup>17</sup> In Bar, a group of young men physically assaulted the individual, causing minor injuries, and verbally attacked her with homophobic slurs and death threats. In Podgorica, a taxi driver and a passerby harassed and threatened the individual in a public space. The case was reported, but it never reached a conclusion; it was reported to the police, but they never found the attackers.

<sup>&</sup>lt;sup>18</sup> The European Union, in its <u>IBAR report on Chapters 23 and 24</u>, urged Montenegro to strengthen LGBTIQ rights protection, including by aligning the legal framework with the Same-Sex Partnership Law.

be adopted. According to the Strategy for improving the quality of life of LGBT persons for the period 2019-2023, this law was supposed to be adopted by 2023. Among key international bodies recognizing the importance of self-determination, the Council of Europe's Committee for the Prevention of Torture (CPT) and the UN Committee on the Elimination of Discrimination against Women (CEDAW) have both called for legal gender recognition without sterilization, aligning with Montenegro's international human rights obligations <sup>19</sup>. The international community should take a unified stance in urging Montenegro to finalize the adoption of the Law on Legal Gender Recognition Based on Self-Determination. This law must provide clear guarantees that no individual is subjected to forced medical sterilization or other inhumane medical procedures as a prerequisite for exercising their fundamental right to self-determination.

#### Disability rights<sup>20</sup>

National legislation in the area of disability rights is not aligned with international standards and the human rights-based approach to disability. In the area of protection from discrimination and violence, this means that groups that are multiple and intersectionally discriminated against and at greater risk of violence are not adequately protected. In general, access to justice is limited for persons with disabilities.

The state does not have data or evidence/statistics of girls and women with disabilities, including data regarding discrimination and violence based on disability, nor data disaggregated by number, kind of impairment, age, other socio-demographical data, place of residence (urban and rural areas), etc. The only disaggregated data exist in the field of education and un/employment.

There is a high level of tolerance of violence against women with disabilities and even reported cases are not adequately prosecuted.

There are no programs and measures that are especially undertaken by the state to protect women with disabilities from all kinds of discrimination, violence, exploitation, and all types of torture, inhuman or degrading treatment. In practice, women with disabilities who are victims can seek protection and shelter only from non-governmental organizations that deal with women's human rights. The state does not have special protection services, besides the possibility of reporting through the national SOS line, and information and other kinds of

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<sup>&</sup>lt;sup>19</sup> Despite the fact that there is no acquis for legal gender recognition based on self-determination, it is clear that this law will contribute to the implementation of EU closing benchmarks in the field of fundamental rights: implementation of the practice of ECHR, as well as CPT recommendations, which would both be fulfilled by adopting this law. Additionally, the European Commission has given a positive opinion on the draft law, acknowledging its contribution to human rights advancements in Montenegro. The law is now included in the draft Action Plan for Chapter 23, a crucial document in Montenegro's EU accession process. During working group discussions, no objections were raised against its inclusion. We emphasize the importance of adopting this action plan and encourage all actors to provide public support for the law.

<sup>&</sup>lt;sup>20</sup> Source: Association of Youth with Disabilities

communication are inaccessible for women with hearing and sensory impairments, learning, intellectual, or psychosocial disability.

National law and policy on gender and disability do not contain specific provisions related to women with disabilities. The multiple discrimination faced by women with disabilities who belong to the LBT population, nor minority nations and communities, especially Roma are also not considered.

Data on violence, or investigating instances of violence and abuse in institutions, or community support services (for example those financed from the public funds in projects implemented by NGOs) among girls and women with disabilities do not exist. There is no assessment of the need for support services when women and girls with disabilities are victims of violence or abuse.

The Law on Protection from Domestic Violence, as well as the Criminal Code, still do not cover all specific forms of violence against girls and women with disabilities (specific manifestations of violence, such as forced abortion, forced sterilization in residential institutions, forced contraception) despite initiatives to adequately regulate them.

#### The rights of Roma

Roma and Egyptian women often lack sufficient education on healthcare, and high rates of premature and frequent pregnancies take a severe toll on their reproductive, physical, and mental health<sup>21</sup>. These women also experience higher levels of violence compared to the general population, yet their social exclusion prevents them from accessing state-provided protection mechanisms<sup>22</sup>.

Furthermore, there are no Roma representatives in Parliament or the Government. The social protection and employment system must be reformed to ensure the social security of these vulnerable groups. Montenegro must also create conditions for equal access to education for RAE (Roma, Ashkali, and Egyptian) girls and promote educational programs on available protection mechanisms for RAE women facing violence

#### Equality between men and women (arts. 2, 3 and 23-25)

<sup>&</sup>lt;sup>21</sup> REGIONAL REPORT on Discrimination of Roma Women, on compliance with UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) relating to discrimination of Roma women in the area of healthcare, child marriages and offering support and protection to Roma women in cases of domestic violence, Belgrade 2019, available at: https://eca.unwomen.org/sites/default/files/Field%20Office%20ECA/Attachments/Publications/2019/10/Regional%20Report%20on%20discrimination%20of%20Roma%20women%20English.pd

#### (a) the deeply rooted gender stereotypes and patriarchal attitudes

Patriarchal attitudes, along with deeply ingrained gender roles and stereotypes, continue to persist in society, fostering a culture of gender inequality<sup>23</sup>. Harmful gender norms persist across all sectors of Montenegrin society, including in the media and politics, and they also influence the attitudes of professionals working with cases of gender-based violence.<sup>24</sup> On the other hand, the state promotes ambiguous narratives, including conservative, traditional, and religious values, which have become increasingly dominant in the public and media spaces.

Interference by the church in reproductive rights and the rights of LGBTIQ+ persons is increasing, supported by official media programming, including both national broadcasters <sup>25</sup> and private media channels <sup>26</sup>, questioning hardly won rights such as right to abortion (TV Show named "Murder without punishment" <sup>27</sup>) or disseminating discriminatory and derogatory language against LGBTIQ persons (show "Man, women or something third") <sup>28</sup>. Even the educational system is becoming more conservative supported by the fact that the state continues to allocate significant funds for the establishment of religious schools. <sup>29</sup> For example, the State Audit Institution's report Financing of religious communities from the state budget, revealed that from 2019 to 2023, the state allocated 8.75 million euros to religious communities, many of which received funds based on discretionary decisions made by ministers. Of this, 5 million euros were allocated by the Ministry of Education alone <sup>30</sup>.

Although the University of Montenegro formally established a Master's degree program in Gender Studies<sup>31</sup>, it appears to lack a gender-transformative approach, as it excludes LGBTIQ+ rights and involves teaching staff with little or no background in gender studies. Additionally, the civic education courses, which were mandatory for ten years, were downgraded to optional subjects in 2017 and no longer challenge traditional gender norms<sup>32</sup>.

<sup>&</sup>lt;sup>23</sup> UN CEDAW Committee concluding observation 21(a) from its Third periodic report on Montenegro, submitted in June 2024.

<sup>&</sup>lt;sup>24</sup> GREVIO Expert Body conclusion from the First Thematic evaluation report on Montenegro, submitted to Montenegro in November 2024, page 4.

<sup>&</sup>lt;sup>25</sup>More info on at: https://www.slobodnaevropa.org/a/crna-gora-mediji-vlasnistvo-srbija/31642265.html

<sup>&</sup>lt;sup>26</sup> Full show at: https://www.youtube.com/watch?v=lzbolKMv1WY

<sup>&</sup>lt;sup>27</sup> Full show at: https://www.youtube.com/watch?v=UXG6WkfRAuY

<sup>&</sup>lt;sup>28</sup> ibid

<sup>&</sup>lt;sup>29</sup> The fund of 1 800 000 euros, was allocated from the state budget to the religious gymnasium founded by the Serbian Orthodox Church, according to two Government's decisions. More at: https://www.gov.me/clanak/saopstenje-sa-9-sjednice-vlade-crne-gore

<sup>.</sup>https://www.gov.me/clanak/saopstenje-sa-21-sjednice-vlade-crne-gore-2

<sup>&</sup>lt;sup>30</sup> Full information on link: https://www.portalanalitika.me/clanak/evo-koja-su-sve-ministarstva-finansirala-vjerske-zajednice

<sup>&</sup>lt;sup>31</sup> For more information on this see: https://www.ucg.ac.me/objava/blog/10/objava/191062-novi-master-program-studije-roda-od-naredne-akademske-godine-na-univerzitetu-crne-gore

<sup>&</sup>lt;sup>32</sup> Many professionals agree that this subject should be returned to the regular educational process, as it includes topics that every citizen, member of a democratic society should master and adopt as a lifelong skill, regardless of their profession. There is an elective course "media literacy" in gymnasiums, which is vital for the development of critical thinking, so a combination of civic education and media

Sexual education is only sporadically addressed, primarily through the optional "Healthy Lifestyles" subject, and remains a taboo subject for many teachers. Meanwhile, initiatives to impose religious education are occasionally proposed, mostly originating from the Serbian Orthodox Church<sup>33</sup>.

Recently, so-called "protectors of men's rights" have become more visible in the public and media space, organizing to spread messages that relativize domestic violence. They argue that alleged perpetrators are unfairly biased by judges and unjustly sentenced based on false testimonies from women<sup>34</sup> The publicity of such attitudes not only fuels narratives against the "women's rights lobby" and "women's organizations," which are seen as advocates for victims, but it also exacerbates the already unfavourable societal climate for victims and, in most cases, their children.

In two cases known to the Women's Rights Center (WRC), the individuals behind these narratives were convicted perpetrators or those closely associated with the Serbian Orthodox Church. The state must protect the constitutional safeguards of women's rights and prevent conservative and anti-democratic initiatives from dominating the public space, influencing official politics, and instrumentalizing education.

An intersectional approach to gender equality and civic education should be integrated into educational curricula at all levels. Additionally, public awareness campaigns are essential to challenge harmful societal attitudes and stereotypes, promoting respect for bodily autonomy and reproductive rights for all individuals. These campaigns must be regularly conducted to ensure lasting change.

Forced marriages remain the most persistent issue Roma communities are facing. Besides some legal changes related to *forced conclusion of marriage*<sup>35</sup> and the new *definition of child* (as anyone under the age of 18) in the Criminal Code, there is no follow up on raising the legal minimum for marriages to 18. The Family Law<sup>36</sup> still enables the court to allow a child over the age of 16 to marry<sup>37</sup>. Official statistical data on child marriages is still lacking, as most such

literacy could bring generations that will nurture democratic values". See also National Strategy for Gender Equality 2021-2025.

<sup>&</sup>lt;sup>33</sup> More on issue at: https://www.portalanalitika.me/clanak/uvodenje-vjeronauke-u-skolski-sistem-crne-gore-politicko-nadgornjavanje-koje-vodi-u-nove-tenzije-i-podjele

<sup>&</sup>lt;sup>34</sup> Such as https://www.aktuelno.me/crna-gora/nasilje-u-porodici-olako-obecana-brzina/ or the case of Center for men's rights, see mora at: https://www.czzpm.me/aktuelnosti/gostovanje-na-tv-adria/.

<sup>&</sup>lt;sup>35</sup> New Criminal Code (2023) introduced article 214a *Forced Conclusion of Marriage, Customary Marriage, or Life Partnership of Persons of the Same Sex*, worded as follows:

<sup>(1)</sup> Whoever coerces another person, by means of force or threats, into concluding a marriage, customary marriage or life partnership of persons of the same sex, shall be punished by a prison term from six months to five years.

<sup>(2)</sup> Whoever coerces or instigates a child into entering into a customary marriage or into concluding a marriage or life partnership of persons of the same sex or arranges for him a customary marriage or marriage or life partnership of persons of the same sex, shall be punished by a prison term from one to five years.

<sup>&</sup>lt;sup>36</sup> Under the provision of article 24 of the Family Law

<sup>&</sup>lt;sup>37</sup> According to this article When the proposal is submitted by a minor, the court will examine in a convenient way all the circumstances that are important for determining whether there is a free will

marriages are not registered, though avoid legal safeguards. The NGO data showed that 54% of the registered victims of arranged child marriages in 2020-2023, aged 15-16, while the share of victims aged 12-14 was as high as 32%. The percentage of victims over 17 and adult victims was 12%. The percentage of victims over 17 and adult victims was 12%. Current practice suggests that State Prosecution and law enforcement failed to implement all necessary evidentiary measures and actions to prosecute these criminal acts. A general concern was related to the large share of reports dismissed during the preliminary investigation, i.e. early stage in the criminal proceedings. An additional cause of concern is the excessive length of the processes from the start of the investigation to the beginning of the trial. The protection, rehabilitation, and reintegration of victims of child marriages is also a matter of concern. There is no specialized shelter, nor program that ensures reintegration with the help of professionals and assistants. Discriminatory behaviour was observed in the treatment of the Roma-Egyptian community in cases of child marriages at the authorities viewing the practices as entrenched in their tradition. Montenegro needs to amend all relevant laws to formally prevent child and forced marriages at the same time enhancing monitoring mechanisms that will oversight and adequately treat these cases.

#### (b) the practice of sex-selective abortions

Women CSO's were mainly those pointing out at the discriminatory roots of the sex selective abortions<sup>42</sup>, while the state led campaigns and follow up measures were missing till date. However, latest data suggest that the ratio among newborn male and female children became closer to natural ratio on the national level. On the other side, statistics from the 2023 Census indicate that as many as 6 out of 10 demographically old municipalities, in which there are significantly fewer women, have a seriously disturbed natural ratio of newborn male and female children, while in some municipalities, twice as many boys as girls are born<sup>43</sup>. The support services for women being pressured into undergoing abortions haven't been established either. The Strategy for Preservation and Improvement of Reproductive and Sexual Health of Montenegro expired in 2017.

and desire of the minor to conclude the marriage, as well as whether the minor has reached the physical and mental maturity necessary to exercise the right and duties in marriage. The court will obtain the opinion of the health institution, will achieve appropriate cooperation with the guardianship body, will hear the applicant, his parents or guardian, the person with whom the minor intends to conclude a marriage, and, if necessary, may present other evidence and obtain other information.

<sup>&</sup>lt;sup>38</sup> The prevention of child marriage in Montenegro – challenges, lessons learnt and theory of change, NGO Center for Roma Initiatives, 2018, available at: <a href="https://crink.me/spasavanje-djecijih-brakova-u-crnoj-gori">https://crink.me/spasavanje-djecijih-brakova-u-crnoj-gori</a>

<sup>&</sup>lt;sup>39</sup> Ibid

<sup>&</sup>lt;sup>40</sup> Ibid.

<sup>&</sup>lt;sup>41</sup> Monitoring and evaluation of policies for combating human trafficking in Montenegro 2018-2020, Women's Rights Center 2021, available at: https://womensrightscenter.org/wp-content/uploads/

<sup>&</sup>lt;sup>42</sup> Some of the examples are: https://www.youtube.com/watch?v=alBk3rW9S8Y,

https://www.youtube.com/watch?v=fe8RuFdX6ds&t=1093s

<sup>&</sup>lt;sup>43</sup> Full anouncment see at: https://womensrightscenter.org/da-li-crna-gora-ostaje-bez-zena-na-sto-nas-upozoravaju-prvi-obradjeni-podaci-popisa-stanovnistva/

Montenegro should implement a comprehensive, multi-sectoral strategy to challenge and eliminate harmful gender practices, which includes strengthening legal protections against gender-based discrimination and violence, integrating gender equality into educational curricula, promoting public awareness campaigns that deconstruct harmful gender stereotypes, and ensuring accessible support services for all victims. It is essential that the government collaborates with civil society organizations to foster a culture of respect, inclusion, and equality, while holding institutions accountable for promoting and protecting the rights of marginalized groups, including women, LGBTIQ+ individuals, and other vulnerable populations.

#### (c) achieving equitable representation of women in political and public life

The initial recommendation from the CCPR Committee (2014) concerning the participation of women in the public sector through appropriate temporary special measures remains unfulfilled to date.

The notable absence of women from political processes is evident, particularly in the parliamentary representation, which barely meets the law-binding quotas. The initial convocation of Parliament, following the June 2023 elections, revealed the lowest percentage of women since 2012. This percentage increased after male MPs were nominated for positions in the Government and other executive branches, reaching 27%<sup>44</sup>. However, the situation remains even worse at the executive level. Following the Government's reconstruction in July 2024, based on an agreement between previous coalition parties, the extent of women's participation increased slightly, reaching just one percent more (18.75% or six women) despite the total number of government members rising from 25 to 32. Notably, there were no women among the seven vice-presidential functions at that time. The 44th Government thus stands as the one with the lowest percentage of women since 2012. Furthermore, within Parliament, there are no women from underrepresented groups.

The illegal and non-transparent expenditure of funds allocated to women's organizations within political parties remains a significant issue<sup>45</sup>. This negative practice has been raised by CSOs and, since 2021,

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<sup>&</sup>lt;sup>44</sup> WRC and Association Spectra, Gender Analysis of 2023 Parliamentary Elections, see more at link: https://womensrightscenter.org/rodna-analiza-parlamentarnih-izbora-2023/

<sup>&</sup>lt;sup>45</sup> Vast majority of political subjects do not comply with their legal obligations related to reporting on the financing of their women's organisations. In line with relevant provisions of the Law on financing of political entities and electoral campaigns political entities are entitled to a fixed percentage of funds allocated specifically to support regular financing of women's organisations, introduced with the purpose of furthering gender equality and women's political empowerment. Although the Law stipulates that payment of these funds are conditional upon their purposeful spending, in line with the statutes of these women's organisations, the study found that most political parties neither reported on the way these have been spent, or even adopted the statues of these women's organizations. Although they have continuously failed to comply with the relevant legal requirements, Ministry of Finance has continued to make regular payments to these political entities, thus leaving any non-purposeful spending of public funds intended for the financing of women's organisations unsanctioned. See also at link: https://www.slobodnaevropa.org/a/zene-politika-ucesce-finansije-stranke/32860055.html

highlighted in the State Audit Institution's report<sup>46</sup>. However, political parties continue to evade responsibility due to the system's declared incompetence. According to the current Law on Misdemeanors, political parties and their responsible individuals are not subject to misdemeanor liability. Consequently, it is evident that changes to the Law on Financing Political Entities and Election Campaigns must be accompanied by amendments to the Law on Misdemeanors. The Agency for the Prevention of Corruption only sent an initiative to amend these laws to Parliament in April of this year. This ongoing impunity contributes to the avoidance of political responsibility, thereby allowing political parties to circumvent the legally prescribed measures, particularly those related to the financing of their women's organizations. The state must ensure that all legal prerequisites are in place to improve women's participation in political life, including revising electoral laws and the quota system to impose gender parity on electoral lists.

The Draft Law on Business Entities includes quotas for women in managerial positions in large business entities, yet its adoption has been delayed to the third quarter of 2025, despite the original plan for it to be enacted by the end of 2024<sup>47</sup>.

The prevalence of hate and misogynistic speech continues to target not only women in politics but also women human rights activists<sup>48</sup>, creating an unsafe public space for them to act freely, without fear of various types of pressure, threats, and violence. Public attacks often stem from family perpetrators or their supporters. Recently, these attacks have become more visible in the media, with the emergence of groups identifying themselves as "protectors of men's rights." Hate speech often remains unaddressed, and require more diligent response by the prosecution.

Violence against women and children, including domestic violence (arts. 2, 3, 6, 7, 24 and 26)

(a) lack of impartial response of law enforcement officials to cases of domestic violence.

In four out of six femicides that occurred between 2020 and 2024, the victims had reported the violence to the relevant institutions. In August 2024, a young woman was murdered while a restraining order against her violent ex-husband was still in effect. The response of institutions in this case was assessed by the Operational Team against Domestic Violence and Violence against Women<sup>49</sup>, which analyzed

<sup>&</sup>lt;sup>46</sup> More info on this at link: https://www.dri.co.me/aktuelnost/senator-kovacevic-na-ndi-radionici-posvecenoj-finansiranju-zenskih-organizacija-unutar-politickih-subjekata

<sup>&</sup>lt;sup>47</sup> Joint advocacy of Women's Rights Center and Investment Development Fund brought some progress in harmonising national legislation with best European practices (Women on Boards EU Directive) that set quotas for women in managerial positions in large business entities. Law amending the Law on Business Entities (article 327a) included provision that at least 40% of the total number of non-executive directors in the board of directors, i.e. at least 40% of the members of the supervisory board or at least 33% of the total number of all director positions, including executive and non-executive directors, should be represented by less represented gender.

<sup>&</sup>lt;sup>48</sup> More info on this at link: https://www.hraction.org/2023/10/11/hra-i-czp-protiv-mizoginije-prema-ivani-vujovic-politicari-da-saopstavaju-argumente-bez-omalovazavanja-zena/

<sup>&</sup>lt;sup>49</sup> The Operational team was formed by the Government of Montenegro, with the aim of reviewing the

the case files. In a press release issued afterward, the Team stated that no institution had adequately assessed the victim's risk and expressed deep concern over the failures of the police, prosecutor's office, and misdemeanor court that preceded the murder<sup>50</sup>. Similar findings were published by GREVIO 2024 Report, that noted "with regret that no efforts have been made to systematically review past cases of gender-based killings of women to analyse potential failures by statutory agencies and identify systematic gaps to be addressed for the prevention of such cases in the future"<sup>51</sup>

A recent case involving a beneficiary of the Women's Rights Center demonstrated gender-biased attitudes and discrimination against Roma women, from police officers who lacked trust in the victim's testimony. The 22 old Roma woman, who had been exposed to partner and family violence for years, was falsely accused by her husband under the threat that she would harm him and their child. Instead of taking her full statement, the officer interrupted a woman and refused to hear about the history of violence she survived. As a result, he excluded all violence-related facts from her statement, only including what he considered relevant.

The officer also disregarded the fact that the victim was breastfeeding her baby, who had a heart defect, and left the young mother in detention overnight, refusing her request to be allowed to breastfeed her baby. The victim's basic needs were completely neglected: she was forbidden from using the toilet, accessing her phone, or having water, which ultimately led to a fever. Despite calling for help, no one approached her. After the court dismissed all allegations against her, the victim was released, but the following day she was told to go to the Center for Social Welfare, only to find that no one was available on Saturday, not even an on-duty worker She was advised by the security officer to return on Monday. Her husband kept the baby way from her and ultimately, the victim returned to the perpetrator. She decided not to pursue further prosecution due to fear of retaliation from the perpetrator's family,highlighting the severe consequences of the lack of a prompt, victim-centered approach within the institutions.

The 2023 ruling of the Higher Court, which sentenced the man to 12 years in prison for brutally murdeed his young pregnant wife, has sparked condemnation from the Montenegrin public. Prior to murder, victim reported severe violence on several ocassions, but remained unprotected.

Although the prosecution requested the maximum sentence of 40 years for the criminal act of aggravated murder, the court deemed the incident as domestic violence and concluded that the

practices of the competent authorities and institutions involved in prevention and suppression of domestic violence and violence against women, to analyse concrete cases and to providing guidelines for improving the work of competent institutions. Representatives of all state institutions involved in the system of prevention and protection against violence participate in the work of the team, as well as 5 women's NGOs that provide services to victims, including the representative of WRC.

<sup>&</sup>lt;sup>50</sup> The statement available at: https://www.vijesti.me/vijesti/crna-hronika/722935/operativni-tim-nijedna-institucija-nije-adekvatno-procijenila-rizik-po-pavicevic-postupanje-tuzioca-bilo-neadekvatno

<sup>&</sup>lt;sup>51</sup> GREVIO(2024)10, adopted by GREVIO on 18 October 2024 Published on 22 November 2024, par 184, page 47

perpetrator "did not intend" to kill his wife. Despite the fact that the perpetrator was charged with aggravated murder, the judge, after the final statements at the conclusion of the proceedings, reclassified the criminal act to "domestic violence with fatal consequences," which carries a maximum sentence of 12 years in prison. The court also stated that they could not definitively conclude that the fatal blow was delivered with the intent to commit murder, despite the fact that the perpetrator beat his pregnant wife for 8 hours with a baseball bat, in the presence of their minor children, and only 6 hours later left her in the car in front of the hospital, when it was too late for her to be saved by the doctors. "How long does someone have to abuse, how brutally and forcefully must they strike, for the court to recognize intent and sentence for aggravated murder?" was the message from the protest organized by the Women's Rights Center.

(b) referral of victims to other forms of dispute resolution such as mediation, the use of counselling as an alternative to criminal complaints, delays in handling domestic violence cases, treating gender-based violence cases as misdemeanour cases, and imposing lenient sentences on perpetrators.

#### Mediation in domestic violence cases

As stated in the GREVIO First evaluation report for Montenegro, the "safeguard related to domestic violence included in Article 326 of the Family Law was weakened through an amendment in 2020. The amended article no longer explicitly prohibits ordering mediation in cases of domestic violence but instead stipulates that in family law proceedings, such as divorce, division of property and exercise of parental rights, courts will not direct parties to mediation meetings in cases where mediation would not be appropriate due to the suspicion of domestic violence" This is particularly worrisome because family judges do not actively screen for domestic violence as there is no case flow among court's proceedings. Another issue is that judges do not inform victims of voluntary nature of mediation. Montenegro still needs to conduct measures to ensure that that mediation procedures carried out in family law proceedings are not carried in cases with a history of domestic violence by introducing efficient screening procedures to systematically detect cases of violence in family law proceedings and informing parties of its voluntary nature.

#### Court practice in cases of domestic violence

<sup>&</sup>lt;sup>52</sup> The recent legislative amendments, however, now allow judges to refer cases to mediation even in cases where domestic violence has indeed been established during the family procedure, without victims expressing any wish for it. In fact, during the evaluation visit, the authorities confirmed that they believe having the option of mediation is important in divorce proceedings, even in cases of violence, and that 50% of all divorce cases go to mediation. Judges further pointed out that they also sometimes recommend mediation in cases with a history of violence in order to avoid long adversarial procedures; from the GREVIO First evaluation report for Montenegro, page 38.

<sup>53</sup> Ibid

<sup>&</sup>lt;sup>54</sup> CoE GREVIO Expert Body recommendations to Montenegro 1. and 2., page 39.

The 2023 WRC Analysis of court practice in domestic violence cases<sup>55</sup> showed that concerns stated in 2018 GREVIO report were still accurate - a mild penal policy, close to the legal minimum stipulated by the Criminal Code of Montenegro. The fact that every second perpetrator of violence was a recidivist in committing this crime, showed that this type of penal policy is neither preventive nor deterrent.

In 2023, the average duration of court proceedings for criminal cases of domestic violence was 120 days, which is particularly concerning in cases of defendants who are not detained or supervised, so the victims remain without any protection during the criminal proceedings, which can increase their safety risks and affect their withdrawal from the procedure and a lack of trust in the work of the judiciary. It is necessary to introduce protection measures in the Criminal Procedure Code, as available in misdemeanour proceedings.

Furthermore, the security measures that can be issued with the court verdict, account for only 6.9% of all imposed criminal sanctions. Concern is related to the failure of the courts to issue Eviction order in the criminal procedure - the courts imposed this measure only 5 times from 2019-2022<sup>56</sup>.

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Although the prosecution requested the maximum sentence of 40 years for the criminal act of aggravated murder, the court deemed the incident as domestic violence and concluded that the perpetrator "did not intend" to kill his wife. Despite the fact that the perpetrator was charged with aggravated murder, the judge, after the final statements at the conclusion of the proceedings, reclassified the criminal act to "domestic violence with fatal consequences," which carries a maximum sentence of 12 years in prison. The court also stated that they could not definitively conclude that the fatal blow was delivered with the intent to commit murder, despite the fact that the perpetrator beat his pregnant wife for 8 hours with a baseball bat, in the presence of their minor children, and only 6 hours later left her in the car in front of the hospital, when it was too late for her to be saved by the doctors. "How long does someone have to abuse, how brutally and forcefully must they strike, for the court to recognize intent and sentence for aggravated murder?" was the message from the protest organized by the Women's Rights Center.

On a more positive note, the Supreme State Prosecutor (SSP) issued binding Instruction for prosecutors, aimed to significantly improve prosecutors acting in domestic violence cases. However, it requires more staff and resources to be fully implemented.

<sup>&</sup>lt;sup>55</sup> Analysis of the court practice in cases of domestic violence, 2023, Women's Rights Center, at: https://womensrightscenter.org/wp-content/uploads/2024/11/ANALIZA-SUDSKE-PRAKSE-FINAL.pdf

<sup>&</sup>lt;sup>56</sup> Ibid

It is necessary to significantly tighten the penal policy and apply measures for the protection of victims more often, so that they have a deterrent effect on the perpetrators of violence and are empowering for the victims. The state should develop SGBV sentencing guidelines for judges, that will allow creation of new more just and efficient judicial practice in line with international standards, that will ensure more detrimental effect on SGBV perpetrators.

## d) Effective access to free legal aid for all forms of violence against women, as well as effective and adequately funded victim support services, including shelters and counselling centres

The Law on Free Legal Aid, last time adopted in 2015, needs to be amended to include specialized legal support provided by non-governmental organizations among Legal aid providers and in the budget funding. The last Draft was subjected to public debate in April 2024, without any development since. Although the Government has adopted amendments to the Law on Free Legal Aid, once again the long-standing appeals of human rights NGOs, whose goals and activities are focused on free legal aid and access to justice, have not been accepted nor recognized in the system of providing and funding free legal aid. The Ministry of Justice provided an explanation stating that the only providers of free legal aid can be lawyers, who will now be required to attend specialized trainings. However, this explanation does not correspond to reality, because it simply ignores the fact that the providers of legal services in NGOs are lawyers who are on the list of free legal aid providers and have years of experience in representing cases of gender-based and family violence, which is not the case with most of the lawyers on the list. In addition, the similar practice exists in some EU countries (such as Croatia), where authorized organizations are recognized as Free legal aid providers by the Law, and such practice can be as well implemented in Montenegro<sup>57</sup>. On the other hand, specialized NGOs make a great contribution to the specialization of lawyers and the quality of free legal aid through training and supervision of the provision of legal services, so we believe that the NGO proposal could significantly improve access to justice for victims of human rights violations. So, in addition to the financial constraints faced by human rights and particularly women's organizations (as clearly emphasized in the 2023 EC Report), engaging the lawyers creates significant burden. WRC, for example supported over 300 free legal aid women beneficiaries in 2022, while according to open data, the state provided this service for only 168 women in three years (2019-2021). This data clearly indicates that NGOs need to enter the funding system and to be recognized by the Law. The Law on Free Legal Aid needs to be amended so that it enables non-governmental organizations that provide specialized legal aid to victims of violence to be part of the state funding system.

#### **CSOs Funding**

In Montenegro, the government distributes funding for the fight against gender-based violence mainly through the Ministry of Labour and Social Welfare. However, WCSOs said that the

<sup>&</sup>lt;sup>57</sup> More on this at: https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomoći

funding available to them is insufficient and that evaluators sitting on the selection committees often lack sensitivity and understanding of gender equality. The Ministry of Labour and Social Welfare chooses such service providers through public procurement, public invitation, or public-private partnership, of the Law on Social and Child Welfare <sup>58</sup>. However, there is a lack of clear and fair selection criteria <sup>59</sup>, which results in the selection of CSOs with no experience in the area, and the selection of CSOs unfit for work with a specific target group. So for example, in the field of LGBTIQ+ rights, approximately only one-third of total funding goes to organizations specifically dealing with targeted groups <sup>60</sup>. The situation is similar in the field of persons with disability and gender equality in general.

The Ministry of Labor and Social Welfare for the area of protection against violence against women and domestic violence for 2024. gave €160.397,84, of which €61.802,84 (or 38,5%) was given to women's NGOs, while the rest is allocated to other NGO's not particularly specialised in the field. Shelters financing-received €200,000. In 2023, Ministry allocated €300,000 for the area of protection against violence against women and domestic violence, of which €187,285 (or 62,4%) was given to women's NGOs. Shelter financing-received €50,000.

The Law on Social and Child Care stipulates that the resources for social and childcare may be also secured from the municipal budgets for the services, such as aid at home, daily care, public kitchen, children's leisure and recreation, housing with support, accommodation in a private unit/shelter, housing for socially vulnerable persons, etc. However, the available Analysis <sup>61</sup> showed that from the total budgets for the social protection of all Montenegrin municipalities, only 0,24% was allocated for shelter expenses, while 37% of their financial resources were spent for the services of daycare and 27% for the expenses of the public institutions for the social care. The Capital City of Podgorica is the only one that allocated the resources for the shelter in the amount of 10 000 euros or 0,52% of the total budget allocated for social care. Having in mind that the Law does not acknowledge the specialized services for the victims of gender-based violence, the municipalities do not provide information on the resources allocated for such services in their reports.

It is important to note that, in the previous couple of years, the state of Montenegro and, especially, the former Ministry of Labour and Social Care, insisted on licensing NGO services so that they would enter the social and childcare system and get state funding. However, for most licensed women's organizations, the social care system failed to provide financial sustainability, but it imposed institutional control and additional costs.

<sup>&</sup>lt;sup>58</sup> For full criteria see at URL: https://www.gov.me/dokumenta/e374501c-8d7d-4d3e-b081-136bd505aeb9

<sup>&</sup>lt;sup>59</sup> European Commission's Country Report 2023.

<sup>&</sup>lt;sup>60</sup> More information on this at URL: https://www.vijesti.me/vijesti/drustvo/680989/kalezic-malo-paznje-posveceno-polozaju-lgbtiq-osoba

<sup>&</sup>lt;sup>61</sup> Analysis. of the participation of the local self-governments in financing material contributions and services in the area of the social and child care, which was prepared by the Association of Municipalities of Montenegro in 2020.

The state of Montenegro must provide quality conditions for recovery to women who have experienced violence, through the partnership with specialist services and their stable financing. The state must provide equally geographically distributed specialist support services so that all women in Montenegro would have equal access to them. Transparent selection criteria for funding programs in the field of protection against violence against women and domestic violence must be established securing that the state funding meets the real needs of beneficiaries. Independent monitoring report over the expenditure of state budget dedicated to the work NGO's needs to be conducted.

#### Trafficking in persons (art. 8)

Although Montenegro fell on the list of Group 2 countries ( to Tier 2 Watch List) in the 2023 State Department's Trafficking in Persons Report for Montenegro<sup>62</sup>, in 2024 it has received its previous status within Tier 2 Group of countries<sup>63</sup>. The state recently licensed 2 new services for victims of human trafficking. One is a shelter for children of victims of human trafficking within the Center "Ljubović" - a state owned social and child protection institution, which deals with institutional protection of non-institutional type of children with behavioural problems. This solution caused negative reactions from the Ombudsperson, UNICEF and CSOs<sup>64</sup>, since children with behavioural problems and children who are victims of trauma, who have completely different specific needs, now live under the institution, which lacks qualified personnel specialized in working with victims of trafficking. Another licenced service includes only three places for accommodation of women victims of trafficking within the shelter run by the NGO SOS Niksic. A matter of concern is the failure of the state to prosecute the reports of child abuse in the previous trafficking shelter, addressed in the 2023 EC Montenegro Report and the State Department TIP Report 2023.

Rather selective approach of the Government in cooperation with specialised NGOs still persists. As a result, line Ministry did not include all relevant WCSO's service provides in signing Agreement on cooperation in the field of fight against trafficking in human beings<sup>65</sup>. Women's Rights Center (WRC) was not invited as a signatory part, even though WRC is the only NGO with the representative in the Government's Team for Formal Identification of Victims of Human Trafficking and is providing substantial support and expertise in this field for years.

In 2024, 28 victims of either forced begging or labour exploitation received support. There wasn't any revealed case of trafficking for the purposes of sexual exploitation, which raises doubts on the efficiency of the institutions' work in the field. People from the Roma community, **in** 

<sup>&</sup>lt;sup>62</sup> See more at link: https://www.state.gov/wp-content/uploads/2023/05/Trafficking-in-Persons-Report-2023 Introduction-Additional-Pagesv4 FINAL.pdf

<sup>63</sup> See more at: https://www.state.gov/wp-content/uploads/2025/01/TIP-Report-2024 Introduction V10 508-accessible FINALcompressed.pdf

<sup>64</sup> More at: https://www.pobjeda.me/clanak/strucna-javnost-zabrinuta-ministarstvu-sve-u-redu

<sup>65</sup> https://www.gov.me/clanak/potpisan-sporazum-o-medusobnoj-saradnji-u-oblasti-borbe-protivtrgovine-ljudima

particular women and children, remained at high risk of trafficking in human beings <sup>66</sup>. State needs to enhance multisectoral response to trafficking in human beings cases, specifically those referring to sexual exploitation. Independent monitoring and reporting on the activities and results of the fight against trafficking in human beings in Montenegro, either via the activities of the Office of the Protector of Human Rights and Freedoms, or via the establishment of a separate body, i.e. the Independent Rapporteur on Trafficking in Human Beings needs to be provided. It is necessary to provide specialized shelters, in particular, shelters for women and children victims of sexual exploitation and trauma, which would be run by women's organizations specialized in working with the victims of gender-based violence. It is necessary to strengthen the cooperation between the state authorities and the civil society organizations that provide support to the RAE population, so as to resolve any doubts related to the criminal offense of trafficking in human beings in the community more effectively.

#### Freedom of association and participation in public affairs (arts.22 and 25)

The relationship between the government and non-governmental organizations (NGOs) in Montenegro has been complex and at times tense, shaped by various political, social, and cultural dynamics.

In 2024, the public space was shaken by initiative regarding the adoption of the Foreign Agency Law<sup>67</sup> in order to regulate the work of "escalating number of NGO's which "subvert, lie and lead a very precise campaign for the needs of a foreign client" and "give themselves the right to nonchalantly distribute moral lessons and etiquette to almost all political and state institutions"<sup>68</sup>. Based on experiences in other countries (Russia, Hungary, Georgia, Slovakia) implementing the similar laws opens space for diverse misuses for the purposes of stifling criticism and creating terror in organized civil society, the media, and among individual citizens. This initiative was promptly revoked after negative reactions from civil society and EU counterparts. However, it seems that it was instrumentalized as another 'provocation' in systemic attempts to tarnish the reputation of CSO's to establish such public ambience of distrust towards critically oriented civil society, where once it will be easy to successfully reactivate such an initiative in the period ahead.

The most recent example of the state's attempt to narrow the space for civic activism concerns the defamation attempts by political leaders toward the informal student group "Kamo śutra", who organized a peaceful protest in response to the tragic events in Cetinje on January 1, 2025, where a mass shooting resulted in the loss of 13 lives, as a result of a neglected security system. The protest aimed to honor the victims and demand accountability from the authorities. During the protest, participants chanted slogans calling for the resignation of key officials, including Interior Minister of Internal affairs and Vice president of the Government for Security, both from the same political party.

<sup>66</sup> Ibid.

<sup>&</sup>lt;sup>67</sup> Read the full initiative at link: <a href="https://www.vijesti.me/vijesti/politika/727596/zbcg-hitno-predloziti-zakon-o-agentima-stranog-uticaja-pojedine-nvo-funkcionisu-van-zakona">https://www.vijesti.me/vijesti/politika/727596/zbcg-hitno-predloziti-zakon-o-agentima-stranog-uticaja-pojedine-nvo-funkcionisu-van-zakona</a>

<sup>&</sup>lt;sup>68</sup>Read the full article at link: https://www.cdtmn.org/2024/10/22/faraway-od-sustine/

In the aftermath of the protest, youth members of "Kamo sutra" faced serious attacks from their political party, mainly through media and on their social accounts. It attempted to criminalise young protesters and their demands by stating that they are supported by "criminal clans wanting to regain control over the security sector.<sup>69</sup>" This caused even more determent reaction of protesters, asking for presenting the evidences for such a dangerous claims, however, without any follow up response from the accountable politicians. Despite these challenges, the group remained steadfast in their commitment to advocating for justice and systemic change, highlighting the importance of youth engagement in addressing societal issues<sup>70</sup>.

<sup>69</sup> More on this at

https://www.facebook.com/story.php?story\_fbid=924908789670888&id=100064553265706&\_rdr

<sup>&</sup>lt;sup>70</sup> https://www.vijesti.me/vijesti/drustvo/743398/video-cetinje-13-minuta-tisine-za-zrtve-masakra