



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

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**Committee on the Elimination of Discrimination
against Women**

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**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms of
Discrimination against Women**

**Replies of Montenegro to the list of issues and questions in
relation to its third periodic report^{*,**}**

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* The present document is being issued without formal editing.

** The annexes to the present document may be accessed from the web page of the Committee.



Visibility of the Convention

1. The application of international conventions is determined by Article 9 of the Constitution of Montenegro, which reads: “Confirmed and published international treaties and generally accepted rules of international law are an integral part of the internal legal order, they have primacy over domestic legislation and are directly applied when they regulate relations differently from the internal legislation”. Ratified international treaties are part of the internal legal order of Montenegro. With the Conventions’ ratifications, the State is committed to their implementation.

2. Based on the data collected from the courts, in 2 cases in the reporting period, the acting judges referred to the provisions of the Convention, with special reference to Article 2(1)(c) of the Convention.

3. The training agendas implemented for representatives of the judiciary encompass the familiarisation with the provisions of the national legislation in this area, as well as with international standards.

4. Within the framework of the Gender Equality Strategy 2021-2025 and its Action Plan 2021–2022, the following activities were implemented under the auspices of Operational Objective 1 and measures 1.3 and 1.5:

(a) Inclusion of content on gender equality in the professional exam programme for civil servants;

(b) The organisation of 3 seminars for employees in institutions (state and local civil servants) on key concepts of gender equality, gender mainstreaming of policies, gender-responsive budgeting, collection and processing of data on discrimination in institutions and coordination of institutions in the system of protection against discrimination;

(c) The organisation of 2 trainings for civil servants on approaches to implementing the methodology and standardised instructions for the gender mainstreaming of policies, based on the recommendations of CEDAW, GREVIO and UPR;

(d) The organisation of 2 round tables with representatives of all three branches of government, NGOs, private sector, trade unions, and the media, which will discuss the basic principles for gender mainstreaming and gender aspects of public policies through concrete examples of development policies such as transport, spatial planning, and energy.

Women’s rights and gender equality in relation to the pandemic and pandemic recovery efforts

5. The number of reported cases of domestic violence increased during the COVID-19 pandemic. The National SOS line recorded 20 per cent more reports.

6. The Government of Montenegro, in cooperation with the relevant institutions, took a series of measures aimed at alleviating the consequences of the pandemic; The *Crisis Action Plan* was developed for providers of specialised services for victims of violence under the *Istanbul Convention*.

7. The mobile application “Be safe” was developed, which allows victims of violence to send a request via SMS to the national SOS lines, or other confidential organisations/persons based on a personal request, with only one click.

8. The Strategy on Female Entrepreneurship 2021–2024 focuses on overcoming structural, economic, and infrastructural obstacles for the further improvement of

female entrepreneurship. Specific support measures were introduced to advance the competitiveness of the economy and increase the number of businesses majority-owned by women.

9. In 2022, 3 support programmes-credit lines concerning the financing of women in business were created. Interest rates for these arrangements, specially intended for women, range from 0 per cent to 2.5 per cent. For all female entrepreneurs coming from municipalities with a development index below the national average, there is an additional stimulation of 0.5 per cent.

10. In the year of the COVID pandemic, the IDF approved a total of 189 placements for female entrepreneurs worth €11,719,287.

11. Since the beginning of 2022, the IDF has granted women in business 9 million euros through 60 financial arrangements, which is 5 times the amount vis-à-vis the comparative period of 2021.

12. IDF launched the “*She creates business*” campaign with the support of the international partners to empower other women in Montenegro to start their own business stories through sharing examples of successful entrepreneurship.

13. In early March 2022, in cooperation with the Parliament of Montenegro, IDF organised the first national conference “*Economic Empowerment of Women in Montenegro: Reducing the Gender Gap for Inclusive Post-Pandemic Recovery*”. One of the results of the conference has been the *Action Agenda for the Economic Empowerment of Women*, which envisages the strengthening of legislation in cooperation with international partners. One of the laws will ensure the representation of women in the management boards of large state-owned companies by 40 per cent by 2030.

Women’s access to justice

14. Pursuant to the Law on International and Temporary Protection of Foreigners, foreign women seeking international protection in Montenegro have the right to free legal aid. Non-governmental organisations that deal with providing legal assistance to foreigners seeking international protection also offer free legal aid.

15. In 2021, the informative campaign “*Tell the Story to the End*” for free legal aid for victims of domestic violence was initiated in cooperation with the Ministry of Justice, Human and Minority Rights and non-governmental organisations. All the details of the campaign are presented on the website <https://besplatnapravnapomoc.me/>, where victims and potential victims can be informed about their rights in a timely manner.

16. The focus of the Project was on the improvement of the work of victim support services through the development of Protocols for the Operation of Services, informative material on the availability of Support Services, as well as the training of civil servants.

17. During the last five years, there have been no complaints regarding discrimination based on gender before Montenegrin courts.

National mechanism for the advancement of women

18. The Government of Montenegro, at the session held on July 8, 2022, adopted a Rulebook on the Internal Organisation and Systematisation of the Ministry of Human and Minority Rights. The Department for Gender Equality was established to carry

out tasks within the scope and competence of the Ministry of Human and Minority Rights.

19. Department for Gender Equality Affairs performs tasks related to the preparation of proposals for the Law on Gender Equality; coordinating the process of drafting a proposal for a strategy for gender equality and coordinating activities aimed at establishing gender equality; participating in the preparation of action plans for establishing gender equality at all levels; application of international documents and conventions, as well as adopted international standards in the field of gender equality, etc.¹

20. The Rulebook provides for the following official positions: chief and 3 independent advisers.

21. Several factors, during the implementation of the National Gender Equality Strategy (NGES), for the period September 2021–November 2022, significantly affected the dynamic of the implementation of activities from the AP of this strategy. Factors are of different types:

(a) Political – the change of the multi-decade government at the national level in August 2020, which meant a new composition of the Government of Montenegro (42nd), i.e., a new systematisation due to the new concept and composition of the ministries, and thus the delay in the adoption of the Law on the Budget for 2021² and the Law on the Budget for 2022,³ as well as the delay in the budget rebalancing for 2022. With the re-composition of ministries, the competence of several partners was “lost” that had been responsible for the implementation of the planned activities from AP NGES (for example, by dividing the ministry from the 42nd Government into several ministries in the 43rd Government). Moreover, several contact persons for gender equality in some ministries were replaced, and delays in the adoption of the budget and budget rebalancing also meant a delay in activities for which budget funds were planned;

(b) Security (cyberspace) – the absence of complete electronic communication for part of the ministries for more than three months. The Department for Gender Equality belongs to such a ministry, so this is also a strong reason for the delay in the implementation of the AP activities for the second half of 2022.

22. The replacement of people appointed as contact persons for gender equality at the national and local levels has significantly influenced the impact of the NGES. It is necessary to make additional efforts to clarify the importance of the continuity of the “mandate” of these persons, because only in this way can they adequately share the knowledge, information, and skills acquired in specific training and which contribute to the improvement of gender equality and the quality implementation of the activities of the Plan.

23. In July 2021, the Government adopted the National Strategy for Gender Equality 2021–2025 and the Action Plan 2021–2022, as well as the final report on the implementation of the Action Plan for achieving gender equality 2017–2021. The Strategy introduced some important novelties that could contribute to the improvement of women’s rights and gender equality in Montenegro. This includes suggestions from specialised non-governmental organizations for stronger gender mainstreaming of public policies, increasing the electoral quota for the less represented gender and establishing the Alimony Fund. However, Montenegro must address the issue of gender-based violence and domestic violence in the Strategy. The

¹ Ministry of Human and Minority Rights, *Rulebook on the Internal Organisation and Systematisation of the Ministry of Human and Minority Rights, 2022*, p. 6.

² Adopted on June 25, 2021.

³ From the *Montenegro 2022 Report*, European Commission, October 2022.

legislative framework on gender equality still has a limited impact due to insufficient political will to prioritise this issue in the Government's general accountability mechanisms.⁴

24. One of the most important recommendations of the Mid-Term Evaluation of the National Gender Equality Strategy 2021–2025, for September 2021–November 2022, is that it is necessary to plan and allocate significantly larger budget funds for the activities of the next AP. Furthermore, the development of all annual action plans should be preceded by an assessment of the available budget funds. The weakness in this period of the implementation of the NGES is the lack of qualified human capacities in the Department for Gender Equality, which has slowed down the AP implementation process for 2021 and 2022 and generated low efficiency.

25. There is a strong downward trend in budget expenditures for gender equality in Montenegro, which has had a major impact on the financial sustainability of NGES and AP. Additionally, during the evaluation, the discussion in the focus groups showed a clear initiative of some of the institutions responsible for the implementation of the activities from AP 2021–2022 that it is necessary to predefine the budget funds for the next action plan.

Temporary special measures

26. Ministry of Public Administration, based on the Public Administration Reform Strategy 2022–2026, pays significant attention to issues of inclusivity and accessibility, through the implementation of numerous activities in terms of policy creation, human resource management, education, and promotion of the principle of gender equality.

27. The representatives of the Ministry of Public Administration, among other things, distributed the video material created within the project “*Empowered: Public Policies for Gender Equality*”, which was created by the Institute Alternative with the support of the Ministry of Human and Minority Rights.

28. The Ministry of Human and Minority Rights financially supported the project of the NGO SPES, within which the “*Guide for the Implementation of Article 3 of the Law on Gender Equality*”⁵ was published, which will help all relevant civil servants in the implementation of this law.

29. The publication “*Gender Responsible Communication in Public Administration*” was published with an accompanying manual, within the project “*Communicating Gender Equality*” implemented by the Ministry of Human and Minority Rights, with the financial support of the EU Delegation, in partnership with the UNDP Office in Montenegro. This publication offers a valuable tool for further work on the establishment of inclusive public administration.

Stereotypes

30. According to the study “*Media Through Gender Lenses in Montenegro*” (detailed results presented in Annex 1), the total number of journalists in the 14

⁴ From the *Montenegro 2022 Report*, European Commission, October 2022.

⁵ Article 3 of the Law on Gender Equality reads: “State bodies, bodies of state administration and local self-government, public institutions, public companies, and other legal entities exercising public powers (hereinafter referred to as: bodies) are obliged to, in order to achieve gender equality, in all phases of planning, making and implementing decisions, as well as undertaking activities within their jurisdiction, assess and value the impact of those decisions and activities on the position of women and men”.

monitored media is 525, of which 297 (56.6 per cent) are women and 228 (43.4 per cent) are men. For the first time after 16 years since the previous research, it was concluded that the gender structure in decision-making positions has changed and that women are no longer marginalised. According to that criterion, they are now equal to men as they hold half or even more of the top management positions in the observed media.

31. However, a favourable gender structure in decision-making places does not automatically mean the application of the gender aspect in the media, as shown by the afore-mentioned study. This leads to the conclusion that although women lead the media, texts and articles still contain stereotypes and support gender roles appropriate to the patriarchy without contributing enough to the establishment of equality in society.

32. Through 12 thematic shows, the podcast “*G SPOT: Overcome Yourself*” dealt with topics and issues of gender equality and recognising and collectively fighting deeply rooted patriarchal attitudes, stereotypes, and prejudices about the expected behaviour of men and women. The realisation of this podcast was supported through the project “*Communicating Gender Equality*” implemented by the Department for Gender Equality of the Ministry of Human and Minority Rights and UNDP, financed by the European Union.

Harmful practices

33. In Montenegro, there is a trend of gender imbalance at birth. According to the data of the World Health Organization (WHO), the “natural” differential birth rate is approximately 105 born boys to 100 girls. According to MONSTAT (Montenegrin Directorate of Statistics) data, in the last 17 years, that ratio has looked as represented in the table below:

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
112	111	112	109	114	106	108	109	108	110	110	104	109	108	110	107	108

34. If we take the average, it is 109 boys to 100 girls, which proves that the natural ratio of births is disturbed. The assumption is that abuses of early genetic testing, as well as selective abortions, mostly take place outside of Montenegro. More campaigns must be organised to address this issue in Montenegro in order to reduce the number of selective abortions, break stereotypes, and allow women to make free decisions about their bodies.

35. The Law on Conditions and Procedures for Termination of Pregnancy prohibits the termination of pregnancy as well as the use of early genetic tests up to the tenth week of pregnancy to determine gender, except when there are risks of hereditary diseases. The law regulates in detail the procedure for terminating the pregnancy of both adults and minors. Public health institutions act according to the Instruction, which prohibits all prenatal testing for the purpose of gender determination. There is still no possibility of adequate control of the private sector as it has not been integrated electronically yet.

36. In cooperation with international partners, Montenegro implements campaigns on child/arranged marriages, domestic violence, and begging to raise awareness about forced unions or child or forced marriages in Roma and Egyptian communities.

37. The practice of arranged minor marriages in the Roma and Egyptian communities continues to be a cause for concern; In the reporting period, 18 were

recorded. The revision of the Criminal Code should – in accordance with the Convention on the Rights of the Child and its Optional Protocol – include raising the minimum age for marriage from 16 to 18.

38. In 2021, the Formal Identification Team conducted official identification procedures in relation to 11 people and assigned the status of victims of human trafficking to 5 people (4 women and 1 man). All people who were granted the status of victims of human trafficking were minors. Of that number, 2 female persons were identified as victims of human trafficking for the purpose of illegal marriage, 1 female person was a victim of human trafficking for the purpose of sexual exploitation, and 2 persons (one male, one female) were victims of human trafficking for the purpose of begging.

39. The Police Directorate filed 4 criminal charges in relation to the criminal offence “Trafficking in Human Beings”. In relation to 5 people, the following criminal charges were filed: 1 for criminal offence Trafficking in Human Beings, form: Begging; 1 for criminal offence Trafficking in Human Beings, form: sexual exploitation; 2 for criminal offence Trafficking in Human Beings, form: entering an illicit marriage.

40. In 2021, a final convicting verdict was passed, which imposed a 2-year prison sentence on one person for the crime of trafficking in human beings, form: contracting an illegal marriage.

41. From January 1, 2017, to September 1, 2022, a total of 11 cases were pending before the competent courts for the criminal offence of human trafficking. Of that number, four cases were resolved by final convictions, and the procedures for the other cases are in progress.

Gender-based violence against women

42. The Operational Team for the fight against domestic violence and violence against women was formed, as well as the coordination committee for the synchronisation, implementation, monitoring and evaluation of policies and measures to prevent and fight against all forms of violence included in the *Istanbul Convention*. The goal is to strengthen the coordination of institutions and establish a unique practice on prevention, exchange of information, education, reporting and prosecution, as well as protection of victims.

43. Four shelters for victims of violence were licensed. In the reporting period, 87 licenses were issued to service providers for the performance of social and child protection activities, of which 43 were to non-governmental organisations for the provision of services such as counselling, therapy, day-care, personal assistance, help at home, SOS telephone, accommodation in shelters.

44. Amendments to the Criminal Code and the Law on Criminal Procedure are pending. The definition of family was expanded, partner violence and same-sex partner violence were included, new criminal offences “revenge pornography” and sexual harassment were introduced, and the criminal offences of rape and genital mutilation were expanded. With these changes, it is foreseen that physical and psychological violence is completely transferred to the features of a criminal offence.

45. In relation to the criminal offence of violence in the family or family union, in 2018, the courts had a total of 245 cases, of which 147 cases were legally resolved.

46. In the overall structure of convictions, conditional sentences predominate (37 per cent), followed by prison sentences (32 per cent), and warning measures (16 per cent).

47. In 2019, the competent courts had a total of 252 cases pending, of which 163 cases were finally decided. Concerning the type of criminal sanctions, the courts pronounced sentences for this criminal offence (42.5 per cent), warning measures (42.02 per cent), and security measures (15.43 per cent).

48. These data tell us that warning measures occupy an important place in the structure of convictions – conditional sentences were pronounced to as many as 79 defendants, which is an almost identical number when compared to the sentences pronounced. Punishments were pronounced for a total of 80 defendants, i.e., prison sentence (63 cases), fine (2 cases), and sentence of community service (15 cases).

49. In 2020, a total of 252 cases were pending before the competent courts, of which 140 cases were finally concluded. As part of the criminal law sanctions from 2020, sentences were pronounced (48.7 per cent), warning measures for 56 defendants (35.9 per cent), and security measures were applied in 24 cases (15.38 per cent). These data indicate that similarly to 2019, warning measures play an important role, but their share is somewhat smaller compared to 2019. In the overall structure of sentences (79), prison sentences prevail, which were imposed on 63 defendants (63), community service (8) and fines (8).

50. In 2021, the courts had a total of 282 criminal cases of violence in the family or family union, while 132 of them were resolved by a final verdict. Based on data from court practice for the year 2021, the courts pronounced sentences on 60 defendants (38.7 per cent), warning measures on 65 persons (41.9 per cent), and security measures were imposed on 30 defendants (19.3 per cent). In the overall structure of punishment as a type of criminal sanction (60), prison sentences were pronounced for 51 defendants, fines in one case, and community service for 8 defendants. The above data indicate that in court decisions in 2021, conditional sentences occupy a significant place (41.9 per cent). Such a created statistical picture leads to the conclusion that the penal policy for the criminal offence of violence in the family or family union from Article 220 of the Criminal Code of Montenegro is mild, which may leave the public with the impression that it is a mild type of criminal offence.

51. From January 1, 2022, to September 1, 2022, the courts had a total of 319 cases, of which 121 cases were finally concluded. When we compare the mentioned data for 9 months of 2022 with the earlier period, we can see an increasing trend in the number of cases for this criminal offence. Bearing in mind that, in the structure of convictions, prison sentences represent 42 per cent of all imposed criminal sanctions, it can be concluded that there has been a tightening of the penal policy for this criminal offence. Conditional sentences were pronounced in 33 per cent of cases, fines in 1 per cent, community work in 3 per cent, and the rest were security measures.

52. Misdemeanour courts have completed a total of 4,475 cases in a three-year period (2019–2021), whereby a similar number of solved cases can be observed from year to year. Misdemeanour courts usually impose the following criminal sanctions within the framework of convictions: fines, warning measures, and corrective measures. Regarding the types of punishments, in most cases they are fines, of which their share in the structure of court decisions, looking at years, ranges between 30 per cent and 36 per cent. When it comes to prison sentences, they constitute 5.73 per cent to 8.14 per cent of court decisions, observed in a three-year period, which leads to the conclusion that misdemeanour courts impose prison sentences in a small number of cases.

53. When we analyse the data from 2021, in the total number of completed cases, we see that prison sentences were imposed in only 6.8 per cent of the cases tackled by misdemeanour courts. The dominant place is occupied by fines (28.7 per cent), conditional sentences (18.7 per cent), warnings (7.7 per cent), and rejection of requests (1.37 per cent). Almost a quarter of the cases ended with an acquittal, 22.3

per cent to be exact, 1.4 per cent of the cases were dismissed, the proceedings were suspended in 5.8 per cent of the cases, and 8 per cent were resolved in some other way.

54. From 2018 to 2021, the courts had a total of 41 cases for the criminal offence of stalking:

- (a) 2018 – 4 cases;
- (b) 2019 – 9 cases;
- (c) 2020 – 10 cases;
- (d) 2021 – 18 cases.

55. Regarding resolved cases, out of the total number of cases in the work, 13 cases were finally decided, of which the courts issued final convicting verdicts in 12 cases, and in one case an acquittal decision was recorded.

56. When it comes to security measures, it is observed that they were imposed for a total of 2 persons, of which in one case the security measure of mandatory psychiatric treatment at liberty, while in the other case, the security measure of prohibition of approaching was imposed. A conditional sentence as a warning measure was issued for a total of 5 defendants.

57. From 2018 to 2021, the competent courts had a total of 41 cases pending related to the criminal offence of rape, of which a total of 11 cases were finally decided.

58. When it comes to the type of court decisions regarding the criminal offence of rape, the courts rendered nine (9) convictions, one acquittal and one verdict dismissing the charge. Convicting verdicts pronounced prison sentences for 7 defendants, as well as a corrective measure – referral to a corrective institution, for two defendants.

59. Unfortunately, femicide, the most serious and cruel form of hate crime against women, is also present in Montenegro. For 4 months of 2022, the murders of three young women took place, who were victims of partner violence, and the proceedings are pending before the competent courts. When it comes to judicial practice, in the last five years, there were a total of 8 cases before the higher courts for the criminal offence of murder to the detriment of women, of which two cases were finally decided.

Human trafficking and exploitation of prostitution

60. In 2019, the Government of Montenegro adopted a new Strategy for the Fight Against Human Trafficking for 2019–2024; 3 action plans were adopted and implemented for 2019, 2020 and 2021.

61. Following operational objectives, there was a significant increase in the number of calls made to the SOS line for victims of human trafficking. Compared to the values set at the beginning of the period of implementation of the strategic document, which were based on data obtained in a six-year period (an average of about 470 calls per year), an increase of slightly more than 650 per cent was observed. The activities undertaken to promote the SOS line contributed to the increase in the number of calls. This is also an indicator of growing public awareness concerning the phenomenon of human trafficking.

62. At the end of 2021, there were 4 service providers in the social and child protection system with a license to provide SOS phone services, and 5 service providers with a license to provide accommodation in a shelter. Of them, one service

provider has a license to provide accommodation in a shelter for victims of human trafficking. A Team for the Formal Identification of Victims of Human Trafficking was formed, which has the task of coordinating the initial referral and protection of persons presumed to be victims of human trafficking.

63. Regular activities were carried out regarding the conduct of investigations for the criminal offence of human trafficking (at the beginning of the implementation period, there was no precise information on the number of conducted investigations for the crime of human trafficking, so the average value is taken, i.e., the number of investigations conducted per year was approx. 2; in 2020 – 7 investigations, in 2021 – 4 investigations). Compared to the initial values, there was an increase of more than 10 per cent when it comes to the number of conducted investigations.

64. An increase in the number of filed criminal reports for the criminal offence of human trafficking was recorded (2 criminal charges in 2019; 18 criminal charges in 2020; 5 criminal charges in 2021).

65. The number of signed bilateral agreements with the countries of the region increased compared to the initial planned value.

66. The Government of Montenegro adopted the Action Plan for the implementation of the above-mentioned strategy for 2022. At the strategic level, the Coordinating Body for Monitoring the Implementation of the Strategy for the Fight against Human Trafficking 2019–2024 is responsible for supervising the application of the national anti-trafficking policy.

67. The Coordinating Body for Monitoring the Protocol on the Treatment of Children Involved in Living and Working on the Street by Bodies, Institutions, and Organisations was also formed in the new convocation. Protector of Human Rights and Freedoms is included in the Body's work.

68. Collaboration on the protection of victims is based on the *Agreement on Cooperation in the Fight Against Human Trafficking*, which was signed in 2013 and revised in 2020, between the relevant institutions and NGOs that tackle the issue at hand.

69. To achieve a better balance of results in the investigation and processing of cases of human trafficking, the Supreme State Prosecutor and the Director of the Police Directorate of Montenegro formed the Operational Team for the Fight against Human Trafficking, which consists of representatives from relevant institutions. The key task of the team is the more efficient processing of cases of human trafficking.

70. In 2019, one judgment was pronounced for the criminal offence of human trafficking with the longest sentence imposed so far – one person 17 years in prison and the other 15. The offence was human trafficking for sexual exploitation, and the victim of this crime is a minor female.

71. In 2020, one person was sentenced to 8 years in prison for the criminal offence of human trafficking to the detriment of 4 minors – of which 1 was a female (forced begging). In 2021, a 2-year prison sentence was imposed on one person for the criminal offence of human trafficking (contracting an illegal marriage).

72. The newly proposed model, under the auspices of the Team for the Formal Identification of Victims of Human Trafficking, has envisaged that the status of a victim can be obtained based on the violation of human rights, and not only if the victims are the subject of the criminal offence of human trafficking. Team members are available 24 hours a day and, if necessary, will go out on the field to provide support in a specific case. In 2020, the team conducted a formal identification procedure and assigned the status of victims of human trafficking to 52 persons (31

males and 21 females). All these persons stayed in licensed shelters and specialised shelters for victims of human trafficking.

73. In 2021, a formal identification procedure was carried out in relation to 11 persons, and 5 persons were assigned the status of victims of human trafficking (4 female and 1 male). All persons assigned the status of victims of human trafficking were minors. Of that number, 2 female persons were identified as victims of human trafficking to enter an illegal marriage, 1 female person was a victim of human trafficking for sexual exploitation, and 2 persons (one male, one female) were victims of human trafficking for the purpose of begging. Based on the assigned status, persons are provided with all the necessary assistance and protection to reintegrate them.

74. From January 1 to June 30, 2022, the formal identification procedure was carried out in relation to 16 persons. 13 persons were granted the status of victims of human trafficking. 10 were minors and 3 were adults, of which 3 victims of forced begging (minors, 2 male and 1 female); 3 were victims of sexual exploitation (adult females), and 7 were victims of illegal marriage (minors, 1 male and 6 female).

Participation in political and public life

75. The gender equality index, which monitors the achievement of gender equality in six areas, was calculated for Montenegro for the first time in 2020. It stated that the greatest imbalance in Montenegro is in the domain of money and power and indicated the need to intensify activities aimed at strengthening women in the economic and political sphere.

76. In the area of increasing the representation of women in political and public life, activities were focused on changes to electoral legislation. Amendments were prepared in order to increase the gender quota to 40 per cent.

77. The Parliament of Montenegro prescribed in the Rules of Procedure from 2020 that at least one vice-president is elected from among the less represented gender. For the second time in the history of the Montenegrin Parliament, a woman is at the head of the Parliament of Montenegro (elected to that position in April 2022). The Women's Club was formed as an informal parliamentary body coordinated by MPs from different parties. With its activities, the Women's Club contributed to the adoption of certain legislative and administrative measures aimed at advancing the policy of gender equality.

78. The Law on the Government is being prepared and it should introduce quotas for the composition of the Government.

79. Hate speech against women in political life recently reached its peak through the statements of a convicted war criminal from a neighbouring country addressed to a Montenegrin MP and women from Cetinje. Complaints were submitted to the relevant regulatory authorities for electronic media.

80. Another attack on women in politics was the inappropriate and extremely misogynistic caricature addressed to the former minister. Numerous non-governmental organisations and public political figures have condemned the caricature. Basic State Prosecutor's Office in Podgorica, *ex officio*, filed a case against the perpetrator of the criminal offence of damage to the reputation of Montenegro.

81. The legal framework for suppressing hate speech in Montenegro is sufficient to fight against harmful social influence in accordance with international standards. The regulations could be specified to, for example, leave fewer dilemmas regarding when criminal and misdemeanour procedures should be applied in practice. In this regard, UNDP and the Ministry of Human and Minority Rights, the Ministry of Justice and

the Ombudsman are implementing the project “*Promotion of Dialogue and Joint Action to Combat Hate Speech*”, which aims to improve legislation and criminalise hate speech.

82. The Ministry of Human and Minority Rights continuously organises two-day trainings to empower female members of the Roma and Egyptian population to assume the role of leaders in the community. The implementation of these activities contributed to the formation of a civil movement and the first Roma political party with a significant number of women.

Nationality

83. Pursuant to the provisions of the Law on Birth Registers, the birth of a child in a maternity hospital or other health institution must be reported by the health institution, without exception.

84. The biggest challenge has been the registration in the register of births of children born outside a health care institution, and in that part, significant progress was made in 2015 with the adopted amendments to the Law on Non-Litigation Procedures. Non-litigation proceedings are initiated by the motion of a person not registered in the registry of births, or by the motion of any person who has a direct legal interest, i.e., the guardianship authority.

85. Abandoned children are protected by the provisions of the Family Law, which also applies to a parent who abuses parental rights or grossly neglects parental duties.

86. Pursuant to the Civil Registry Act, the birth of a child whose parents are unknown is entered in the civil registry of births in the municipality where the child was found.

87. Under the Law on Administrative Procedure, when carrying out the procedure of registering a child in the birth registry, in cases where the mother does not have an identification document, all means suitable for establishing the factual situation and appropriate for a particular case can be used as evidence, such as documents, witness statements, statements of the parties, findings and opinions of experts, interpreters and investigation.

88. Hence, the conditions have been fully created for the realisation of the right to universal birth registration, for all children without exception, which is the primary goal of the State.

89. In Montenegro, from 2017 to August 2022, a total of nine persons have had the stateless status, of whom three are women.

90. In 2018, Montenegro introduced a procedure for determining the status of stateless persons as, at that time, the 17th country in the world to have this procedure in its legal system. The new Law on Foreigners also prescribes the procedure for determining the status and issuing a travel document for a stateless person.

91. The Law on Foreigners establishes the procedure for determining the status and issuing a travel document for a stateless person and stipulates that a stateless person can be issued a temporary residence permit if he/she meets the conditions prescribed by law.

92. With the new *Strategy on Migration and Reintegration of Returnees*, the Government of Montenegro directed the migration policy towards the final resolution of the legal status of internally displaced persons (IDPs). The strategy envisages the creation of two documents to resolve these issues. The first document is a comprehensive analysis of national legislation in the field of socio-economic rights

for persons with stateless status. The second document contains the amendments to the Law on Foreigners to define in more detail the procedure for determining the status of a stateless person.

93. The interdepartmental working group for amendments to the Law on Foreigners has begun its work. In 2021, with the support of UNHCR, a two-day international conference on statelessness was organised, where the competent authorities from Montenegro and representatives of relevant institutions and universities in France exchanged experiences in the field of statelessness, as an initiative to change the legislation.

Education

94. The *Inclusive Education Strategy 2019–2025* improves the availability, equality, and quality of inclusive education through school policies, cultures, and practices. The program has been improved for preschool institutions, and primary and secondary schools, as well as classes implemented according to a special programme.

95. The effect of *the Strategy for the Social Inclusion of Roma and Egyptians 2016–2020* provided guidelines for further strategic policy in the area. The key goal of the new Strategy (2021–2025) is to build an inclusive and open society based on the fight against and elimination of all forms of discrimination, anti-Gypsyism, and poverty. The number of students from these communities in the education system is constantly increasing at all levels. The Government of Montenegro provides scholarships for Roma and Egyptian students, at the level of high school and academic studies.

96. The new *Strategy for the Protection of Persons with Disabilities from Discrimination and the Promotion of Equality 2022–2027* places primary emphasis on the effective suppression of all forms of discrimination and the creation of conditions for achieving equal rights in all areas of life for persons with disabilities. The document includes women and girls with disabilities and children with disabilities, especially considering the vulnerability of their position in society and the specific demands they face. In the coming period, the Government of Montenegro will strengthen personnel capacities for efficient implementation and supervision of the Strategy.

97. According to available data, three foreign women with approved international protection attend elementary school, five attend high school, and no foreign women are enrolled in any of the higher education institutions in Montenegro. One foreigner switched from a regular to a part-time class attendance system.

Employment

98. Montenegro adopted the new *National Employment Strategy 2021–2025*, whose main goal is stable and sustainable employment growth based on equal access to the labour market, dignified work, further development of knowledge and skills, and greater social inclusion. The aim is to include sensitive groups in the labour market, including young people, women, persons with disabilities, the RE population, beneficiaries of material security, and long-term unemployed persons.

99. Within the framework of the Action Plan 2021–2022 (*Gender Equality Strategy 2021–2025*), two tripartite consultations were organised on the topic of changes to laws that will enable greater participation of women in the labour market and achieving a better balance between business and private life.

100. At the end of 2021, there were 1,413 registered unemployed persons from the Roma and Egyptian community (803 women or 56.83 per cent), which makes up 2.46 per cent of the total number of unemployed.

101. Qualification structure of unemployed citizens of the Roma and Egyptian population:

(a) 1,361 persons or 96.32 per cent – 1st level of education qualification (780 women or 57.31 per cent);

(b) 17 persons or 1.20 per cent – 2nd level of education qualification (10 women or 58.82 per cent);

(c) 22 persons or 1.62 per cent – 3rd level of education qualification (9 women or 40.91 per cent);

(d) 13 persons or 0.96 per cent – 4th level of education qualification (4 women or 30.77 per cent).

102. In nine public works programmes in 2021, implemented in Berane, Rožaje, Bijelo Polje, Podgorica and Herceg Novi, 18 members of the Roma and Egyptian population (7 women) were employed.

103. In 2021, 71 persons from Roma and Egyptian population (42 women or 59.15 per cent) were employed in seasonal jobs.

104. Help – *Hilfe zur Selbsthilfe* implements a project through which 43 associates were trained in social inclusion in the field of employment, social and health care during 2021, and a total of 34 associates were hired for 12 months.

105. In 2021, the Red Cross of Montenegro implemented projects that support business incubators established in Konik, where 9 (nine) adult citizens of the Roma and Egyptian population are registered as entrepreneurs and carry out their activities in the premises given to them by the Red Cross.

106. In 2021, the Office for Dealing with Issues of the Roma and Egyptian Population was formed as part of the Secretariat for Social Welfare in the Capital City of Podgorica. The budget for 2022 foresees the employment of one person in the Office.

107. The Centre for Vocational Education has prepared education programmes for obtaining the following professional qualifications: Assistant pastry chef, Assistant confectioner, Assistant motor vehicle electrician, Motor vehicle mechanic's assistant, etc. An exam catalogue was also prepared to check the key skills of the Romology education programme, which consists of four modules related to the identity, culture, language, and literature of the Roma.

Health

108. In the previous period, Montenegro provided significant support for the promotion of breastfeeding and developed activities related to the establishment of maternity centres tailored to the child, among which is the initiative on counselling centres for breastfeeding within the framework of primary health care.

109. From 2010 to 2020, there were a total of 80,430 births, and the proportion of women giving birth under the age of 19 was 3,193 (4 per cent of the total number). While the number of births in the previous ten years decreased by about 900 per year, from 7,820 in 2010 to 6,919 in 2020, the number of births among adolescent girls also decreased. That number has decreased by more than 100 births per year, from about 370 in 2010 to 252 in 2020.

110. In the largest health institution in the country – the Clinical Centre of Montenegro (CCM) – 48 teenage births were recorded in the last five years. The youngest minor who gave birth was 14 years old. Yet, the Berane hospital had the largest number of minor births. In the last five years, 103 minor births took place at the hospital, and the youngest mother was 15 years old.

111. Institutions should establish a more adequate and stronger system for identifying, processing and protecting victims with disabilities, as well as a scheme for keeping records and statistics on violence against them within the framework of unified data on violence against girls and women. Specific forms of violence against women with disabilities are forced medicalisation, sterilisation and forced abortions, while some women even acquire disabilities because of violence. This is another area that needs additional work, both when it comes to improving the legislative framework and implementation.

112. The Association of Youth with Disabilities of Montenegro, in cooperation with the Ministry of Labour and Social Welfare, created a *Pocket Guide for Women with Disabilities Who Have Experienced Violence*. The content of the Guide refers to basic information about different forms of violence and mechanisms of protection against violence, as well as supportive messages to encourage women with disabilities who have experienced violence. The pocket guide contains all relevant contacts that victims of violence can use to avoid or stop recognised violence.

Economic and social benefits

113. In December 2021, the Parliament of Montenegro adopted the Law on Compensation of Former Beneficiaries of Benefits Based on the Birth of Three or More Children, which entered into force on April 1, 2022. The Law eliminates the consequences caused by the abolition of the legal right to lifetime compensation for women based on the birth of three or more children. The right to compensation is granted to beneficiaries of monthly benefits based on the birth of three or more children, who were entitled to this right in the period from January 1, 2016, to June 30, 2017, if this right has been revoked.

114. 14,935 mothers received benefits based on the birth of three or more children in the first month of re-exercising that right, based on the Compensation Act, and 3,589,977 euros were paid for the first month (April 2022, paid in May).

115. According to the Law on the Budget for 2022, €29,500,000 were approved in position 4218. Within this position, the following are planned: Beneficiaries of benefits according to the Decision of the Constitutional Court from April 19, 2017, with corresponding contributions: 4,500,000 euros; the rest of 25,000,000 euros refers to the compensation of former benefit beneficiaries based on the birth of three or more children. According to the technical rebalancing, a total of 23,222,954.98 euros is planned for all the rights mentioned until the end of the year.

Women living in rural areas

116. Within the Action Plan 2021–2022 (Gender Equality Strategy 2021–2025), the following activities were implemented:

(a) The introduction of incentive measures via the allocation of financial resources, mentoring, and professional support for women who own land and want to start or improve agricultural production;

(b) The introduction of incentive measures in the form of the allocation of financial resources, mentoring, and professional support for women and persons of different sexual and gender identities who belong to sensitive groups (persons with disabilities, Roma women, Egyptian women, LGBT women, single parents) for starting or improving their own business [3,462,706.13 euros spent].⁶

Groups of disadvantaged women

117. The most significant domestic legal documents that regulate issues of international protection are the Constitution of Montenegro and the Law on International and Temporary Protection of Foreigners. International protection of a foreigner seeking international protection includes asylum and subsidiary protection. The law contains numerous principles that ensure gender-sensitive treatment of foreigners seeking international protection. These principles include, among other things, a guarantee that men and women are heard separately during the procedure, which is very important in cases where women have been victims of domestic violence or when there are other reasons for which it can be assumed that family members do not want to present their circumstances in front of each other as the basis of persecution on which they base claims for international protection.

118. These persons are informed that the procedure is completely confidential. The hearing takes place without the presence of family members, except in extraordinary situations when the Asylum Directorate official determines that other family members must be present. It is ensured that the asylum procedure, especially the hearing, is carried out in an atmosphere that encourages trust and promotes a sense of security, especially in cases where women submit requests for international protection.

119. Foreign women who seek international protection under the Law on International and Temporary Protection, in addition to other rights, are granted the right to reception. As part of exercising this right, they are provided with basic living conditions: accommodation and food services, necessary clothing and footwear, means for hygiene, health care and assistance, psycho-social assistance and support, etc.

120. Unaccompanied women are accommodated separately or, in case of need and assessment by experts, with other women. The health needs of women and religious customs are respected when it comes to nutrition (with the provision of three meals, an afternoon snack for pregnant women, mothers in labour and minors up to 16 years of age). Special attention and priority are given to mothers, especially when it comes to gynaecological examinations. In addition, the Centre organises jewellery-making and decoupage workshops, and multilingual literature is also available.

121. The Red Cross and non-governmental organisations organised several educational workshops on various topics to reduce the stressogenic effect of difficult experiences in the country of origin and countries of transit.

122. Currently, there are 20 foreign women with approved international protection in Montenegro, of which 8 are female minors.

123. During the provision of support in the integration of women, special care is taken to ensure that women are equally represented in all areas of integration, and it is insisted that every female foreigner has access to education, social protection, and health care, with an emphasis on the selection of a specialist doctor for women.

⁶ Mid-Term Evaluation of the National Strategy for Gender Equality 2021–2025, for September 2021–November 2022. [Done by Slavica Striković, an independent expert appointed by the OSCE Mission to Montenegro].

Climate change and disaster risk reduction

124. In 2021, as part of the preparations for the Third Biennial Report, the United Nations Development Program, in cooperation with the Ministry of Ecology, Spatial Planning and Urbanism of Montenegro (MESPU), agreed on the preparation of two assessments. They will display the main characteristics and capacities of state and non-state actors to participate in the creation, implementation, and monitoring of policies, through the integration of gender equality and climate change.

125. First assessment *Gender Analysis* is focused on assessing the capacity of national institutions dealing with climate change⁷ to integrate gender equality issues into climate change policies. The assessment has covered five main areas:

- (a) Harmonisation of policy;
- (b) Institutional coordination;
- (c) Capacity building;
- (d) Data classified by sex and gender information;
- (e) Dedicated financial resources.

126. Specific recommendations are given for each area on how to integrate gender equality and climate change.

127. The second assessment – *Assessment of the Gender Capacity of Civil Society* – is primarily focused on NGOs dealing with the environment/climate change on the one hand, and NGOs working on the protection and empowerment of women and marginalised groups on the other. The aim was to assess their capacity to link gender equality in the framework of climate action, as well as to encourage them to contribute to adaptation and mitigation policies.

128. To develop integrated gender policies and those related to climate change, it is necessary to collect and analyse data classified by sex, which then must be transformed into gender indicators. Moreover, the analysis of the situation should be reflected in policies that encompass different sectors. These different areas are covered by different institutions, which must cooperate in a predetermined way to reflect sectoral and institutional responses in policies. The institutional structure must be informed and trained, as well as equipped with adequate capacities to cross analyse gender and climate change. In that manner, it is possible to achieve efficient cross-sectoral and inter-institutional cooperation, which will recognise the methods of integrating gender equality and climate change in policies during implementation, monitoring and evaluation.

129. When it comes to civil society, it is recognised that non-governmental organisations have an important role as actors in the formulation, implementation, and monitoring of climate actions. With the financial support of the Ministry of Justice, Human and Minority Rights, the NGO *Women's Action* created the manual – *Analysis of the Impact of Climate Change from a Gender Aspect*. The manual showed that women and girls face more serious health consequences due to climate change, compared to men and boys. Furthermore, specific guidelines were given on how to analyse the impact of climate change from a gender perspective.

⁷ Ministry of Ecology, Spatial Planning and Urbanism and the Ministry of Economy, Capital Investments, Agriculture, Forestry and Water Management, as well as relevant national institutions, such as the Agency for Environment Protection, the Directorate of Statistics, etc.

Marriage and family relations

130. When resolving cases concerning the awarding of custody of children, the courts do not give priority to the preservation of the family, but after conducting a legal, impartial procedure and evaluating all relevant facts, decide in accordance with the law.

131. The participation of experts from the Centres for Social Work – whose opinions are valued by the courts when making decisions – is mandatory. The fact of violence is certainly considered when deciding on family disputes. The Centres for Social Work indicate in their report that the family had been observed in the previous period, that there was violence and that reports were submitted that resulted in a verdict. After that, the court *ex officio* obtains the decisions and requests a special opinion from the Centre, i.e., a team of experts, on the suitability of the parties to exercise parental rights and decide on guardianship.

132. Also, if one of the parties indicates to the court that there were incidents of violence, the court *ex officio* obtains that documentation.

133. When it comes to the systematic exchange of information between competent misdemeanour courts and family courts about existing or past protection measures in family law cases, the new judicial unified information system will include data for all courts, including misdemeanour courts, which will also enable the exchange of information between all courts.

134. The Law on Temporary Child Support defined that money is diverted from a special alimony fund to single parents whose partners do not fulfil their legal obligations, and then the state collects it from them subsequently.

135. Children on the territory of Montenegro have the right to temporary support, and the condition for this is that the support payers, i.e., the parent who does not pay alimony, according to the court verdict, for two continuous months in full, partially does not fulfil this obligation or does so irregularly. Partial fulfilment of the obligation means that the support payer pays a smaller amount than that determined by the decision or court settlement.

136. The right to temporary support lasts until the child turns 18. Exceptions are children who, after coming of age, are unable to work due to illness or other reasons, do not have enough means to support themselves or cannot obtain them from existing assets.

137. The resources of the Fund are obtained from the state budget; the sale of permanently confiscated property benefits acquired through criminal activity; resources attained from plea agreements; payments resulting from the application of the institute of deferred prosecution; collected fines; donations of domestic and foreign individuals and legal entities; payment of companies based on insurance contracts; income from games of chance. The amount, method, and dynamics of securing the resources of the Fund are prescribed by the Ministry of Finance. Transparency of the Fund's work is ensured by publishing reports monthly.

138. The Ministry of Labour and Social Welfare has prepared the *Information on the Application of the Law on Temporary Child Support* in order to better inform users (<https://www.gov.me/clanak/informator-o-primjeni-zakona-o-privremenomizrzebanju>).