



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

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

Fiftieth session

3 – 21 October 2011

**List of issues and questions with regard to the consideration
of periodic reports**

Montenegro

The pre-session working group examined the initial report of Montenegro (CEDAW/C/MNE/1).

General

1. The State party's initial report was due in November 2007 and received in May 2010, in accordance with article 18 of the Convention. Please explain the reasons for the delayed submission of the report. Please provide further information on the process of preparing the initial report, in particular on the nature and extent of consultations with non-governmental organizations, and indicate whether comments and amendments by NGOs were taken into account when finalizing the report (CEDAW/C/MNE/1, para. 9). Please also explain whether the report was adopted by the Government

2. Please indicate the steps taken to ensure adequate resources to the Office of the Protector of Human Rights and Freedoms (Ombudsman), its compliance with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, annex), and to encourage it to apply for accreditation by the International Coordinating Committee of National Human Rights Institutions. What progress has been made in adopting the new Law on Ombudsman, with a view to effectively implementing the 2010 Law on Prohibition of Discrimination?

Legal status of the Convention and legislative and institutional framework

3. The report states that, while the provisions of the Convention are directly applicable and prevail over national legislation (CEDAW/C/MNE/1, para. 47), they have never been invoked by individuals or directly applied in court proceedings (para. 82). In this regard, please provide detailed information on the measures taken by the State party to raise awareness among prosecutors, judges, lawyers and the general public about the legally binding character and the direct applicability of the Convention, as well as about the rights contained therein. Please also provide information on how the State party is enhancing awareness and knowledge of women about their rights under the Convention and about the communications and inquiry procedures provided by its Optional Protocol.

4. Please specify whether the complaints lodged by women with the Protector of Human Rights and Freedoms (CEDAW/C/MNE/1, para. 83) include any cases involving sex- and gender based discrimination. What measures are being taken to raise awareness of the new remedy in the Gender Equality Law of lodging complaints about sex-based discrimination with the Ministry for Human and Minority Rights (para. 84)? Please indicate whether the Ministry's findings have binding character and whether they can be appealed to the courts.

5. Please explain whether the transfer to the local governments of competencies for the promotion of gender equality and other matters related to the implementation of the Convention (CEDAW/C/MNE/1, para. 45) has been accompanied by adequate budgetary allocations for the exercise of such competencies. Given that local gender equality mechanisms have been established in only 10 municipalities (para. 91), please also explain how the gender equality mandate of the local governments is being implemented in the remaining 11 municipalities.

6. The report describes the activities undertaken by the former Gender Equality Office within the Secretariat-General of the Government which was restructured as a Department in charge of gender equality within the Ministry for Human and Minority Rights in May 2009 (CEDAW/C/MNE/1, paras. 87 and 99). Please explain whether the mandate and political impact of the new Department is identical to that of the Gender Equality Office and provide information on financial resources allocated from the State budget for carrying out its gender equality mandate, the number of its staff, and the activities undertaken and achievements made so far by the Department.

Temporary special measures

7. Please provide additional examples of measures to promote and accelerate substantive equality of women and men, including temporary special measures, and explain whether the Convention is used as a legal framework for their adoption and implementation.

Violence against women

8. What measures is the State party taking to ensure the effective application of the 2010 Law on Protection from Family Violence, such as training for law enforcement officials and other professionals involved in any kind of interventions with victims of domestic violence? In view of the low reporting rate (CEDAW/C/MNE/1, paras. 129-133), what measures are being taken to provide free legal aid, psycho-social assistance and adequate shelter facilities to victims of domestic violence?

9. Please provide statistical information on the number of investigations, prosecutions and convictions in cases of domestic violence since 2007. Please indicate whether the State party is taking any steps to review its reportedly lenient sentencing policy in domestic violence cases? Please also provide data, if available, on women murdered by their husbands, intimate partners or ex-husbands during the last three years.

10. Please provide data on the number of reported cases of women victims of rape, prosecutions and on the sentences imposed on perpetrators since 2007. Please indicate whether the State party considers introducing ex officio prosecution of rape, including marital rape. Given the significant under-reporting of rape, what awareness-raising measures are being taken to overcome cultural stigma attached to victims of rape and their families? What types of support, counselling and rehabilitation are available to women victims of rape?

Trafficking and exploitation of prostitution of women and girls

11. Please provide information on the impact of the measures taken under the Action Plan for the Fight against Trafficking in Human Beings (CEDAW/C/MNE/1, paras. 88 and 142).

To what extent is the specific vulnerability of Roma, Ashkali and Egyptian and refugee women and girls and of girls living in the street reflected in the Action Plan and/or in similar programmes?

12. Please indicate whether the criminal charges of trafficking referred to in paragraph 139 of the report have resulted in any criminal convictions and, if so, provide information on the sentences imposed on perpetrators. Please provide information on the protection, assistance, rehabilitation and reintegration available to women victims of trafficking, and indicate whether temporary visas are available to victims who are unwilling or unable to cooperate with the prosecution authorities.

13. Please provide information on measures taken to prevent and combat sexual exploitation of children, especially considering the specific vulnerability of girls, and on the number of perpetrators of such exploitation prosecuted and sentenced since 2007. Please also describe the impact of sex tourism on the sexual exploitation of children in the State party (CEDAW/C/MNE/1, para. 145).

Participation in political and public life and decision-making

14. In light of the low representation of women in Parliament, municipal assemblies (CEDAW/C/MNE/1, paras. 96, 152, 153 and 156), the Cabinet (para. 161), positions appointed by the Parliament and the Government (paras. 154, 155 and 159), as well as within political parties' internal decision-making bodies (paras. 149 and 150), please provide data and/or information on:

(a) Whether the State party intends to introduce binding statutory quota for achieving balanced representation of women and men on electoral lists for national and local elections;

(b) Measures taken or envisaged to give effect to the provisions of the Gender Equality Law obliging Parliament and the Government to apply the principle of gender balanced representation with regard to appointed positions, the composition of official delegations, and the establishment of working bodies (para. 147);

(c) Measures taken or planned to encourage political parties to comply with article 12 of the Gender Equality Law and the provision of the Law on Political Parties on the inclusion in their statutes and programmes of affirmative measures to achieve gender balanced representation within their internal bodies (paras. 147 and 151);

(d) Updated information on the measures taken by the Gender Equality Department under the Action Plan for the Achievement of Gender Equality in order to increase the participation of women at all levels of decision-making (para. 124), and on their impact.

Education

15. Please provide detailed information on the measures taken to reduce female illiteracy, in particular in rural areas and among Roma, Ashkali and Egyptian women and girls (CEDAW/C/MNE/1, paras. 210, 240, 241, 243-242 and 247), and on the results achieved through their implementation.

16. What measures, including temporary special measures, are in place to increase the enrolment of Roma, Ashkali and Egyptian girls in formal education at all levels, to reduce their dropout rates at both the primary and secondary levels and to encourage and support their enrolment in institutions of higher education (CEDAW/C/MNE/1, paras. 237-239 and 241)? Apart from sanctions (para. 228), what measures are being taken to convince Roma, Ashkali and Egyptian parents to send their daughters to school (paras. 197 and 248)?

17. Apart from data on women and men holding masters and doctoral degrees in the field of science (CEDAW/C/MNE/1 paras. 220 and 222), the report is silent on the vocational choices of women and men and on their fields of studies at the secondary and tertiary levels of education. Please provide data on the professional and academic choices of women and men at all relevant educational levels, as well as on the efforts made by the State party to promote the diversification of such choices, encourage girls and boys to choose non-traditional fields of training and education, and promote women's enrolment in PhD programmes.

Employment and social security

18. In light of the unequal division of family responsibilities between women and men in the State party (CEDAW/C/MNE/1, para. 109), please provide information on:

(a) Additional measures to enable women to reconcile their professional and family life (para. 264);

(b) The measures taken to facilitate women's return to work after child-rearing periods (para. 265);

(c) The impact of targeted programmes for women in the labour market (para. 265);

(d) Any steps taken to legally define and monetize the status of women working as housewives (para. 265);

(e) Any incentives such as special non-transferable paternity leave in addition to parental leave to promote the active participation of fathers in child rearing and other domestic duties;

(f) The availability and accessibility of day-care nurseries, kindergartens and day schools and the percentage of children enrolled in such institutions, disaggregated by sex and age group.

19. The report notes in paragraph 277 that women are concentrated in low-paid jobs and underrepresented in high-level and managerial positions. What measures are being taken to ensure equal access for women and men to management positions and to address horizontal and vertical labour-market segregation? Please indicate whether the principle of equal pay for work of equal value is enshrined in the State party's legislation.

20. Please explain why women above 45 years of age are excluded from career guidance, professional training, retraining and further training programmes and how the State party ensures that they remain competitive in the labour market (CEDAW/C/MNE/1, para. 286).

21. The report notes that only 17 per cent of Roma, Ashkali and Egyptian women are engaged in a remunerated activity, while 71 per cent are supported (CEDAW/C/MNE/1, para. 300). In addition to the projects described in paragraphs 294-298 of the report, what specific measures are being taken to combat the phenomenon of female unemployment among the Roma, Ashkali and Egyptian population and what is their impact on the employment of Roma, Ashkali and Egyptian women?

22. The unemployment rate among women with disabilities seems to be disproportionately high (CEDAW/C/MNE/1, para. 304). Please describe the legal safeguards protecting women and men with disabilities against lay-offs, as well as the impact of the active employment policy for improving the situation of women with disabilities (para. 305).

23. In light of the generally shorter contribution periods of women, please provide disaggregated comparative information on the pension levels of women and men in the State party (CEDAW/C/MNE/1, para. 316).

Health

24. What measures is the State party taking to improve the conditions of perinatal health care (CEDAW/C/MNE/1, para. 327) and to educate women, especially rural women, on the importance of regular gynaecological check-ups (paras. 346 and 347)?

25. Please provide information on the measures taken, such as the inclusion of education on sexual and reproductive health and rights in school curricula, to reduce the number of teenage pregnancies and abortions and prevent the spread of sexually transmitted diseases such as HIV/AIDS (CEDAW/C/MNE/1, paras. 342 and 343). What programmes are in place to assist teenage mothers and their children?

26. Please indicate whether the State party is taking steps to facilitate the civil registration of Roma, Ashkali and Egyptian women in Montenegro or, in the case of refugee or displaced Roma, Ashkali and Egyptian, to approach the countries of their habitual residence to simplify procedures for obtaining passports and other identity documents required for the status of foreigners with permanent residence in Montenegro, with a view to ensuring them access to health-care services and treatment, in particular with regard to their reproductive health needs.

27. Apart from indicating that the major causes of morbidity in women are vascular diseases (CEDAW/C/MNE/1, para. 325) the report does not contain any sex-disaggregated data on the main causes of mortality and morbidity. Please provide such data, including on mortality among women due to breast, cervical and ovarian cancer, and indicate what measures have been taken to increase early detection of such forms of cancer.

Equal rights in marriage

28. Please provide information on the measures taken to change traditional social patterns by which male spouses predominate as property title holders, thereby limiting women's access to loans and credit requiring mortgage (CEDAW/C/MNE/1, paras. 311 and 364).

29. The report states in paragraph 379 that "during marriage or prior to entering into marriage, spouses may regulate their property relations concerning current or future property by an agreement (art. 301 of the Family Law)". The report further states that "the Family Law envisages that spouses manage joint property during marriage jointly and by mutual agreement, and that they may also agree to the effect that management and disposal of joint property or its parts is performed by one of them (arts. 291 and 292 of the Family Law)" (CEDAW/C/MNE/1, para. 380). In view of unequal power relations between women and men, what safeguards are in place to ensure that women are not pressured into such agreements by their future or current husbands? How often is future property administered solely by men as compared to women and how frequently is joint property administered solely by male spouses in comparison to female spouses?

30. What measures are being taken to effectively enforce and raise awareness about the prohibition of child marriages within Roma, Ashkali and Egyptian communities?

Amendment to article 20, paragraph 1, of the Convention

31. Please describe any progress made towards acceptance of the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.
