



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

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

**Third periodic report submitted by Montenegro under
article 18 of the Convention, due in 2021*****

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* The present document is being issued without formal editing.

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



List of acronyms

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| AIRE | Advice on Individual Rights in Europe – London-based centre |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CEDEM | NGO Centre for Democracy and Human Rights |
| CTJSPS | Centre for Training in Judiciary and State Prosecution Service |
| CRI | NGO Centre for Roma Initiatives |
| MWL | NGO Montenegrin Women’s Lobby |
| Directorate | Department for Gender Equality of the Ministry for Human and Minority Rights/ Directorate for Gender Equality of the Ministry of Justice, Human and Minority Rights |
| Istanbul Convention | CoE Convention on Preventing and Combating Violence against Women and Domestic Violence |
| PCF | Podgorica Correctional Facility |
| CC | Criminal Code of Montenegro |
| MFSW | Ministry of Finance and Social Welfare, formerly the Ministry of Labour and Social Welfare |
| MICS | Multiple Indicator Cluster Survey, implemented in Montenegro in 2018 |
| MONSTAT | Statistical Office of Montenegro |
| MJHMR | Ministry of Justice, Human and Minority Rights, formerly Ministry for Human and Minority Rights |
| MoESCS | Ministry of Education, Science, Culture, and Sports |
| MoI | Ministry of the Interior |
| NSSD | National Strategy for Sustainable Development until 2030 |
| Committee | Gender Equality Committee of the Parliament of Montenegro |
| PwDs | Persons with disabilities |
| PRIS | Judicial information system |
| RE | Roma and Egyptians |
| Strategy | Strategy for Improving Enabling Environment for the Activities of NGOs 2018–2020 |
| SWH | NGO Safe Women’s House |
| UNFCCC | United Nations Framework Convention on Climate Change |
| WFD | Westminster Foundation for Democracy |
| Protector | Protector of Human Rights and Freedoms of Montenegro (Ombudsman) |
| WP | Women’s Parliament |
| WC | Women’s Club |
| WPN | Women’s Political Network |

Introduction

1. Pursuant to Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, States Parties undertake to submit a report to the UN Secretary-General on the legislative, judicial, administrative, and other measures they have adopted in order to implement the provisions of this Convention and on the progress made during that period.
2. After a legal succession procedure, Montenegro has acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
3. Initial Report of Montenegro (CEDAW/C/MNE/1) was considered by The Committee on the Elimination of All Forms of Discrimination against Women at its meetings no.1002 and 1003 (CEDAW/C/SR.1002 and 1003), held on October 6, 2011.
4. The delegation of the Government of Montenegro presented the Second Periodic Report of Montenegro on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/MNE/2) during the 67th regular session of the UN Committee on the Elimination of All Forms of Discrimination against Women, at the meetings no. 1512 and 1513 (CEDAW/C/SR.1512 and 1513), held on July 11, 2017.
5. All members of the Montenegrin delegation took part in the discussion with the members of the Committee, and the participation and engagement of the entire delegation were assessed as positive. Efforts to make progress so far had been supported, adding that the Committee's Concluding observations will be a clear indicator of the future engagement of the Government and all other stakeholders in the country.
6. Non-governmental organizations Centre for Women's Rights, Safe Women's House, SOS Hotline for Women and Children Victims of Violence Niksic, Centre for Roma Initiatives, Spektra, Juventas, and Queer Montenegro submitted the so-called "shadow reports".
7. The CEDAW Committee submitted to the Ministry for Human and Minority Rights its Concluding Observations and Recommendations (CEDAW/C/MNE/CO/2), dated 21 July 2017, regarding the Second Periodic Report on the Implementation of CEDAW, which requested information on the implementation of urgent recommendations 21c, 37, 43c and 53b to be submitted within two years. The Government adopted the Report of Montenegro on the Implementation of the Urgent Recommendations of the CEDAW Committee at its session held on July 4, 2019.
8. Montenegro was obliged to submit the Third Periodic Report to the CEDAW Committee in July 2021.
9. The process of drafting the Third Periodic Report was coordinated by the Directorate for Gender Equality of the Ministry of Justice, Human and Minority Rights, which received expert assistance through the UNDP Office in Montenegro. At the beginning of the work on the Draft Report, the following were invited to contribute: the Gender Equality Committee of the Parliament of Montenegro, all line ministries in the Government of Montenegro and other administrative bodies, as well as the judiciary, public prosecutor's office, Protector of Human Rights and Freedoms and 36 non-governmental organizations. international organizations with an office in Montenegro. After Draft no. 3 of the Periodic Report was produced, it was submitted to all stakeholders for their comments, and a consultative meeting was organized. The comments and suggestions received were incorporated into the Draft Report.

10. The Government of Montenegro considered and adopted the Third Periodic Report at its session held on September 23, 2021, and subsequently sent it to the CEDAW Committee.

Part one

11. Report on meeting the recommendations based on the Concluding Observations of the Committee on the Elimination of Discrimination against Women from 2017, including additional recommendations related to paragraphs 21 (c), 43 (c), and 53 (b) from 2020.

Key recommendations

I. Recommendation 7. [CEDAW/C/MNE/CO/2](#) – The Parliament

12. At its session held on November 10, 2017, members of the Gender Equality Committee (Committee) acquainted themselves with the content of the Concluding Observations and Recommendations of the CEDAW Committee on the Second Periodic Report of Montenegro and took the position that it would monitor the implementation of the recommendations received. The Committee immediately informed the OSCE/ODIHR Working Group on the Implementation of Electoral Legislation (working to improve electoral legislation) with the recommendations contained in paragraphs 28 and 29 of the Second Periodic Report.

13. Examples of good practices related to introducing gender equality principles into public policies, plans, and budgets were presented at the Committee meetings. Several consultative hearings and thematic sessions dedicated to the issues of violence against women, women's entrepreneurship, the position of Roma women and Egyptian women (RE), rural women, women with disabilities, medically assisted insemination, etc., were held. Special attention was also paid to the implementation of UN Security Council Resolution 1325 – Women, Peace, Security and the role of women in armed Forces and police, as well as the economic empowerment of women. The Committee worked on establishing regional and international cooperation, activities in the context of the control function of the Parliament, which relate to monitoring the implementation of the Law on Gender Equality, other laws, as well as international documents regulating the field of gender equality.

14. During the reporting period, the Committee organized seven sessions of the Women's Parliament (WP).

II. Recommendation 9. [CEDAW/C/MNE/CO/2](#) – Visibility of the Convention

15. All courts have been familiarized with the content of the Convention, which is the subject of this Report, as well as with the recommendations of the CEDAW Committee from July 2017.

16. As part of the Continuing Professional Development Program for Judges and Public Prosecutors, the Centre for Training in Judiciary and State Prosecution Service (CTJSPS) conducts training on women's human rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and other national and international legal documents related to the protection of women, protection against discrimination, human rights, and gender equality.

17. The initial training curriculum for candidates for judges and state prosecutors provides training on the Istanbul Convention. Since the year 2021, the CTJSPS Program Council has included the topic of Women’s Rights and Gender Equality with special reference to CEDAW in the Curriculum.
18. In cooperation with non-governmental and international organizations, the CTJSPS organized a total of 23 trainings on these topics between June 2017 and June 2021. The trainings were attended by over 300 professionals (judges, state prosecutors, misdemeanour judges, court advisors, advisors in the State Prosecution Office, candidates for judges, candidates for state prosecutors) (Annex 1).
19. The handbook titled “Domestic Violence – A Review of International Standards and Jurisprudence of the European Court of Human Rights” was prepared by the Supreme Court of Montenegro in cooperation with the AIRE Centre in order to empower those who combat domestic and gender-based violence.
20. Within the European Union and the Council of Europe cooperation initiative “Horizontal Facility for the Western Balkans and Turkey,” a Gender Analysis has been developed with the aim to mainstream the gender dimension and significantly strengthen the inclusion of European standards on anti-discrimination and gender equality in the judiciary in Montenegro. The analysis was produced in the context of the project titled “Accountability and Professionalism of the Judicial System in Montenegro”.
21. In 2020, the Institution of the Protector of Human Rights and Freedoms (the Protector) strengthened the workforce capacities of the Department for Prohibition of Discrimination, Minority Rights and Gender Equality, with an officer assigned to the position of Senior Advisor for the Protection of Persons with Disabilities. This employee is a person with disabilities. However, it is necessary to further strengthen the capacities of this Department in order to combat negative social phenomena in the most effective manner and to further promote equality, especially gender equality.

III. Recommendation 11. CEDAW/C/MNE/CO/2 – Legal framework for the prohibition of discrimination against women

22. The annual reports on the work of the Protector of Human Rights and Freedoms indicate that very few people file complaints related to sex- and gender-based discrimination, so this can be interpreted as meaning that women and people of different gender identities are still not sufficiently aware of their rights and that it is necessary to work on informing and empowering them to reach out to the Protector and the courts of law in case of discrimination. According to the annual reports on the work of the Protector, 155 cases were processed during 2018. During the year 2019, there were 141 cases in the field of protection against discrimination and violation of the right to equality. Of these cases, 29 were in 2018, 26 in 2019, while in the year 2020 – there were 11 cases related to gender-based discrimination or discrimination based on marital and family status (Annex 2).
23. In the last four years, a total of 21 proceedings related to discrimination have been initiated before Montenegrin courts, with 5 lawsuits in 2016, 9 lawsuits in 2017, 6 lawsuits in 2018, and 1 lawsuit filed in 2019. The Supreme Court of Montenegro reported that in 2020, no proceedings were initiated on lawsuits to establish discrimination on the grounds of gender.
24. There is no consolidated database on cases of discrimination in Montenegro – the one which would include methodologically comparable data, i.e., contain data from courts, state prosecutor’s offices, misdemeanour authorities, the Police Directorate and the Directorate for Inspection Affairs on initiated proceedings and decisions related to cases of discrimination.

25. The Ministry of Justice, Human and Minority Rights (MJHMR), formerly the Ministry for Human and Minority Rights, has been implementing cycles of education and training programs in the field of protection against discrimination for many years, based on the “Curriculum for Education of Civil Servants, Holders of Judicial Functions and Employees in Other Bodies, Organizations and Institutions that Come into Contact with Cases of Discrimination.” For more than eight years in a row, a media campaign on the prohibition of discrimination and the affirmation of anti-discriminatory behaviour has been conducted (media campaign in the Montenegrin and Albanian languages, flyers in Braille...) (Annex 3).

26. Formerly the Department for Gender Equality within the Ministry for Human and Minority Rights, and now the Directorate for Gender Equality within the Ministry of Justice and Human Rights (the Directorate), has limited financial and human resources. It is necessary to improve financial and human resources for the work of the Directorate in order to strengthen its capacity to formulate, implement, advise, coordinate, and monitor the preparation and implementation of legislation and policies in the field of gender equality. It is necessary to provide more substantial funds for the work of the Directorate since the process of gender mainstreaming still largely depends on donors.

27. Despite all the challenges that the Directorate is encountering, it is evident that the results of its work on changing the context and strengthening women’s rights in Montenegro are being felt. Also, the Directorate has established good cooperation with institutional mechanisms for achieving gender equality in the region (it is a member of the “Balkan Region” network established by parliamentary and governmental mechanisms of Bosnia and Herzegovina, North Macedonia, Serbia, Croatia, and Montenegro), the European Institute for Gender Equality, equality, the Council of Europe – Commission on Gender Equality (GEC), the OSCE Mission, the UNDP Office, and the EU Delegation to Montenegro.

28. The Committee worked on establishing regional and international cooperation, on activities in the context of the control function of the Assembly, which relate to monitoring the implementation of the Law on Gender Equality, other laws, as well as international documents regulating the field of gender equality. As part of the Regional Parliamentary Program implemented by the Westminster Foundation for Democracy (WFD), the Committee conducted post-legislative oversight of a number of articles of the Law on Amendments to the Law on Gender Equality. As of September 21, 2020, the report is available on the website of the Parliament of Montenegro.

29. The practice of the Parliamentary Committee has shown that its position in the legislative process is not completely regulated. The competencies defined at the level principle do not reflect the multisectoral nature of the area covered by this working body.

30. It is worth emphasizing the good cooperation of the Directorate with the Committee with which it regularly exchanges information, cooperates in the implementation of projects and informs the Committee about the adopted documents and implemented activities at its sessions.

31. In 2020, the NGO SPES implemented the project “Research on the knowledge and application of the Law on Gender Equality in the Institutions of Montenegro” thanks to the financial support of the MJHMR and the support of the Committee in the part related to information collection activities.

IV. Recommendation 13. CEDAW/C/MNE/CO/2 – National Mechanisms for the Advancement of Women

32. Following the amendments of the Rules of Procedure of the Parliament of Montenegro, the Committee now has 13 instead of 11 members. The budget of the Parliament of Montenegro does not stipulate the funds planned for the work of each permanent working body, so the funds planned for the work of the Committee cannot be known. However, funds for specific activities are approved at the request of the Committee.

33. The Committee also receives support from international organizations when it comes to the implementation of certain activities. Thus, with the support of the OSCE Mission to Montenegro, it prepared the Action Plan for the Gender Responsive Parliament of Montenegro for the period 2016–2018, evaluated the implementation of this Action Plan, and currently works on the preparation of the Action Plan for the Gender Responsive Parliament of Montenegro for the period 2022–2024.

34. Information on the Directorate is provided in response to Recommendation 11.

35. Towards the end of 2020, the UNDP Office in Montenegro financed the preparation of the study titled “The Work of Institutional Mechanisms for Achieving Gender Equality in Montenegro in the Period 2010–2020”.

36. Since 2017, 106 national and local level focal points who deal with gender equality-related issues, as well as 13 contact persons in the media, have been continuously undergoing training.

37. At the local level, Decisions on Gender Equality have been adopted in 18 municipalities, while 10 municipalities have adopted local Action Plans for Gender Equality. Special funds for the implementation of activities in the field of gender equality have been allocated in the budgets of seven municipalities. Local LGBT action plans have been adopted in several municipalities. There is also a network of contact points for LGBT-related issues in local self-governments, consisting of representatives of 17 municipalities.

38. National and local level civil servants undergo numerous trainings organized by the Directorate for Gender Equality and relevant institutions with the support of international organizations and partners (UNDP, OSCE Missions, WFD, Council of Europe, ERBD, etc.).

39. The evaluation of the implementation of the third Action Plan for Achieving Gender Equality in Montenegro 2017–2021 (APAGE) showed that it: partially influenced the promotion of gender equality in Montenegro; had shortcomings when it comes to a participatory approach; insufficiently articulated the problems of end beneficiaries; remained burdened with a large number of areas without the necessary prioritization and lacked coherence; was formulated without prior assessment of the available budgetary funds, and that most of the planned activities had been implemented. However, it was impossible to measure their effects because the indicators were poorly defined, rather limited in their formulation, oriented towards numerical values and virtually unusable for description and analysis of implemented activities. Yet another conclusion was that the report was hard to comprehend and too exhaustive, without a sufficient number of useful indicators (Annex 4).

40. In July 2020, the Government of Montenegro adopted the National Strategy for Gender Equality (NSGE) 2021–2025. The NSGE provides three operational objectives and contains a proposal of the budget for the implementation of the 2021–2022 Action Plan in the amount of 402,700 EUR.

41. The strategic planning system in Montenegro is based on the Regulation on the Manner and Procedure for Drafting, Aligning and Monitoring the Implementation of Strategic Documents (“Official Gazette of Montenegro,” No. 54/2018), which stipulates minimum quality criteria for each strategic document adopted by the Government of Montenegro (Annex 5).

V. Recommendation 15. CEDAW/C/MNE/CO/2 – Non-governmental organizations

42. The Strategy for Improving Enabling Environment for the Activities of NGOs 2018–2020 (the Strategy) has been implemented since January 2018. Its implementation has been monitored by the Ministry of Public Administration and the Council for Cooperation between State Administration Bodies and Non-Governmental Organizations (NGOs) (Annex 6).

43. The e-Participation service has been improved, allowing citizens to participate in public consultations and discussions online.

44. With the support of SIGMA/OECD, a Methodology for measuring the impact of NGOs in the creation and implementation of public policies was prepared. It represents a novel approach in monitoring the quality and deeper effects of consultations.

45. From 2018, pursuant to the Law on Non-Governmental Organizations (“Official Gazette of Montenegro,” No. 039/11 and 037/17), the Ministry for Human and Minority Rights has been allocating funds for financing NGO projects/programs for the following five areas: Protection and promotion the human rights of Roma and Egyptians; Protection and promotion of human and minority rights – Protection and promotion of the rights of LGBT persons; Protection against discrimination of persons with disabilities; Development and improvement of the rights of minority peoples and other minority national communities; and Gender equality (over 3.65m EUR have been allocated within three years). Based on three public competitions for the allocation of funds to non-governmental organizations for the implementation of projects in the field of gender equality, the Ministry for Human and Minority Rights granted 171,000 EUR, 290,000 EUR and 171,000 EUR to projects “Towards Gender Balance in Montenegro,” “The Key is in the Hands of Women,” “For a Stronger Society in Terms of Gender Equality” respectively.

VI. Recommendation 17. CEDAW/C/MNE/CO/2 – Temporary special measures

46. In addition to its members, the Committee has also been inviting members of other permanent working bodies and employees in the parliamentary service to all seminars/workshops, so that as many persons as possible could acquire knowledge about gender equality and temporary special measures.

47. The Directorate itself has organized a number of seminars/workshops on gender equality in education, media, at the local level, the role of women in contemporary society and the like.

48. During 2019 and 2020, UNDP and Human Resources Management Administration worked intensively on public administration capacity building. An accredited training program had been delivered for 24 gender equality trainers from public administration who received certificates upon successful completion.

49. Campaigns play an important role in promoting the introduction of special measures as they are aimed at increasing information and raising public awareness about the prevalence and consequences of gender-based violence, especially in the contexts of “16 days of Activism against Gender-Based Violence”, the International Day of Women Entrepreneurs, and International Day of Rural Women.

VII. Recommendation 19. CEDAW/C/MNE/CO/2 – Stereotypes and discriminatory practices

50. The Law Amending the Law on Prohibition of Discrimination was adopted in June 2017. The amendments improved the provision regulating discrimination based on gender identity, sexual orientation and/or intersex characteristics, with Article 19 stipulating that any discrimination, unequal treatment or unequal position of a person or group of persons on the basis of gender identity, sexual orientation and/or intersex characteristics shall be considered discrimination.

51. The Law also prescribes relatively high fines (1,000–20,000 EUR for a misdemeanour committed by a legal entity; 500–2,000 EUR for a misdemeanour committed by a responsible person in a legal entity, state body, state administration body, local self-government body and local government; 300–6,000 EUR for a misdemeanour committed by an entrepreneur, and from 50–2,000 EUR for a misdemeanour committed by a natural person).

52. Public opinion polls were conducted on the level of discrimination against persons with disabilities and the degree of social distance compared to other vulnerable groups in Montenegro. These activities were implemented by NGOs with the financial support of the MJHMR.

53. In cooperation with the WFD, in the context of the initiative “Discriminated Women – Coming Back from the Margins” two webinars were organized in Montenegro on July 27 and 28, 2020. Gender equality during the global pandemic, the role of the media in reporting on the needs of vulnerable groups, particularly marginalized women, as well as the journalists’ code, were the main topics during these webinars that brought together representatives of 16 media, trainers, and experts from the Media Institute Montenegro and the region.

54. In June 2020, the NGO Centre for Democracy and Human Rights (CEDEM) conducted a survey “Coverage of gender equality in the media,” the findings of which indicated to which women are less represented in the media than men, making up only 13 per cent of the total corpus analysed. Men were 38 per cent more represented in media reports than women, and less than 1 per cent of media content addressed the issue of gender equality. The number of reports speaking affirmatively about women is extremely low, making up only 9 per cent of the total analysed corpus (Annex 7).

VIII. Recommendation 21. CEDAW/C/MNE/CO/2 - Child and/or forced marriage

55. The Law Amending to the Criminal Code of Montenegro (“Official Gazette of Montenegro” No. 44/2017) introduced a new form of committing the criminal offense of concluding a void marriage (regulated by Article 214), in the case when a person is incited or taken abroad in intent to enter into marriage by force or threat.

56. In 2017, in order to enhance the protection of children from violence, the Ministry of the Interior (MoI) was supported by UNICEF to adopt the Guidelines for the actions of competent institutions in cases of recognition and prosecution of child marriages and extramarital unions, with clearly defined operational procedures.

57. In these cases, the police must act urgently, cautiously and with due care, similar to other cases involving children. In case of learning about the occurrence of child marriage, the centre for social work and possibly the Office for Combating Trafficking in Human Beings (if there is a suspicion that the child is a victim of trafficking in human beings) will be informed.

58. One of the measures in the 2019 Action Plan for the implementation of the Strategy for Combating Trafficking in Human Beings provides for the organization

of training of Roma mediators and peer educators on the risks of sexual and economic exploitation.

59. In March 2020, the Government of Montenegro launched the “Children are children” campaign in cooperation with the Ministry of Labour and Social Welfare (now the Ministry of Finance and Social Welfare - MFSW), MoI, Police Directorate and NGO Centre for Roma Initiatives (CRI). The campaign was financially supported by the British Embassy and covered 12 Roma and Egyptian settlements in the four Montenegrin cities – Nikšić, Podgorica, Berane, and Tivat (Statistics are available in Annex 8).

60. This kind of approach to the campaign resulted in the reporting of 7 cases that were processed by the competent authorities. A large number of direct beneficiaries were also included and offered the opportunity to get acquainted with the ways and possibilities of reporting a child and arranged marriage.

61. CRI data indicate that state bodies usually do not undertake measures and actions on their own initiative to identify, process and file a bill of indictment, i.e. indictment for criminal offenses entailing the elements of arranged child marriage (field checks, effective preliminary investigation and investigation work, operational findings, measures for detection of criminal offenses etc.).

62. In cooperation with the Ministry of the Interior, the Police Directorate, the Roma Council and non-governmental organizations, the MJHMR has continuously implemented trainings/campaigns in all Roma and Egyptian settlements in Montenegro on topics such as combating child marriage, human trafficking, begging, and domestic violence. On that occasion, flyers in Montenegrin, Romani and Albanian were distributed.

63. In cooperation with the Roma Council, CRI and the NGO “Phiren amenca – Walk with us”, MJHMR organized winter and summer camps for the best Roma and Egyptian students (from the 7th, 8th, and 9th grades of primary school), during which workshops on combating domestic violence and arranged child marriages (statistics available in Annex 9).

64. According to the CRI, the competent authorities initiated proceedings against parents who arranged early child marriages only in cases where the perpetrators in the proceedings admitted committing this criminal offense, that is when they admitted that they had received money for concluding a child contracted marriage. The reason behind this practice is reflected in the lack of legal grounds for prosecuting parents solely based on the knowledge about the preparation of this act. Therefore, improving the legislation in this aspect should be considered.

65. The Multiple Indicator Cluster Survey in Montenegro (MICS), conducted by the Statistical Office of Montenegro (MONSTAT) in 2018 as part of the global MICS program showed the following: when it comes to the general population, the share of women aged 20–24 years who married before the age of 15 was very low (2 per cent) while there were no men aged 20–24 years who married before the age of 15. At the same time, 18, 8 per cent of women and 1 per cent of men aged 20–49 married before the age of 18. The findings indicate a negative correlation between the levels of education and economic status and entering into marriage before the age of 18. MICS has also shown that when it comes to the RE population living in Roma settlements in Montenegro – a total of 23 per cent of women and 6 per cent of men aged 20–24 years were married before the age of 15; 55 per cent of women and 25 per cent of men aged 20–49 years entered into before the age of 18.

66. There is still no legislative initiative to set the minimum legal age for marriage at 18 years.

IX. Recommendation 23. CEDAW/C/MNE/CO/2 - Gender-based violence against women

67. The 2017 amendments harmonized the Criminal Code of Montenegro (CC) (“Official Gazette of Montenegro,” No. 44/2017) with the provisions of the Istanbul Convention. Thus, the acts of female genital mutilation (new Article 151a) and forced sterilization of another person in order to prevent their reproduction (new Article 151b) were incriminated.

68. Stalking is introduced as a new criminal offense (Article 168a), with special forms of this offense committed against a former spouse or common-law partner, a minor, a pregnant woman, or a person with a disability.

69. Changes were made in the definition of the criminal offense of rape (Article 204), in such a way that any sexual act without consent was incriminated (with the retention of the criminal offense of rape for the occurrence of which the use of coercion is necessary). A new form of committing the criminal offense of concluding a void marriage has also been introduced (regulated by Article 214), in the case when a person is incited or taken abroad with the intention of entering a marriage by force or threat. Attempted abuse or treatment of another in a manner that offends human dignity (Article 166a) is now stipulated as punishable.

70. Penalties for the criminal offense of domestic violence in the family or in the family community have also been increased (Article 220). When it comes to the basic form of this criminal offense, the sentence has been increased from one to two years of imprisonment. When it comes to violating the measure of protection from domestic violence ordered by a court or other state body, the law stipulates imprisonment of up to one year, instead of six months, as was the case with the previous iteration of the law.

71. Particularly vulnerable categories of persons (children, persons with disabilities, pregnant women, the elderly, refugees) have been additionally protected (Article 183, amended), in such a way that where a criminal offense is committed against a person who belongs to this group, it will be prosecuted *ex officio* (criminal offenses: breach of the inviolability of the dwelling, violation of the secrecy of correspondence and other parcels, unauthorized wiretapping and recording, unauthorized photography, unauthorized publication and showing of another persons’ documents, portraits, and recordings, unauthorized collection and usage of personal data, violations of the right to lodge a legal remedy).

72. The CC (Article 220, paragraph 5) imperatively prescribes criminal liability of whoever violates the protection measures against domestic violence imposed on him by a court or another state authority under law.

73. A new Protocol on the Prevention and Treatment of Cases of Domestic Violence was developed, and its implementation started in January 2019. The training program for the implementation of the Protocol on Handling Cases of Gender-Based Violence has ensured the application of a new approach in everyday work and the exchange of information. The first phase of the training reached 100 police officers, who were trained to use the new software and ensure data exchange with the centres for social work, while the second phase of the training aimed at developing, competencies to apply the new approach, which targeted the representatives of the centres for social work and other relevant institutions and organizations in the, gathered 120 experts and was implemented with the support of two non-governmental organizations – SOS Line Niksic and the Shelter for Women and Children Victims of Violence.

74. Ministry of Finance and Social Welfare has carried out the licensing procedure for non-governmental organizations that provide victim support services.

75. Montenegro has three shelters for victims of domestic violence – the Safe Women’s House (SWH), SOS Shelter Niksic, and the Centre for Child and Family Support, which have been issued a license to accommodate 35 beneficiaries. According to the standards, one place per 10,000 population is recommended, meaning that shelters in Montenegro should offer an additional 28 places. Also, a large number of NGOs received a license to provide psychosocial support.

76. There are no crisis centres for sexual violence survivors in Montenegro nor protocols on the conduct of institutions in such cases. Also, there is no shelter in Montenegro that provides accommodation to victims of illegal and arranged child marriages to help the victims reintegrate with the support of professional workers and associates.

77. The MFSW, as well as the centres for social work, use the Social Welfare Information System (SWIS) or so-called Social Card. In the context of services provided by the centres for social work, a special module of SWIS for domestic violence has been developed.

78. Courts draw the statistical data from the Judicial Information System (PRIS). PRIS is used by all courts to monitor cases, manage certain aspects of cases, communicate with parties, and collect comprehensive statistics.

79. The Minister of the Interior decided to establish the Operational Team for Combating Domestic Violence, which began its work on February 21, 2018. The team consists of 18 members. In addition to representatives of the Ministry of the Interior and the Police Directorate, the team also includes representatives of the MFSW, the State Prosecutor’s Office, the Supreme Court, and the High Court for Misdemeanours, including the representatives of the Council for Civil Control of the Police, as well as representatives of five specialized NGOs supporting victims of violence. (Women’s Rights Centre, Safe Women’s House, SOS Hotline Podgorica, SOS Hotline Niksic, and Centre for Roma Initiatives). The team reviews practices and analyses specific cases, provides guidelines for action, and works towards improving the prevention and suppression of domestic violence.

80. The experience of the Women’s Safe House shows that citizens still have distrust in institutions when it comes to anonymous reports of domestic violence and violence against women.

81. The practice of non-governmental organizations that provide assistance and support to victims of violence shows that when protective measures are ordered, the competent institutions do not supervise their application and fail to inform the prosecutor’s office in case of their violation. They also continue to record cases where victims of violence are prosecuted due to counter-reports coming from the side of perpetrators. According to their data, there was not a single reported case of marital rape qualified as a criminal offense. Prosecutors treated such cases as “sexual harassment” in accordance with the Law on Protection from Domestic Violence.

82. Until the application of the Law on Compensation for Victims of Violence or the provision on the beginning of its application is amended, victims of violence in the process of claiming damages depend on a conviction that provides them with the right to compensation, either within criminal proceedings (criminal proceedings and claims for damages) or within a separate proceeding (civil litigation).

83. The Law on Protection from Domestic Violence sets forth several protective measures that can be imposed within misdemeanour proceedings while existing legislation does not provide the possibility of imposing urgent measures in criminal proceedings for acts of domestic violence. However, these may be imposed after the end of the proceedings, within the judgment terminating the case.

84. Despite the fact that the type and amount of the sanction depend on the circumstances of each specific case, the Montenegrin judiciary is of the opinion that it is necessary to make the penal policy stricter. Within the limits of its powers and respecting the basic principles of the judiciary – autonomy and independence – the Supreme Court of Montenegro gave recommendations to criminal court judges that it was necessary to make the penal policy stricter in cases of domestic violence.

85. By means of appointing individual prosecutors for members of working groups, councils, committees, teams, etc. Prosecutor's Office supports activities related to the recommendations of the CEDAW Committee (Annex 10).

86. There are no alternative dispute resolution procedures in domestic violence cases.

87. Within the EU-funded "Support to Anti-Discrimination and Gender Equality Policies" program, implemented by the UNDP Office in Montenegro in cooperation with the MJHMR, the Survey on Domestic Violence and Violence against Women was presented in 2017. The findings have shown that the existing system of care for victims of violence generates high costs. The direct costs of the institutions involved in the protection of victims amount to over 9 million euros, and the average annual cost per victim stands at about 11,500 EUR. Broadly speaking, Montenegro's GDP also recorded significant losses due to partner violence, which negatively affects the productivity of employed women. The cumulative loss due to reduced fertility caused by partner violence amounted to about 215 million euros.

88. The findings of the research conducted in 2019 show that compared to the previous period, it is noticeable that citizens are significantly more prone to perceive domestic violence as a burning problem. Specifically, compared to the year 2016, there has been an increase of 15 percent in the share of citizens who claim that domestic violence is a high-priority problem. Although the prevailing opinion is that domestic violence is an important problem, almost two-thirds of citizens (63 per cent) believe that it is not given enough attention in public. The largest share of citizens believes that it is necessary to report any form of domestic violence to competent institutions, which is a significant increase compared to 2016 (in 2016, this view was held by 49 per cent, and in 2019 – by 58 per cent of citizens). However, two out of five citizens still believe that it is not necessary to report every form of domestic violence and that there are exceptions that can be addressed within the family.

89. According to citizens, the main reasons behind the lack of reporting of cases of violence are to be found in the fear from the perpetrator or retaliation (65 per cent), but also in the fear from the opinion of the public (32 per cent).

90. Since the beginning of the COVID-19 pandemic, all data indicate that the number of reported cases of domestic violence has been on the rise.

91. With the support of the UNDP Office in Montenegro and the MFSW, a Crisis Action Plan for the Providers of Specialized Services for Victims of Violence has been developed in line with the Istanbul Convention, in order to better help victims of domestic violence.

92. UNDP Office in Montenegro and the Government developed a digital solution for emergency responses in cases of violence, i.e., the "Stay Safe" mobile application available for both Android and IOS devices. The application allows victims of violence to send a request via SMS to national SOS lines or other organizations/persons of confidence based on their request.

93. The UNDP Office conducted an awareness-raising campaign in cooperation with the Directorate to address the increase in gender-based violence in crisis situations.

94. Epidemiological measures imposed in order to protect the population included, among other things, a prohibition of movement, i.e., curfews. According to the United Nations report "Rapid Social Impact Assessment of the COVID-19 outbreak in Montenegro, April–June 2020", Safe Women's House received 46 per cent more calls than in the same period last year. In May 2020, accommodation in their shelter was provided to 60 per cent more victims of gender-based violence than in May 2019. The national SOS hotline also recorded an 18 per cent increase in the demand for their services during the COVID-19 pandemic, with a significant increase in the number of calls after the lockdown measures became laxer. In May 2020, this SOS hotline received 32 per cent more calls compared to the same month last year.

95. The social service "SOS Line for Victims of Sexual Violence" has been operating (24 hours a day, 365 days a year) under the auspices of NGO Montenegrin Women's Lobby (MWL), since June 2019 (Statistics on cases of violence against women are provided in Annex 11).

X. Recommendation 25. CEDAW/C/MNE/CO/2 – Trafficking in human beings

96. The Supreme State Prosecutor and the director of the Police Directorate of Montenegro established the Operational Team for Combating Trafficking in Human Beings in 2018 (Annex 12).

97. The system for identifying victims of trafficking has been improved following the establishment of the Team for Formal Identification of Victims of Trafficking in Human Beings, which operates in accordance with the National Plan for Formal Identification of Victims of Trafficking in Human Beings. The proposed model envisages that the status of a victim can be granted to an individual on the basis of endangered human rights, not only if the victims are the subject of the criminal offense of trafficking in human beings.

98. Team members remain available 24 hours a day and will go out to the field visits as support in specific cases. In 2020, this team conducted a formal identification process and granted the status of a victim of trafficking to 52 persons (31 men and 21 women). All of these persons were accommodated in licensed shelters and a specialized shelter for victims of trafficking in human beings (Data are provided in Annex 13).

99. During the entire reporting period, measures and activities were undertaken to raise awareness of the wider and professional public about the phenomenon of trafficking in human beings (Annex 14).

100. As regards the increased risk of trafficking and exploitation along migration routes, especially when it comes to children in migration and women, the Ministry of the Interior produced and distributed multilingual material (translated into English and Arabic) on rights and available services and assistance services for victims of trafficking in 2019. Preventive and educational activities aimed at foreigners seeking international protection have raised awareness in order to eliminate the possibility of becoming a victim of some form of the crime of trafficking in human beings. If persons are identified as victims they are provided with information on how and to whom they can turn for help, and what forms of help are provided to them in these situations in Montenegro. At the end of 2020, a workshop was held for asylum seekers and foreigners under subsidiary protection in Montenegro on the risks and protection mechanisms in relation to trafficking in human beings. The workshop was attended by 7 persons.

101. For many years, the state budget allocated funds for the operation of the Shelter for Victims of Trafficking in Human Beings, in order to secure accommodation and necessary assistance (primarily health, social, psychological, legal, and other forms

of assistance). Victims of human trafficking who stayed in the National Shelter for Victims of Trafficking in Human Beings for which the Ministry of the Interior was in charge until July 2019 were provided with the so-called initial recovery services – through the provision of a basic assistance package consisting of food, hygiene products, medicines, clothing, footwear, etc. In accordance with the specific needs of each individual victim, individual plans were developed and implemented in order to better (re)integrate them into society.

102. The accommodation and protection service intended for victims of all forms of violence, including victims of trafficking in human beings, has been transferred to the jurisdiction of the MFSW since mid-2019. At that time, a specialized shelter for victims of trafficking in human beings was opened and run by a licensed non-governmental organization. All its beneficiaries are provided with support and protection services in accordance with their individual needs. The MFSW awarded a grant to the Specialized Shelter for Victims of Trafficking in Human Beings in the amount of EUR 40,000 for the year 2020, along with additional financing of monthly costs in the amount of 250 EUR per beneficiary. The financing of the needs of beneficiaries continued in 2021.

103. Cooperation around the protection of victims is based on the Agreement on Cooperation in Combating Trafficking in Human Beings, which was concluded in 2013 and further revised in 2020 between the Supreme Court, the Supreme State Prosecutor's Office, the Ministry of Health, the Ministry of Labour and Social Welfare, the Ministry of Education, the Ministry of the Interior and the Police Directorate, Public Institution Centre for Child and Family Support Bijelo Polje, Red Cross of Montenegro and non-governmental organizations: MWL, SWH, SOS Hotline for Women and Children Victims of Violence – Niksic, Institute for Social and Educational Policy, and Defendology Centre from Niksic.

104. The work program of the Government of Montenegro for 2021 envisages the adoption of a new Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2021–2025 with the accompanying 2021 Action Plan for the second quarter of this year.

XI. Recommendation 27. CEDAW/C/MNE/CO/2 – Exploitation of prostitution

105. Adoption of the Law Amending the Criminal Code of Montenegro (“Official Gazette of Montenegro” No. 44/2017) resulted in harmonization with GRETA recommendation. The criminal offense of trafficking in human beings referred to in Article 444 of the CC has been amended in such a way that it can be committed by means of withholding, taking away or destroying personal documents, counterfeiting personal documents, procuring or manufacturing forged personal documents for the purpose of committing this criminal offense.

106. In Montenegro, engaging in prostitution is not a criminal offense, as it belongs to the domain of misdemeanour liability. In the Law Amending the Criminal Code of Montenegro (“Official Gazette of Montenegro” No. 44/2017), the criminal offense of Pandering referred to Article 210 was amended at the initiative of the Working Group for Monitoring the Implementation of the Strategy for Combating Trafficking in Human Beings. The possibility of punishment has been introduced if this offense has been committed by several persons in an organized manner and a definition has been given. Pandering is the use of persons for sexual activities whereby money or any other form of compensation or reward is given or promised as payment for hiring such a person to take part in sexual activities, regardless of whether the payment, promise or reward are given to that person or to a third party. A more severe punishment is stipulated for the basic form of this criminal offense.

107. No education and awareness-raising measures for the general public were implemented during the reporting period. Also, there are no exit programs for women who want to leave prostitution.

XII. Recommendation 29. CEDAW/C/MNE/CO/2 – Participation in political and public life

108. Women remain under-represented on the boards of directors of public agencies and administrations, and are less represented in management positions in public enterprises and legal entities with high financial power and profitable business operations. Their presence is growing in lower decision-making positions, especially in executive positions with no influence on decision-making. Roma and Egyptian women, women with disabilities, and members of other vulnerable groups are visibly absent from public and political life.

109. During the 2020 parliamentary elections, the largest number of parties complied only with the legal minimum related to the number of women on the candidate lists, so that 18 women entered the Parliament of Montenegro, which is 22.2 per cent of the total number of MPs. After certain changes in parliamentary clubs, there are currently 22 women or 27.16 per cent of the total number of MPs in the Parliament.

110. The President and one Vice-President of the Parliament are men, while the second Vice-President position is occupied by a woman for the first time in more than 30 years.

111. The Parliament has 15 permanent working bodies. The three committees are chaired by women – the Legislative Committee, the Gender Equality Committee and the Anti-Corruption Committee. In terms of percentage – women chair 20 per cent while men chair 80 per cent of the working bodies of the Parliament. The largest representation of women within a working body is 69.2 per cent in the case of the Gender Equality Committee, while there are no women in the Security and Defence Committee. The three women serve as heads of delegations – to the Parliamentary Assembly of the Council of Europe (PACE), to the Inter-Parliamentary Union (IPA), and to the Parliamentary Dimension of the Central European Initiative (CEI PD) (Details are provided in Annex 15).

112. In 2017, politicians from 16 political parties, both ruling and the opposition ones, founded the Women's Political Network (WPM) with the aim of working to promote gender equality in Montenegro. Their request to amend the Law on the Election of Councillors and Members of Parliament, submitted to the Committee for Comprehensive Reform of Electoral Legislation, was to increase the quota for the underrepresented sex to 40 per cent, with at least 1 woman in every 3 candidates on the list and to retain the sanction, which proved effective. Despite the promises of the party leaders that they will support this request, the Proposal of the Law on the Election of Councillors and Members of Parliament in 2019 did not receive the necessary support and therefore was not adopted.

113. WPM also demanded amendments to the Law on Financing of Political Entities and Election Campaigns. Their demands referred to two norms – the first would stipulate that part of the state budget funds allocated to political parties be directed to the account of women's organizations for their work. The second norm referred to changing the formula for the distribution of funds that parties receive based on the number of councillors/members of Parliament so that 20 per cent of such funds would be allocated only to the parties that have women in parliament. The intention was to encourage the parties to position women candidates as high as possible on their lists. An amended version of this law containing the norms advocated for by WPM was adopted at the end of 2019 and the application of the law began in 2020. In 2020, 500,000 EUR was allocated for these purposes.

114. The percentage of women in ministerial positions in the Government, elected in December 2020, is the highest in history (33.33 per cent) and, for the first time exceeds the percentage of women in the legislative branch of power. In the current Government, women are at the helm of four ministries – defence; public administration, digital society and media; education, science, culture and sports; and health. The Prime Minister and Deputy Prime Minister are men. The four permanent government commissions are also chaired by men. In each of the commissions, women represent a minority compared to men.

115. In July 2019, the Government of Montenegro adopted the Strategy for Minority Policy 2019-2023, with the accompanying Action Plan for the period 2019-2020. As one of the five strategic goals, the Action Plan of the Strategy for Minority Policy envisages ensuring authentic political representation and participation of members of minority peoples and other minority national communities in the political life of Montenegro.

116. Currently, the National Council of Albanians consists of 31 members, of which 4 are women, which is 13 per cent of the total number of members; The Council of the Muslim People of Montenegro consists of 25 members, of which 10 are women, which is 40 per cent of the total number of members; The Serbian National Council consists of 19 members, of which 5 are women, which is 26.31 per cent of the total number of members; The Bosniak Council in Montenegro consists of 26 members, of which 4 are women, which is 11.53 per cent of the total number of members; The Roma Council consists of 17 members, of which 3 are women, which is 17.64 per cent of the total number of members; The Croatian National Council, in its current convocation, consists of 17 members, of which 7 are women, which is 41.17 per cent of the total number of members.

117. Through the multi-year IPA 2014 Program “Support to Anti-Discrimination and Gender Equality Policies in Montenegro,” in which the UNDP Office was the implementing partner of the MJHMR, the following activities have been undertaken in relation to women’s political empowerment: trained teams of trainers in each of the political parties represented in the Parliament; conducted seminars for representatives of their respective women’s groups to improve public communication skills, build media relations and media appearances; and established WPM. The development of women’s capacities in political parties took place continuously by means of the organization of educational trainings and meetings on capacity development in various forms and for different groups of women from political parties (368 women underwent this training). The training program included 48 journalists who were trained on the concept of gender equality and the position of women in the media, in political parties, etc.

118. In March 2021, the Women’s Club was formed in the Parliament of Montenegro, which consists of women MPs from all political parties represented in the Parliament. The agreement on the establishment of the Women’s Club was signed by all MPs of the 27th convocation of the Parliament of Montenegro. The goals and principles of the Women’s Club are as follows: promoting gender equality at all levels of decision-making; encouraging women to participate in political and public life to a greater extent; improving the position of women in all spheres of society, while encouraging and promoting solidarity and humanity, promoting volunteerism and mutual assistance.

XIII. Recommendation 31. CEDAW/C/MNE/CO/2 - Education

119. As a relevant national institution, the Bureau of Education has accredited teacher training programs on the topic of gender equality. The programs have been attended by more than 70 per cent of the teaching staff in primary education and a

good part of the secondary school teachers. Other accredited teacher training seminars also cover topics closely related to gender equality.

120. During the pandemic, a total of three online seminars were held on the topic “Development of Democratic Education and Human Rights (Intercultural Education),” which put special emphasis on the LGBT population and covered topics related to gender equality.

121. The Interdisciplinary Area curriculum, in its part related to Health Education, mandates that the topic of sex education should be covered whenever the teaching process allows it.

122. Elective course title Healthy Lifestyles is one of the three most demanded elective courses in primary and secondary schools. This course is studied in the 8th and 9th grades of primary school and in the 1st or 2nd grades of secondary school, with two classes every week. The learning outcomes related to understanding the forms of sexual violence and the ways in which they can be prevented and suppressed are covered by the course topic titled Reproductive Health with Sex Education and Prevention of Sexually Transmitted Diseases. Teachers were trained for the delivery of the Healthy Lifestyles course prior to its introduction into schools (187 teachers from 95 schools during the initial phase; later, the training was organized on a needs basis, or according to the dynamics of the introduction of this course in schools).

123. Several seminars, which covered more than 80 per cent of primary school pedagogues and a significant proportion of secondary school pedagogues, were organized on the topics such as: neglect and abuse of children with special emphasis on sexual exploitation and abuse of children, as well as on the occurrence of sexual violence where special emphasis was placed on sexual violence and modern technology.

124. The Protocol on the Treatment of Child Victims of Abuse and Neglect was adopted. It envisages activities and procedures between the schools and the multidisciplinary operational team from the centres for social work. The Protocol for the Prevention of Violence against Children has been adopted setting a Ministry phone line, to which violence can be reported, while schools, whose students are children who have committed violence and children against whom violence has been committed, now have teams that implement procedures prescribed by the Protocol. Legal consequences have been envisaged for principals in whose schools the procedures are not implemented.

125. Out of the total number of those who completed their undergraduate studies in the academic year 2019/2020, 56.7 per cent were women, and 43.3 per cent were male. When it comes to postgraduate studies, 55.8 per cent of students in specialist studies were women, and 44.2 per cent were men. As for those studying for the master’s degree – 60.4 per cent were women and 39.6 per cent were men (Annex 16).

126. Among those who received their PhDs in 2019, there were 12 men and 8 women. Following a look into the data on the number of those who received their Ph.D. degree from 2010 to 2019, it can be concluded that the trend of participation of men and women is uneven – until the year 2018, there were more women, while in other years the number of men prevails.

127. There are significantly more female students in the fields of pedagogy, health, humanities, and arts. Women traditionally enrol significantly less in faculties of natural sciences and technology. This situation contributes to the already existing segregation of occupations and the strengthening of prejudices about “female” and “male” occupations. This is supported by the fact that all the students enrolled in the Study Program for Preschool Education (part of the Faculty of Philosophy in Nikšić) in the academic year 2019/20 were women.

128. In 2018, the Ministry of Science awarded 19 grants to Ph.D. students. Of this number, 14 grant recipients were women (four in the fields of social sciences and humanities and ten in the field of natural sciences, technology, engineering, and mathematics). In 2019, out of 17 grants, 9 grant recipients were women (one in the field of social sciences and humanities and eight in the fields of natural sciences, technology, engineering, and mathematics).

129. The fact that men and women are equally computer literate and share similar rates of the Internet use (71.4 per cent of men compared to 71.7 per cent of women have used the Internet during the last three months of 2019) is very encouraging.

130. When it comes to the education of members of RE communities (numbers are provided in Annex 17) with special emphasis on women and girls belonging to the RE population, asylum seekers, displaced persons, refugees, and internally displaced women and girls, adequate measures are implemented for their enrolment, school retention, and increasing their presence in the education system.

131. Montenegrin Language Learning Program for Beginners and the Montenegrin Culture Learning Program have been accredited for use with asylum seekers and persons under subsidiary protection. The development of the Curriculum for Advanced Learning of the Montenegrin Language and Culture is also planned.

132. In the reporting period, all students of the Roma and Egyptian communities were paid scholarships in the monthly instalments of 150 EUR (1,500 EUR per year), while Roma and Egyptian secondary school students were paid scholarships in the monthly amount of 60 EUR (EUR 600 per year), however regular full-time specialist and master's degree students were not exempt from tuition fees.

133. In accordance with the amendments to the Law on Higher Education, students belonging to the RE population are entitled to certain subsidies related to accommodation in dormitories, etc.

134. The Committee (2018) organized a consultative hearing of representatives of the Government of Montenegro, on the topic "Exercise of child rights in the Roma community in Montenegro with special reference to the education of girls."

135. In the reporting period, associates for the social inclusion of Roma and Egyptians in the field of education were hired to provide services. In 2020, a total of 22 associates (mediators) were hired in primary schools: in Podgorica, Niksic, Bar, Berane, Ulcinj, Herceg Novi, and Tivat. The engagement of associates for the social inclusion of Roma and Egyptians in the field of education is financed from the budget of Montenegro. The associates monitor the regularity of school attendance of Roma and Egyptian students and are involved in the organization of student transportation.

136. In the context of the project implemented by the NGO "Young Roma" in cooperation with the MoESCS, a number of mentors (teachers) were hired to support Roma and Egyptian students in primary and secondary schools (Annex 18).

137. Due to the highly interactive nature of the training, the implementation of professional training programs in the field of gender equality for educational staff at the level of preschool, primary and secondary education was not realized in 2020 because of the pandemic caused by COVID-19.

138. Gender studies are still not offered at the higher education level in Montenegro. Nevertheless, the curricula of certain study programs deal with the topics of relevance. Efforts to establish such a program at public or private universities have not yielded sustainable results in the past.

XIV. Recommendation 33. CEDAW/C/MNE/CO/2 - Employment

139. The strategic framework for the implementation of employment policy was defined by the National Strategy for Employment and Human Resources Development 2016-2020. All measures and activities implemented within the period of implementation of the Strategy had a positive impact on labour market trends, including the positive trends of indicators related to women. Compared to 2016, when the employment rate of women (15-64) stood at the level of 46.8 per cent, the employment rate in 2019 reached the level of 49.7 per cent, nearing the planned value, which could be achieved in the final year of implementation of the Strategy. The crisis caused by the COVID-19 pandemic led to a worsening of all indicators and a regression when it comes to plans to achieve the target results in 2020, with the employment rate for women (15-64) at the end of 2020 standing at 44.4 per cent.

140. There is still a gap in terms of employment of women compared to the employment rate of men (15-64) that, according to data from the 2020 Labour Force Survey, stood at 56.1 per cent.

141. Pursuant to the provisions of the Labour Law ("Official Gazette of Montenegro," No. 74/19), among other grounds, direct and indirect discrimination of persons seeking employment and employees on the grounds of sex, gender reassignment, gender identity, or sexual orientation is prohibited (Article 7). The Labour Law kept the proclamation of equal pay for work for the same work or work of equal value (Article 99). However, the wording of the provision does not mention men and women, which had been the case with the previous text of the law.

142. Special treatment of persons with disabilities, youth, and women has been improved with new provisions, such as that a pregnant employee has the right to one day of absence from work during the month to perform prenatal examinations, during which time they are entitled to compensation as if at work (Article 122). A higher degree of protection of the rights of pregnant employees and employees using the right to maternity or parental leave is also provided in the context of protection against termination of employment and a more precise definition of restrictions related to terminating the employment contract (Article 123). In order to protect the rights of pregnant employees, i.e., employees who are breastfeeding, in connection with the medical advice and recommendations of the competent medical doctor, and to take into account the needs of the employer to maintain the work process, the Labour Law introduced the institute of temporary reassignment from jobs which may endanger the life and health of the employee or the life and health of her unborn child to other appropriate jobs. If the employer is able to organize such a temporary reassignment, the employee will be entitled to all rights from the employment relationship that they had before such need for a temporary assignment. If the employer is not able to organize work in the manner previously described, the employee is entitled to the right to a leave, including the salary that cannot be lower than the one they would have earned if they had been at their workplace (Article 124).

143. An additional benefit in relation to the treatment of an employed mother who works and breastfeeds a child is reflected in the decision granting her the right to two-hour breastfeeding break every day (previously, it was 90 minutes), up to one year of age of the child and regardless whether the father of the child is exercising the right to parental leave or some other right regulated by this law (Article 129) at that time. This two-hour break can be organized once or twice during the day, and the time provided for it is included in the full office hours.

144. The Labour Law does not contain provisions prohibiting an employed woman from working in a workplace where particularly heavy physical work, underground, or underwater work is performed, but the said prohibition now applies only to the

category of employees under the age of 18. With this change, applying the equal treatment principle, women are exempted from this prohibition and equal in this respect with men, which gives them the opportunity to choose an occupation without any restrictions.

145. The Labour Law stipulates that the right to parental leave is a right of both the mother and the father of the child. Both parents have the right to parental leave in equal parts. Parental leave can be used after the expiration of maternity leave for up to 365 days from the day of the child's birth.

146. More favourable treatment is granted to parents in the case of the birth of two or more children when both parents can use maternity leave for a period of 70 days from the birth of the child.

147. If one of the parents is unemployed and the other is employed, the employed parent has the right to use parental leave.

148. Data on the number of fathers who used the right to paid parental leave in accordance with the Labour Law are as follows: in 2017 – 200; in 2018 – 216; in 2019 – 49; 2020 – 445.

149. According to the data from the Decent Work Country Program, Montenegro 2019-2021 (ILO), the gender pay gap is significant in Montenegro and remains at the level of the EU average (16 per cent).

150. A project related to providing legal aid to parents in exercising their employment rights is offered by the Association Parents. To their knowledge, women who lose their jobs when they become mothers rarely choose to protect their rights and speak publicly about it. This happens most often because they are not aware of their rights and because there is not enough institutional support that can help them solve the problem.

151. Due to the COVID-19 pandemic, the amount of unpaid work of women increased, women were more vulnerable in the labour market and with lower earnings than men.

152. According to the National Employment Agency data, the number of unemployed women increased by 3,560 in the period from the end of February to the end of June 2020, representing 56 per cent of the total number of newly unemployed persons. This indicates that employers laid off more women than men during the crisis.

153. In terms of unpaid work (domestic work, child care, care of the elderly and the sick), the total female population was incomparably more burdened than men – research shows that women worked 92 per cent more than men in the field of unpaid care and domestic work. At the end of 2018, women's contribution to the GDP of Montenegro stood at 43.71 per cent, while the GDP per capita disaggregated by sex is 6,496 EUR for women and 8,571 EUR for men.

XV. Recommendation 35. CEDAW/C/MNE/CO/2 – Health care

154. Regarding the field of health care, the Gender Equality Index indicates that the level of equality in access to health services in Montenegro is very close to the EU average – the number of index points for Montenegro is 86.9, compared to the EU average of 88.1. In surveys on perceptions of their own health, 65.3 per cent of female respondents rated their health as good or very good, compared to 73.2 per cent of male respondents who rated their health in the same manner. Life expectancy for women in Montenegro is 79.4 years, while the life expectancy for men is 74.1 years.

155. The Law on Compulsory Health Insurance sets forth the right to compulsory health insurance for all unemployed persons, regardless of whether they are registered

with the National Employment Agency or not, which is exercised by registering with the Health Fund. The status of the insured person is determined on the basis of the request and the personal identification document.

156. Since the introduction of statistics on births and deaths, fewer girls than boys have been born in Montenegro. Data from 2017 show that 47.9 per cent of newborns were female. In 2020, 48.23 per cent of newborns were female. The 2017 campaign of the NGO Centre for Women's Rights (CPR) "Unwanted" aimed to shed light on the scale and consequences of the long-standing problem of selective abortions in Montenegro.

157. MICS shows that the percentage of women aged 15–49 years who are currently married or in the community and who do not use (or whose partner does not use) any of the contraceptive methods is very high at 79 per cent. Women with higher education, living in urban areas, and belonging from the richest quintile are more likely to use contraceptive methods, compared to women with a secondary or lower level of education, and women living in suburban settlements and the poorest households.

XVI. Recommendation 37. CEDAW/C/MNE/CO/2 – Economic and social benefits

158. The Law on the Budget of Montenegro for 2021 envisages funds in the amount of 25 million EUR for the payment of benefits to women who used the right to compensation according to the annulled amendments to the Law on Social and Child Protection from 2015.

XVII. Recommendation 39. CEDAW/C/MNE/CO/2 - Women in rural areas

159. The total number of agricultural holdings is 43,791 (source: MONSTAT – Survey on the structure of agricultural holdings 2016), with 2.27 as an average number of employees in such holdings. Farmers represent about 42 per cent of the workforce on family farms, but women make up only 12 per cent of the total number. However, the number of agricultural holders is increasing as a result of the incentive introduced by the Ministry of Agriculture and Rural Development (MARD) to empower women in agriculture.

160. The empowerment of women in agriculture is measured through participation in decision-making, regardless of whether the decisions relate to the use of household budget or to the subject of production. According to the ISSP Survey, only 40 per cent of women have full access to money, 35 per cent have limited access, while 26 per cent of women have no access to the household budget at all. The participation of women in social and political processes is also important, because in that way they can influence the policy of managing this sector. In this regard, the ISSP survey reveals that only 5.4 per cent of rural women are members of an organization, while 7.2 per cent of women are politically active, indicating their weak social capital and lack of potential for a more significant influence on policy in terms of introducing a gender perspective into agricultural policies and budget.

161. Although there is no assessment of women's needs in agriculture, there is a generally accepted view that women are burdened with household work and family care – a work that is not paid.

162. With the exception of the IPARD program, the existing agricultural policy and legal framework is gender-neutral and marked by the non-existence of the use of gender-sensitive language and failure to recognize women's needs, their workload or their role in agriculture.

163. Women do not have the same access to public resources in Montenegro. When it comes to IPARD assistance, there is only 11.5 percent of female beneficiaries. As for the MIDAS program, only 9.6 percent of beneficiaries are women.

164. Article 43 of the Law on Courts stipulates that the judicial function may be performed outside the seat of the court (court days) for the purpose of faster and more economical conduct of proceedings and decision-making, which is a model that can help rural women to achieve better access to justice.

XVIII. Recommendation 41. CEDAW/C/MNE/CO/2 – Women with disabilities

165. The everyday practice continues to show that women with disabilities are exposed to multiple forms of strong marginalization and discrimination. When it comes to certain groups at risk of multiple forms of discrimination, despite the joint efforts of competent authorities and civil society organizations, women with disabilities remain exposed to distinctly discriminatory treatment due to inadequacies in terms of physical accessibility, information, communication and public transport, inadequate employment policy, lack of support services (only four municipalities in Montenegro have a gynaecological examination bed that can be used by women using a wheelchair), inaccessibility of cultural goods and products, and insufficient application of the institute of affirmative action and reasonable accommodation. In addition, women are often exposed to various forms of violence. Also, their greater involvement in policy-making processes is lacking.

166. Meeting the specific needs of women and girls with disabilities is addressed in strategic policies that focus on improving the position of persons with disabilities in various fields (protection against discrimination and promotion of equality, education, employment, health care, transport, social and child protection, and others). The area of combating violence against women and domestic violence, which includes, inter alia, prevention and protection from violence against women with disabilities, was addressed through the National Document for the Implementation of the Council of Europe Convention on Combating and Preventing Violence against Women and Domestic Violence.

167. The Rulebook on Internal Organization and Job Systematization of the Ministry of Justice, Human and Minority Rights adopted in March 2021 resulted in the establishment of the Directorate for the Protection and Equality of Persons with Disabilities, whose mandate will be to deal with the protection of human rights and freedoms of persons with disabilities and their position in society.

168. The Family Law of Montenegro stipulates that the court may, following a decision in a non-litigation procedure, restrict the parental right of a parent who negligently performs their rights or duties towards the child. From the reasons established by the Law for which the parental right is limited, it is obvious that the children are not separated from the mother due to her disability. The Law on Social and Child Protection provides for the following support services for life in the community: daily stay, help in the house, living with support, personal assistance, and other community life support services. The Law on Non-Governmental Organizations prescribes the manner of financial support for NGOs, and when it comes to persons with disabilities, the financing of projects and programs of non-governmental organizations from the state budget is focused on programs and projects that contribute to the development of support services for life in the community.

169. In accordance with the Law on Vocational Rehabilitation and Employment of Persons with Disabilities and on the basis of the Rulebook on Procedure and Methodology for Financing Grant Schemes, the National Employment Service of Montenegro publishes a Public Call for financing projects for employment of persons with disabilities twice a year. This scheme is used to award the resources of the Fund

for Professional Rehabilitation and Employment of Persons with Disabilities for financing projects of legal entities and individuals that contribute to the improvement of vocational rehabilitation and employment of persons with disabilities. The total indicative, annual amount for the realization of the subject of the Call is 3 million EUR.

170. The call aims to improve the professional rehabilitation and employment of persons with disabilities in Montenegro. One of the specific objectives is to enhance the inclusion of women with disabilities in the labour market by including at least 40 per cent of women with disabilities in projects.

XIX. Recommendation 43. CEDAW/C/MNE/CO/2 - Roma, Ashkali and Egyptian women

171. The work program of the Government of Montenegro for 2021 envisages the adoption of a new Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2021–2025 with the accompanying 2021 Action Plan for the second quarter of this year. The drafting process is in its final phase, and it will be harmonized with the EU Roma Strategic Framework for Equality, Inclusion and Participation for 2020–2030. A public discussion on the draft Strategy and Action Plan for 2021 is currently underway

172. The Strategy defines the Strategic Objective, Operational Objectives and performance indicators in the following areas: Discrimination; Poverty; Political participation; Housing; Education; Employment; Health protection; Civil status; Social and family protection (Combating domestic violence, child marriages, begging, and trafficking in human beings).

173. In June 2018, within the project "Promotion and Protection of Human Rights of Roma, Egyptians and Other Vulnerable Groups", CEDEM conducted research entitled "Employment of Roma and Egyptians in Montenegro," which summarized findings from two research studies – a research on the attitudes of employers and research on the socio-economic situation of the RE population (Annex 19).

174. The key achievements in the field of housing are reflected in the construction of housing facilities for Roma and Egyptian citizens through the Regional Housing Program, which greatly contributed to the closure of Camp Konik (the largest collective camp for displaced persons in Montenegro) and other collective centres for displaced and internally displaced persons. This program resulted in building 233 housing units for persons from Roma and Egyptian communities in Podgorica, Niksic, and Berane, providing housing for over 1,000 persons. The largest collective camp in Montenegro, Camp Konik, was closed upon the construction of said housing units. The contribution of the state, i.e. local self-governments and the Capital City, reflected in the allocation of land for the construction of housing units and the construction of primary infrastructure (water, sewerage, electricity). When it comes to long-term and sustainable solutions for social housing, i.e., the construction of housing units, a significant contribution came from the Help-Hilfe zur Selbsthilfe organization, which implemented several projects funded by the German Government, European Union, and UNHCR and provided 100 housing units in the municipalities of Podgorica, Niksic, Tivat, Berane, Pljevlja and Herceg Novi with the support of donors.

175. Given that over 1,000 people from the Roma and Egyptian communities have been provided with housing thanks to the construction of said units, it is safe to say that, in addition to the closure of Camp Konik, this represents a key achievement in the previous five-year period in the field of housing.

176. Nevertheless, short-term, medium-term and long-term measures need to be undertaken to ensure the economic, socio-cultural and technical sustainability of the

Regional Housing Program, especially in the Konik area. Some of these measures have been defined by a 2018 study conducted by the UNHCR and Ministry of Labour and Social Welfare, “Overcoming Vulnerabilities, Achieving Sustainability. Socioeconomic Vulnerabilities of Former Yugoslav Refugees and the Way Forward.”

XX. Recommendation 45. CEDAW/C/MNE/CO/2 – Women in custody

177. Women who have been ordered into custody and who have been sent to serve a prison sentence imposed in criminal and misdemeanour proceedings are accommodated separately in the Institute for the Execution of Criminal Sanctions, i.e., in its two separate organizational units – Remand Prison in Podgorica, when it comes to custody and Women’s Ward of the Podgorica Penitentiary (KPD) when it comes to imprisonment in criminal or misdemeanour proceedings. Female detainees and convicted persons are accommodated separately from males and juveniles.

178. The Protector performs the work of the National Preventive Mechanism (NPM) whose task is to prevent torture and other forms of cruel, inhuman or degrading treatment of persons deprived of their liberty, and thus visits the Women’s Ward of the Podgorica Penitentiary and produces a report available to the public

179. The Women’s Ward of the Podgorica Penitentiary provides accommodation facilities for 39 prisoners convicted in criminal and misdemeanour proceedings. The premises for the accommodation of convicted women are double, quadruple and five-bed rooms, and there are also two solitary confinements. A single room for women with disabilities is also provided, as well as a separate room for pregnant women and mothers with children.

180. With the aim to improve the conditions of accommodation of female convicts in the reporting period, the premises for disciplinary measures (solitary confinement), the common bathroom facilities in the Women’s Ward of the Podgorica Penitentiary were adapted. In addition to this the premises for performing searches of convicted women and persons visiting them were also adapted.

181. Remand Prison in Podgorica can accommodate 21 female detainees. The rooms for female detainees are triple rooms, and there is one single room.

182. Pursuant to the Law on the Execution of Prison Sentences, Fines and Security Measures, convicted women, as well as male convicts, have the right to a regular visit twice a month, which also includes a visit by children. They also have the opportunity to contact children once a month, with the approval of the person in charge of the prison, during special, extraordinary or family visits. The length of the sentence does not affect the prisoners’ contact with their children. Women in the Remand Prison have the right, with the approval of the competent court, and with the prior opinion of the Centre for Social Work, to visit the children once a month.

183. In the Women’s Ward of the Podgorica Penitentiary, women prisoners are engaged in hygiene maintenance, laundry, tailoring workshop and library. In the reporting period, one detainee was hired on a monthly basis in the Podgorica Remand Prison to maintain hygiene.

184. As part of the project “Support to the Efficient Management of the Criminal Sanctions in Montenegro,” supported by the Ministry of Justice – Institute for the Execution of Criminal Sanctions, CEDEM 2019 organized a two-day training on applying ethical standards for probation prison officers in July.

185. In 2019, as part of the nine-month project “Economic and Psychosocial Empowerment of Women Serving Prison Sentences in order to Improve Their Reintegration into Society,” which was financially supported by the Ministry of Justice of Montenegro, the NGO Juventas conducted a set of activities aimed at

psychosocial support for prisoners and strengthening the capacity of the tailoring workshop.

186. In 2021, the NGO Juventas started the implementation of the project “Provision of support to former prisoners for successful re-integration into the community-ReCover” financially supported through the grant scheme as a part of the EU and Montenegro Programme on Employment, Education and Social Policies, in cooperation with the MFSW and the Ministry of Economic Development.

XXI. Recommendation 47. CEDAW/C/MNE/CO/2 – Lesbian, bisexual, and transgender women

187. All cases of violence against LGBT persons are treated in a timely manner and in accordance with the law. Courts apply a zero-tolerance policy regarding discrimination and violence against LBT women.

188. The courts pay special attention to acts committed, inter alia, out of hatred based on gender, sexual orientation or gender identity. Courts find this circumstance aggravating in the process of sentencing, unless said circumstances are prescribed as a feature of a basic or more serious form of a criminal offense.

189. Since 2017, there have been 3 cases of attacks on transgender people, of which one on a transgender woman and two on transgender men.

190. The first verdict related to hate crime was passed in February 2019 in the case of the attack on a trans woman, an activist of the Spektra Association in September 2017, in Podgorica. The initial verdict of the Basic Court was 4 months of imprisonment, which is 2 months less than the minimum prescribed, because the hate crime was not characterized as an aggravating circumstance, but only noted as such.

191. Despite the fact that the Positive List of Medications includes hormone therapy, which is used in the process of gender transition, the transgender community is facing a shortage of not only oestradiol-based hormone therapy which has been prescribed to trans women in transition since 2018, but also Depo-testosterone from April 2021. Despite numerous efforts of the Association Spektra and Queer Montenegro to solve this problem, the problem has not been resolved, due to inadequate communication. This situation forces many trans people to reach for hormone therapy in other countries in the region or on the black market, exposing them to risks, both health and legal ones. The situation was further complicated by the crisis caused by the COVID-19, which made resolving this issue even more difficult.

192. In 2019, a case of discrimination against a transgender woman in the field of health care was recorded. The complainant addressed the Protector of Human Rights and Freedoms, who found a violation of the right to privacy in this case, and facilitated mediation at a meeting between representatives of the Health Centre Podgorica, the complainant, and the Spektra Association. The Public Health Care Centre representatives were informed about the problems that transgender persons face and committed to taking steps to protect the human rights and rights of patients of transgender and intersex persons.

193. In 2020, the Guidelines for Healthcare Professionals for Affirmative Treatment of Transgender, Gender-Variable and Intersexual Persons were revised and the Manual for the Treatment of Transgender and Intersexual Persons by Health Professionals was revised and distributed to all primary health care centres. A total of 300 copies of the guidelines were printed.

194. Trans people in Montenegro still have to undergo sterilization in order to access legal gender recognition.

XXII. Recommendation 49. CEDAW/C/MNE/CO/2 - Marriage and family relations

195. The seminar on the topic “The role of the Montenegrin judiciary – gender equality and legal protection of women victims of domestic violence” organized in cooperation with CEDEM, with the support of the MJHMR was intended for advisors working at courts and state prosecution. Topics covered were: CEDAW and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention); The practice of the Montenegrin judiciary and Ombudsman in protection against discrimination against women; The case law of the European Court of Human Rights in the field of domestic and gender-based violence; Analysis of decisions and judgments of courts and state prosecutor’s offices in the field of protection of the rights of victims of gender-based violence.

196. Amendments to the Family Law (2020) deal with referring spouses to mediation in order to reconcile or reach an agreement on the exercise of parental rights after divorce and an agreement on the division of joint property (this issue is regulated by Article 326), but if there is a suspicion of domestic violence, the court will not refer the parties to the initial meeting with the mediator.

197. In the context of the Law on Alternative Dispute Resolution (Official Gazette of Montenegro, No. 77/20), several provisions related to mediation appear to be important for this report. Thus, in the case of mediation in divorce-related disputes and other disputes related to family relations, in accordance with the law governing family relations, all costs are borne by the budget of Montenegro (Article 27). This solution helps economically vulnerable people, and at the same time, guarantees them adequate protection in an appropriate procedure. In addition, before and during the proceedings, the mediator is obliged to take into account whether the circumstances of the case indicate the existence of domestic violence. In addition to this, the mediator has an obligation to suspend the mediation procedure in all cases in which, due to the suspicion of domestic violence, mediation would not be effective (Article 53). Although the alternative dispute resolution procedure is confidential (Article 5), information that must be disclosed in order to prevent harm to the physical or mental integrity of the child or other family members, proceedings will not be considered confidential in accordance with the law (Article 55).

198. Instructions for children on how to protect their rights in the process of parental divorce, and how to protect themselves from domestic and online violence, are available from February 1, 2021 in the form of three comics created as part of the Human Rights Action (HRA) initiative. The initiative was supported by the Supreme Court, the Supreme State Prosecutor’s Office, the Ministry of Labour and Social Welfare, the Ministry of Health, the Ministry of Education, Science, Culture and Sports, the Bureau of Education Services and the Protector of Human Rights and Freedoms of Montenegro.

XXIII. Recommendation 51. CEDAW/C/MNE/CO/2 – Economic consequences of divorce and separation

199. The Rulebook on Detailed Conditions for Realization of Basic Material Benefits from Social and Child Protection (“Official Gazette of Montenegro,” No. 40/13, 68/15, and 20/16) prescribes that the income that arises from the child-support obligation is taken in the amount determined by the decision of the competent court. If the person does not obtain income based on the child-support obligation, they are obliged to submit proof of initiating the procedure for compulsory execution of the decision of the competent court. Income based on child-support obligation shall not be considered income for exercising the right to financial support until the decision on forced collection is executed.

200. Non-payment of alimony puts single-parent families into a crisis that is further worsened in situations such as the COVID-19 pandemic, because parents lose their jobs, have lower income and their livelihoods are threatened. Many parents do not want to provide financial support to their children after a divorce, and no adequate mechanism has yet been found in the legislation to force such parents to pay alimony.

201. Only one in three parents in Montenegro regularly pays alimony. Monstat data show that almost 60 percent of divorces include marriages with children and that custody of dependent children is entrusted to the mother in 79.4 percent of cases, compared to 9.8 percent of cases when the child is entrusted to their father, 10.2 percent to grandparents, and 0.6 percent to other persons and institutions. During the year 2019 and until August 31, 2020, the courts in Montenegro imposed a total of 203 sanctions on parents who did not pay alimony, whereby 43 people were sent to prison for non-payment of child support, and six were sentenced to house arrest. These figures do not give a real picture of the problem because the problem of collecting alimony is much bigger since not every parent decides to file a criminal complaint against their ex-spouse for not meeting their obligations related to alimony.

202. The Association Parents formed a Team for support and assistance to single-parent families, which provided continuing support in the form of free legal and psychological counselling during the COVID-19 pandemic.

203. Adoption of the Law on Alimony Fund is one of the priorities of the Women's Club of the Parliament of Montenegro. In May 2021, the NGO Centre for Women's Rights submitted to the Women's Club the Draft Law on Temporary Child Support, which sets out the conditions and regulates the procedure for exercising the right to temporary child support, jurisdiction, records, financing, as well as the establishment of the Alimony Fund and other issues of importance for the realization of temporary support.

204. The situation of single mothers who are at the same time asylum seekers is rather complex, as they enjoy international protection in Montenegro together with their children based on the Law on International and Temporary Protection of Foreigners. In the process of approving financial support, they are required to provide a certificate of alimony from the country of origin, which in some cases is impossible to obtain.

XXIV. Recommendation 53. CEDAW/C/MNE/CO/2 – Economic consequences of divorce and separation

205. In case there is no agreement on how the property should be divided, the property of the spouses is divided into equal parts at the time of divorce. However, if one spouse proves that his or her contribution to the acquisition of the joint property is clearly and significantly greater than the contribution of the other spouse, the court will divide the joint property according to the contribution of each of the partners. What seems to be important is that in determining the share of each spouse, the court takes into account not only the income and earnings of each of them, but also the help of one spouse to another, their work, household and family, care for raising children, and any other form of work and cooperation in the management, maintenance and increase of joint property.

206. Amendments to the Family Law (Official Gazette of Montenegro, No. 53/16) led to changes in Article 288, so that the joint property of spouses includes income from special property generated by the work of spouses, property acquired through the use of intellectual property rights, property acquired on the basis of insurance as well as through gambling during the duration of the marital union.

207. The role of public notaries is very important in order to prevent the abuse and alienation of joint property before and during the divorce. Namely, the public notary

is obliged to instruct and warn the contracting parties about the legal status of the joint property of the spouses and obtain the consent of the spouse who is not registered as the owner of the property (Article 157 of the Law on Property Relations requires the consent of all joint owners).

208. Amendments to the Family Law (2020) deal with referring spouses to mediation in order to reconcile or reach an agreement on the exercise of parental rights after divorce and an agreement on the division of joint property (this issue is regulated by Article 326), but if there is a suspicion of domestic violence, the court will not refer the parties to the initial meeting with the mediator.

XXV. Recommendation 55. CEDAW/C/MNE/CO/2 – Data collection and analysis

209. In 2020, in cooperation with the MJHMR, MONSTAT published the eighth publication “Women and Men in Montenegro,” which provides a brief overview of gender-disaggregated statistics in Montenegrin society.

210. In 2020, the first electronic platform was created – Gender Map, presenting a complex socio-economic picture of women and men in various spheres of Montenegrin society in an innovative way. It offers a wealth of data and information that is the starting point in policy making. The Gender Map is available on the following link: <https://www.rodnamapa.me/> All those interested in receiving training in numerous areas related to gender equality can apply.

211. The Gender Equality Index for Montenegro was calculated by MONSTAT, in accordance with the EIGE methodology based on using national and European data sources.

212. The total value, i.e., the level of gender equality in Montenegro, expressed through index points, stands at 55, which is much lower than the EU-28 average of 67.4. The index shows that the biggest differences are in the domains of power and money, while the smallest differences can be perceived in health and employment (More details are available in Annex 20).

213. A single database with comparable data has been created to include all actors combating gender-based violence. The Ministry of Finance and Social Welfare (formerly the Ministry of Labour and Social Welfare), as well as the centres for social work, use the Social Welfare Information System (SWIS) - Social Card. – link to recommendation 23.

XXVI. Recommendation 56. CEDAW/C/MNE/CO/2 – Amendment to Article 20 (1) of the Convention

214. The Parliament of Montenegro adopted the Law on Ratifying the Amendment to Article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women on April 27, 2018. The ratification instrument was sent to the Permanent Mission in New York, with the aim of submitting it to the UN Secretary-General as Depositary.

XXVII. Recommendation 57. CEDAW/C/MNE/CO/2 – Beijing Declaration and Action Platform

215. In May 2019, the Government of Montenegro adopted the National Report on the Implementation of the Beijing Declaration and Platform for Action (BpfA) and the Sustainable Development Agenda 2030 (Agenda 2030) and sent them to the Commission on the Status of Women for consideration and adoption ahead of the 25th anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action (1995). The report was prepared in line with the methodological Guidance note for comprehensive national-level reviews at

the level of states prepared by the UN Women and the United Nations Regional Commissions in order to assist in conducting comprehensive reviews.

216. In the process of joining the EU, Montenegro regularly submits reports on the results achieved in the negotiation chapters 19 “Social Protection and Employment” and 23 “Justice and Fundamental Rights”, as well as reports on Montenegro’s progress.

XXVIII. Recommendation 58. CEDAW/C/MNE/CO/2 – Agenda for Sustainable Development until 2030.

217. Based on the National Strategy for Sustainable Development until 2030 (NSSD), the priority topic Support for values, norms and patterns of behaviour important for the sustainability of society and the strategic goal Encourage an active attitude of key actors towards sustainable development have been defined. The identified strategic goal represents a response to the problems in achieving sustainable development of Montenegro in this area. It also refers to issues of gender equality. This strategic goal is directly related to meeting the fifth Sustainable Development Goal (SDG 5), through the implementation of the NSSD Action Plan and the measure defined in it, specifically: 2.1.2: Eliminate gender discrimination. In order to make the results of activities in the field of gender equality measurable within the NSSD, target outcomes have been defined (Annex 21).

218. On July 20, 2018, the Gender Equality Committee of the Parliament of Montenegro held a consultative hearing of the Minister of Sustainable Development and Tourism, on the topic “Monitoring the implementation of NSSD, in line with Goal 5 of the UN General Assembly’s Sustainable Development Strategy from 2015.”

219. Montenegro has ratified several international treaties, such as the United Nations Framework Convention on Climate Change (UNFCCC), which promote a gender-sensitive approach and encourage state parties to incorporate a gender dimension into national policies related to sustainable development and climate change.

220. Montenegro does not have a public policy or decision aimed at achieving the balanced participation of women and men in climate policies, activities, and negotiations. Some progress has been made between 2017 and 2020, when Montenegro participated in a UNDP/UNEP pilot Global Support Program for five Balkan countries and Lebanon, which aimed to build the capacity of these countries to integrate gender dimensions in measuring, reporting and verification procedures, in line with the main priorities of the UNFCCC Gender Action Plan.

221. Two extremely positive activities came as a result of this program:

- A gender equality focal point has been appointed for the UNFCCC (representative of the Ministry of Ecology, Spatial Planning and Urbanism);
- An Action Plan on Gender and Climate Change has been developed as a framework for the intersection of these two policies, in cooperation with a representative of the Ministry of Ecology, Spatial Planning and Urbanism and the MJHMR (Annex 21).

222. Improving the system for collecting and analysing gender-disaggregated data and gender data relevant to measuring, reporting, verification, and transparency. Funding for activities under this priority is also expected from the CBIT (Capacity Building Initiative for Transparency) mechanism. Both ministries will participate in this activity, but the main role will be entrusted to MONSTAT.

XXIX. Recommendation 59. CEDAW/C/MNE/CO/2 – Dissemination

223. After receiving the concluding observations from the CEDAW Committee, the MJHMR translated them in order to make them available to the interested stakeholders. Concluding observations were shared with state institutions, all gender equality focal points, members of the Council for Gender Equality, NGOs, representatives of local self-governments, media, etc. (about 200 e-mail addresses). Meetings with local and national coordinators for gender equality and meetings of the Committee were held to present the Concluding observations. The public was informed about the content of the recommendations through the media.

XXX. Recommendation 60. CEDAW/C/MNE/CO/2 – Ratification of other treaties

224. Montenegro has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), signed in October 2006.

225. Certain provisions of the ICRMW are not in line with the positive legal regulations governing the status of the stay of foreigners in Montenegro.

XXXI. Recommendation 61. CEDAW/C/MNE/CO/2 – Follow-up to the concluding remarks

226. The Ministry for Human and Minority Rights has prepared the report in question in coordination with the relevant institutions. The Committee received the report in February 2020 (CEDAW/C/MNE/FCO/2) and examined it at its seventy-sixth session, in July 2020.

Part two**Report on the implementation of the articles of the Convention****A. Articles 1–6****Article 2.**

227. Amendments to the Law on Prohibition of Discrimination (“Official Gazette of Montenegro,” No. 46/10, 18/14 and 42/17) from 2017 regulate the matter of what actions will not be considered discrimination, although they put at a disadvantage certain person, i. e. groups of persons compared to other persons. One of these situations is when access to goods and services is intended exclusively or primarily for members of one sex (or persons with disabilities), when such treatment is objectively and reasonably justified by a legitimate aim, and the means used are appropriate and necessary to achieve that aim (Article 2a).

228. The Law on Civil Servants and State Employees (“Official Gazette of Montenegro,” No. 2/18 and 34/19) is an example of how a law should be harmonized with the Law on Gender Equality. In particular, the provision on the use of gender-sensitive language is further specified in the part where it is said that adequate expressions, depending on the gender of the person to whom these acts refer, must be used in the act on internal organization and job systematization, as well as in individual acts regulating employment, assignment, and appointment, as well as in other acts which decide on the rights and obligations of civil servants and state employees (Article 16).

Article 3.

229. The MFSW recently adopted a new Guide and Form for Regulation Impact Analysis at the Local Level, which includes a gender equality perspective (<http://www.sluzbenilist.me/pregled-dokumenta-2/?id={17D396C3-308F-490A-BD29-BB0540602C8F}>). In this way, gender impact analysis becomes a fundamental method for local-level decision-makers to perform gender mainstreaming in the process of drafting regulations and other decisions.

Article 4.

230. Covered by recommendations.

Article 5.

231. Ipsos Strategic Marketing for the UNDP Montenegro conducted a survey on the attitudes and perceptions of citizens and those employed in public administration on gender equality, the results of which were presented in June 2021. It shows that many citizens have a stereotypical view of gender roles, both in private and family life and in the public sphere. More than half of the citizens are of the opinion that as a rule, men are better political leaders, who possess better leadership skills and that they should occupy leading positions in society, while one in two citizens believes that successful business women must inevitably neglect their families. (the research is available at: <https://www.me.undp.org/content/dam/montenegro/docs/publications/ISTRAZIVANJE%20Stavovi%20i%20percepcije%20zaposlenih%20u%20javnoj%20upravi%20o%20rodnoj%20ravnopravnosti.pdf>)

232. In July 2019, in the context of the project “Women’s Empowerment Initiative: Education for Gender Equality!”, implemented in cooperation with WSH and MJHMR, CEDEM produced a movie named “Gender Stereotypes and Equality“ with the aim of raising public awareness of the presence of gender stereotypes, their recognition, roots and causes, as well as ways to overcome them. (Data are available at: Gender Stereotypes and Equality, available at: https://www.youtube.com/watch?v=4rwQms93_34&t=14s)

Article 6.

233. Covered by recommendations.

B. Articles 7–9**Article 7.**

234. According to the results of the Democracy Index from December 2020, especially when compared to 2007, the level of gender equality remains at the same level when it comes to equal participation of women in social life, government, discrimination in employment, as well as discrimination in companies and institutions. The most negative trend was noted in relation to hate speech towards women in the media. (Data available at: Democracy Index, CEDEM, Hanns Seidel Foundation for Serbia and Montenegro, 2020, page 90, available at: <https://www.cedem.me/publikacije/istrazivanje/ostala-istrazivanje/send/31-other-research/1987-index-of-democracy-2020>)

235. A research of the Women’s Political Network on Violence against Women in Politics in Montenegro (available at the following link: <https://www.me.undp.org/content/dam/montenegro/docs/publications/UNDP-mne-istrazivanje-zeneupolitici-2021.pdf>) showed that despite the steps forward, a number of systemic shortcomings remained a challenge to women’s political

participation, and that patriarchal attitudes, prejudices and insufficient interest of political parties were key obstacles to their more active involvement in politics.

236. For the first time in political life, at the Twelfth Session of the Women's Parliament (held in March 2020), the voice of a representative of the LGBTIQ community, a lesbian, and a member of the NGO "Stana" was heard.

Article 8.

237. Out of a total of 34 ambassadors representing Montenegro abroad, by the end of 2020, 28 or 82.4 per cent were men, while 6 or 17.6 per cent were women. The diplomatic and consular network is currently in the process of reorganization.

Article 9.

238. In the reporting period, there were no changes in the legislation related to this area.

C. Articles 10–14

Article 10.

239. Covered by recommendations.

Article 11.

240. The Gender Equality Index, which was calculated for the first time in Montenegro, was presented on January 29, 2020. MONSTAT produced the Index at the initiative of the Department. The Index represents a compilation of data from a number of clearly defined surveys conducted at the state level. To calculate the Index, 31 indicators are measured, within six basic domains: work, money, knowledge, time, power, and health, which are divided into subdomains. In Montenegro, the degree of equality is expressed through the value of the index of 55. At the individual domain level, the calculated index values are as follows: power 35.1; time 52.7; knowledge 55.1; money 59.7; work 65.2 and health 86.9. (available at: <https://www.gov.me/en/documents/495023ee-0d49-4c2a-bcad-e7b0e5d9d3d5>).

241. In cooperation with the Austrian Development Agency and the MJHMR, the UNDP Office has developed the Gender Map of Montenegro e-platform (<https://www.rodnamapa.me>) represents an innovative approach in presenting a complex socio-economic picture of a society in various domains. The Gender Map offers a wealth of data, analyses and other content, allowing decision-makers, as well as the general public, to learn more about certain social trends, but also about the problems that determine the further course of development of Montenegrin society.

Article 12.

242. Covered by recommendations.

Article 13.

243. Measures are taken through appropriate laws (Law on Social and Child Protection, Law on Health Care, Law on Health Insurance, Law on Banks, Law on Sports)

Article 14.

244. During the 9th Session of the Women's Parliament (November 2018), the Gender Equality Committee raised the issue of the rights of women in rural areas. In 2019,

with the support of the OSCE Mission and in cooperation with the Ministry of Finance and the Ministry of Agriculture and Rural Development, a pilot project of gender analysis of agrobudget was implemented. The findings of the analysis were presented at a press conference in the Parliament of Montenegro (2019). The analysis showed that women do not enjoy the same access to public resources as men do.

D. Articles 15–16

Article 15.

245. Covered by recommendations.

Article 16.

246. “Survey on Women’s Property Rights in Montenegro – Attitudes Vs. Reality”, conducted by SWH in 2019 within the project “Both in the family and in the home – the force of law against common property law“ funded by the MJHMR, shows that the common right of women to renounce property in favour of male family members remains stronger than the positive legislation in Montenegro. The survey shows that although the majority of 82 per cent of citizens believe that family property should be divided between men and women equally, only 25 per cent of them believe that this happens in reality. Nearly three-quarters of them, i.e., 70 per cent of the citizens, believe that society frowns upon women who do not give up their part of the property in favour of their brother(s).

247. By adopting the Law on Life Partnership of Persons of the Same Sex (Official Gazette of Montenegro, No. 67/20), Montenegro has made a major step towards respecting the position and rights of members of the LGBTQ population, enabling the same-sex unions that, with certain exceptions, can be equated with marriage, i.e. civil union, which is regulated by the Family Law.
