



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

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

Summary record of the 1002nd meeting

Held at the Palais des Nations, Geneva, on Thursday, 6 October 2011, at 10 a.m.

Chairperson: Ms. Pimentel

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Initial report of Montenegro (CEDAW/C/MNE/1; CEDAW/C/MNE/Q/1 and CEDAW/C/MNE/Q/1/Add.1)

1. *At the invitation of the Chairperson, the delegation of Montenegro took places at the Committee table.*
2. **Mr. Delić** (Montenegro), introducing the initial report of Montenegro (CEDAW/C/MNE/1), said that respect for international law had been a guiding principle of domestic and foreign policy since the country had regained its independence in 2006.
3. In the intervening years, numerous steps had been taken to guarantee legal continuity and regularize the status of the newly independent State under international treaties and with international organizations. As part of that process, in 2006, and in accordance with the provisions of the Vienna Convention on Succession of States in respect of Treaties, the Ministry of Foreign Affairs had deposited with the United Nations the documents required to formalize Montenegro's accession to all United Nations human rights treaties to which it had been a party under former State arrangements, including the Convention on the Elimination of All Forms of Discrimination against Women.
4. The Government had subsequently embarked on a comprehensive programme of legislative and institutional reforms. The point of departure for those reforms had been the determination of the citizens of Montenegro to live in a State built on the basic values of freedom, peace, tolerance, respect for human rights and liberties, multiculturalism, democracy and the rule of law and the belief that the State's responsibilities should include guaranteeing sustainable, balanced development and social justice.
5. Those principles were the cornerstones of the new Constitution adopted in 2007. It recognized the full catalogue of human rights and freedoms, many of which were also the subject of specific laws. Responsibility for upholding those rights and freedoms was shared by three autonomous institutional bodies – the Protector of Human Rights and Freedoms (Ombudsman), the Judicial Council and the Constitutional Court. Under article 9 of the Constitution, ratified international treaties and generally accepted rules of international law constituted an integral part of the domestic legal order and took precedence over domestic law.
6. Gender equality was guaranteed under article 18 of the Constitution. Direct and indirect discrimination on any grounds were prohibited under article 8; however, temporary special measures aimed at achieving de facto equality were not considered discriminatory. The commitment to gender equality and equal opportunities was also enshrined in the specific Law on Gender Equality, while equal opportunities in employment were guaranteed under the Labour Law. The anti-discrimination provisions of a general nature established in the Constitution and also in the Criminal Code were supplemented by more specific definitions and penalties set out in the Law on the Prohibition of Discrimination, adopted in July 2010. Responsibility for monitoring implementation of the provisions of the latter Law was conferred upon the Protector of Human Rights and Freedoms under an updated and expanded version of the law governing the Ombudsman's role and responsibilities adopted in March 2011.
7. To facilitate the practical implementation of the new normative and institutional framework, the Government had elaborated a series of forward-looking, strategic action plans. It was currently engaged in an intensive, ongoing effort to bring those plans to fruition.

8. The judiciary had been the subject of a range of legislative developments that had addressed issues, including the role and responsibilities of the Judicial Council, the quality and extent of judicial training, the availability of legal aid, the fight against corruption and organized crime and the suppression of conflicts of interest. The corresponding action plan had been built around 10 strategic goals that placed emphasis on the heightened autonomy and efficiency needed to eliminate long delays in the administration of justice. In that connection, alternative forms of dispute resolution were being developed to address the sizeable case backlog and relieve the burden on the courts, and a Centre for Mediation with competence in civil and criminal matters had been opened.

9. The wars that had destabilized the region for the previous two decades had brought an influx of displaced persons from Kosovo, the Republic of Croatia, and Bosnia and Herzegovina. By the end of the last century, refugees from other parts of the former Yugoslavia had accounted for around a quarter of the population of Montenegro and were placing a huge strain on its infrastructures. The State's acceptance of those displaced persons, and its support for all minority groups and persons in need more generally, constituted the paramount expression of its determination to make equality and social justice the guiding principles of its development. As the only State that had emerged from the former Yugoslavia that had managed to avoid war on its territory and maintain inter-ethnic harmony, Montenegro served as a beacon of multiculturalism and inter-religious tolerance that was especially sensitive to minority needs.

10. Pursuant to article 18 of the Convention, Montenegro should have submitted its initial report in October 2007. However, the intensive programme of post-independence institutional and legislative reforms had prevented the Government from honouring that undertaking. Organizational changes in institutional gender equality mechanisms that had seen the former Gender Equality Office become the Department for Gender Equality of the Ministry for Human and Minority Rights in 2009 had been a major contributor to the delay.

11. The report had been drafted by the experts who were members of the present delegation. Its content had been presented to the parliamentary Gender Equality Committee in November 2009 and had been shared with non-governmental organizations (NGOs) in a meeting held in December of that same year.

12. As the first anti-discrimination law promulgated in Montenegro and the first to include definitions of gender equality and gender-based discrimination, the Law on Gender Equality had been central to policy development. For fuller details of the rights and safeguards established therein, he referred the Committee to paragraphs 50 to 53 of the report.

13. The Law provided that all ministries and administrative bodies should designate a coordinating officer to oversee initiatives promoting gender equality and to assist with the preparation and implementation of the Action Plan for the Achievement of Gender Equality. The Department for Gender Equality also met regularly with civil society organizations to seek their input.

14. To support the work of the national institutional mechanisms working to promote gender equality, gender equality mechanisms and action plans were also being developed at the community level. Details of those developments were given in paragraph 91 of the report. Other initiatives aimed at promoting gender equality principles in practice included vocational training programmes for State employees run by the Human Resources Management Authority, details of which were provided in paragraph 92 of the report.

15. Since the submission of its initial report, Montenegro had achieved a further significant advance in the protection of women's rights with the adoption of the Law on Protection against Domestic Violence. The Law guaranteed free legal aid, social protection and confidentiality of proceedings for victims and introduced a legal obligation to report

acts of domestic violence. A strategic action plan adopted by the Government in July 2011 envisaged the establishment of dedicated working groups to oversee implementation. Educational and media campaigns to raise awareness of gender-based violence were also being organized.

Articles 1 and 2

16. **Ms. Schulz** said that the lack of a core document meant that the Committee was missing a lot of information. She urged the State party to address that shortcoming as soon as possible. Additional concerns on which she would appreciate clarification were the long delay in submission, which was only partially explained in the report and the responses to the list of issues (CEDAW/C/MNE/Q/1/Add.1), and the apparent absence of a representative from the Department for Gender Equality at the present meeting.

17. Since the inclusive approach to report preparation described by the State party was at variance with the reports of exclusion or insufficient involvement received from NGOs, she sought an explanation for that discrepancy and an indication of the State party's future plans for NGO inclusion.

18. The frequent references to the Protector of Human Rights and Freedoms throughout the State party's submissions were indicative of that institution's centrality to progress in the human rights sphere. For that reason she would like to know if accreditation under the Paris Principles would be sought and, if so, within what time frame.

19. The legal status of the Convention was satisfactory, yet the report gave no information about court cases in which its provisions had been directly invoked. Since translating the Committee's general recommendations on implementation into Montenegrin would undoubtedly help remedy that situation, she asked whether the State party was considering that course of action and, if so, when.

20. **Ms. Popescu** said that the State party's progress in developing an effective legal framework and acceding to international instruments was commendable. However, the Government must now turn its attention to practical implementation. Since the distribution of a translated text of the Convention and its Optional Protocol amongst Government agencies, NGOs and rights holders in general would be a major advance, she asked what steps had been taken in that direction.

21. Noting that victims of gender-based discrimination appeared to have a choice of avenues of redress, and that both the Department for Gender Equality and the Ombudsman operated a complaints mechanism, she asked the delegation to explain what types of complaint were handled by each body, how the mechanisms operated and how duplication of effort was avoided.

22. The Law on Gender Equality contained many definitions but few penalties and little detail of a monitoring mechanism. Information on any plans to amend the Law with a view to establishing penalties for violations of its provisions and procedures for monitoring its implementation would therefore be useful.

23. Lastly, she wished to emphasize that, since the report under consideration was the State party's initial report to the Committee, it was extremely important that the concluding observations and recommendations were translated into Montenegrin and disseminated widely, and that the Government, its agencies and civil society were involved in the implementation process.

24. **Ms. Acar**, while acknowledging the State party's progress towards fulfilling its obligations under the Convention, said that the huge gap between de facto and de jure implementation was worrying. Although such a disparity was far from unprecedented, she would appreciate an explanation of the contributing factors. Was the absence of penalties to

blame, or perhaps the persistence of traditional stereotypes and mindsets? Were political will and determination lacking? She invited the delegation to provide some specific case-based information attesting to the successful implementation of the Law on Gender Equality.

25. Lastly, she asked whether the elimination of discrimination was a policy priority for the Government of Montenegro. The lack of penalties laid down in the relevant laws suggested that it was not, and that view was supported by parallel information from NGOs.

26. **Ms. Šimonović** asked whether the Convention on the Elimination of All Forms of Discrimination against Women was considered a central, legally binding human rights instrument in Montenegro. The absence of any mention of the Convention on the official Government website, although references to other treaties could be found, indicated that it was accorded only subsidiary importance. With that situation in mind, she suggested that the initial report and the Committee's concluding observations should be placed online for public consultation.

27. She requested clarification of the relationship between the Law on the Prohibition of Discrimination and the Law on Gender Equality. The two laws covered overlapping areas and there was also an apparent duplication in the mechanisms available for reporting abuse of their provisions. Given that the former law conferred responsibility for handling complaints of discrimination upon the Ombudsman, she wondered whether the complaints of gender-based discrimination previously submitted to the Department for Gender Equality would thenceforth be diverted to that institution as well.

28. **Ms. Vlahović** (Montenegro) said that, as a member of the Department for Gender Equality, which coordinated all Government activities related to the promotion and achievement of gender equality, she was pleased to be able to dispel the concerns about a lack of departmental representation expressed earlier.

29. To date the Convention's provisions had not been invoked in court, even though her Department and its predecessor, the Gender Equality Office, had distributed the text in an accessible, well-designed format to all Government agencies, NGOs and other actors, and numerous gender equality training initiatives had been run for judges, prosecutors and public officials in general. To address that situation, her Department was planning a study visit to Western European countries in which the Convention was regularly and effectively invoked in court that would give Montenegrin judges and prosecutors the opportunity to learn about good practice. Initial consultations with neighbouring countries had indicated that Sweden and Germany might be the most instructive destinations.

30. Since 2008, her Department had organized quarterly meetings with NGOs to provide a forum for sharing needs and expertise and coordinating Government and civil society action. It had also entered into memorandums of understanding with a number of NGOs involved in implementation of the Action Plan for the Achievement of Gender Equality adopted in 2007.

31. Annual reviews of progress towards fulfilment of the Action Plan had identified lack of funds as the root cause of inadequate implementation. To address that deficiency, all Government ministries and bodies were thenceforth required to devise their own gender equality programmes and to set aside adequate funds for their implementation. To help overcome the obstacles, international financial support was also being sought, principally from the European Union.

32. The procedure for filing complaints was defined by law, although an additional rule book provided more detailed instructions and guidelines. Whenever the Department for Gender Equality received a complaint of gender-based discrimination, it first contacted the alleged perpetrator and sought additional information from the Ombudsman and the

Ministry for Human and Minority Rights. After considering that information, it issued a recommendation setting out the remedial action proposed and the corresponding deadline. Where the issues in question related to the implementation of the Action Plan for the Achievement of Gender Equality, the parliamentary Gender Equality Committee might also become involved.

33. The report's submission had been delayed essentially because of the succession of Montenegro from Serbia. A first version of the initial report had been compiled in 2004, but the formalities of succession had prevented its submission. Upon conclusion of those formalities, the authorities had needed additional time to collect the data required to update the report's content.

34. Non-governmental organizations had participated in the reporting process and had been given the opportunity to comment on initial drafts. Their principal concerns had related to how the Law on Gender Equality was implemented and the lack of penalties. The parliamentary Gender Equality Committee had also been consulted, as well as international organizations including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Development Programme (UNDP).

35. The updated version of the Law on the Protector of Human Rights and Freedoms expanded and clarified the more general anti-discrimination provisions contained in the original text and gave the Ombudsman specific responsibility for dealing with complaints of gender-based discrimination. It also provided for the appointment of deputy ombudsmen, including one to assume responsibility for human rights issues.

36. The small number of complaints of gender-based discrimination lodged with the Ombudsman to date indicated that knowledge of the relevant legislation was limited. That situation had prompted the launch of an awareness-raising programme for public officials, including labour inspectors, which had been supported by UN-Women. In association with the trade unions, gender equality training for employees had also been organized. Important changes introduced by the new laws included a prohibition against unequal pay for equal work and a provision giving labour inspectors the authority to initiate judicial proceedings.

37. **Mr. Delić** (Montenegro) said that, while the Montenegrin legal order lacked a specific law on human rights, the three new laws on gender equality, discrimination and the role and responsibilities of the Ombudsman, respectively, were interlinked, with the Ombudsman serving as mediator in situations where the rights established in the former two laws were violated.

38. There were very few penalties established in the new laws because Montenegro had a unified legal system under which all laws were harmonized. In order to gain a clear picture of the penalties for a specific offence, it was necessary to consider the legal framework as a whole. For example, because the Criminal Code already established penalties for sexual harassment and gender-based discrimination, there had been no need to duplicate those provisions in the Law on Gender Equality.

Article 3

39. **Ms. Schulz** asked for information on the financial and human resources assigned to the new gender equality mechanisms, including details of the planned evolution of the budget allocated to the Department for Gender Equality, and the percentage of funds expected to come from the central State budget and external sources, respectively.

40. She also asked when the Department for Gender Equality was likely to have the full quota of seven staff originally envisaged. In view of the breadth and complexity of the Department's mandate, that staffing level appeared the minimum acceptable. Information

about the powers and budgets assigned to local gender equality mechanisms would also be appreciated.

41. Seeking clarification regarding the mandates of the deputy ombudsmen, she asked whether there would be a deputy with specific responsibility for gender equality as well as a deputy focused on human rights in general. Lastly, she requested details of the framework for regular, ongoing NGO cooperation, the financial support provided to women's organizations and of any State-funded gender studies programmes that might exist.

42. **Ms. Ameline** said that, the fact that recognizing women's rights was a substantive precondition of European Union membership, and that the reconstruction process would be a key determinant of the State party's future direction, made integrating the Convention's provisions in the nation-building process all the more important.

43. In its replies to the list of issues the State party had presented a reduction in complaints of domestic violence as evidence of a decline in the rate of domestic violence. Refuting that assumption on the grounds that a reduction in complaints could reflect difficulties in accessing justice as much as a change in the underlying trend, she suggested that the authorities should review the evidence and work with NGO partners to ensure that victims of domestic violence were not being denied justice.

44. Since Montenegro had no dedicated minister for women, she was concerned that the profile of women and the visibility of women's issues within the State structure might be diminished. She therefore sought information about the political authority and scope for action enjoyed by the Department for Gender Equality.

45. In view of the State party's ethnic and cultural diversity, she would also appreciate information about the human rights status of women from minority groups, including internally displaced persons (IDPs), refugees and Roma women. Although the community-based projects developed to assist those minorities had brought clear benefits, they appeared to lack cohesion. Information about measures in place to support the social reintegration of members of those minorities, many of whom lacked the documentation required to prove their civil status, would be particularly welcome. Lastly, she invited members of the delegation to share their views on regional and European cooperation in that area.

46. **Ms. Vlahović** (Montenegro) said that the Department for Gender Equality had scarce financial and human resources. Owing to budgetary constraints, the Department was composed of only two permanent members – a man and a woman. Resources were also limited at the local level and projects such as a gender-responsive budgeting pilot currently being conducted in one municipality posed considerable financial challenges. Local gender equality action plans were generally carried out with the support of the Ministry for Human and Minority Rights, often in conjunction with international organizations.

47. Her Government met regularly with NGOs to exchange information, identify needs and cooperate in training gender-equality trainers for the civil service. Most recently, the Prime Minister had attended a meeting with NGOs in March 2011. Montenegro was working with international institutions and NGOs to introduce gender studies into the academic curriculum. It provided training to prosecutors in the implementation of human rights law. Montenegro had cooperated closely with international organizations like UN-Women and UNDP and engaged in various regional cooperation activities for gender equality, including with the Republic of Croatia and Kosovo. There was also extensive coordination among Government bodies in promoting women's rights. Each Ministry had a coordinator for gender-equality who cooperated directly with the Ministry for Human and Minority Rights in monitoring the implementation of gender-equality action plans. The coordinators submitted reports to the Ministry every six months on the status of implementation of the plans, which were State-level strategic documents.

48. Turning to the issue of minority rights, she said that the Ministry had carried out a number of projects, including one aimed at Roma women, which had registered some success. The number of Roma women who had graduated from university had increased from one to three since 2003. There was a Roma woman currently in the Government acting as an adviser. The Department for Gender Equality had also been working closely with a number of NGOs to promote the rights of Roma women. Lastly, her Government provided funding for NGOs, including women's organizations.

Article 4

49. **Ms. Bareiro-Bobadilla** said the fact that the State party had gained independence so recently made the current dialogue all the more timely, as it could more easily make necessary amendments to its legislation than older States. She asked whether the Committee's general recommendations had been translated into Montenegrin, particularly general recommendation No. 25. Noting that the State party had only one woman minister, she cited examples such as Spain, where executive appointments were divided equally between men and women. Many States in Latin America had imitated that model. While Montenegro had set a 30 per cent quota for women on parties' electoral lists, according to an NGO source, it was unclear whether parties that failed to meet the quota were punished. She asked whether the Government had taken temporary special measures in other fields such as education to ensure equality, particularly for minority women. Lastly, she would like to know whether such measures had been taken for women who were breastfeeding.

50. **Mr. Awori** said that neither the initial report nor the responses to the list of issues provided sufficient specific information on temporary special measures undertaken in the State party. The fact that the Constitution allowed for such measures was commendable, especially as most constitutions did not make provision for them. However, more details were needed of the situation on the ground and the measures that had been taken to bring about de facto equality. She would also appreciate more information on the measures to increase the representation of women in the legislature and executive branches of Government and decision-making positions, including the steps made under the Action Plan for the Achievement of Gender Equality. It was not clear why there were so few women school principals while women accounted for the majority of teachers. She asked what was being done to overcome the considerable pay gap between men and women.

51. She said that it would also be useful to know the actual size of the Roma, Ashkali and Balkan Egyptian population in Montenegro. According to her sources, estimates of the population could be as high as 15,000 to 20,000. She also wished to know what steps had been taken to prevent Roma children from dropping out of school at an early age and what temporary measures had been envisaged to promote the rights of Roma women, who often experienced both gender and ethnic discrimination.

52. **Mr. Delić** (Montenegro) said that the Constitution indeed allowed for temporary special measures and affirmative action to address de facto inequalities. All the relevant documents of the Committee had been translated into Montenegrin and made widely available to the public. There had been several campaigns to disseminate such information; civil servants, judges and prosecutors who would be working with the documents had received appropriate training. A recent electoral law stipulated that all party lists must be composed of at least 30 per cent of women. Unfortunately, while half of a party list might be made up of women, that did not mean that one in three candidates would be elected. Nevertheless, the State Electoral Commission prohibited any party from standing for election that did not comprise at least 30 per cent of women.

53. Turning to the questions concerning minorities, he said that a census carried out in April 2011 showed that 6,200 persons had identified themselves as Roma. He drew the Committee's attention to paragraph 26 of the report, which provided some results of a

Statistical Office survey of the Roma, Ashkali and Balkan Egyptian population. His Government had made considerable efforts to integrate that very vulnerable population into Montenegrin society and had adopted a 2005–2015 national strategy for the Roma community. It had also identified in its strategic documents areas in which to apply special temporary measures, including education, housing, health care and employment. The number of Roma children enrolled in school had almost tripled since 2005. Textbooks were provided free of charge. Roma children were provided with stipends, extra tutoring and teaching assistance. There were functional literacy classes for the elderly. There were currently eight Roma students, including three women, enrolled in universities, whereas there had been none before. Similarly, there were a few officials from the Roma community working for the Government, including the Ministry for Human and Minority Rights and the Ministry of Foreign Affairs.

54. **Ms. Schulz** asked whether the Office of the Protector of Human Rights and Freedoms (Ombudsman) was the national human rights institution which functioned in accordance with the Paris Principles. It was not clear whether the Committee's general recommendations on the Convention had been translated. Referring to article 3, she would like to know whether there would be a deputy ombudsman for gender equality.

55. **Ms. Šimonović** asked whether the new Law on the Prohibition of Discrimination covered discrimination on the basis of sexual orientation or gender specifically. Citing article 13 of the Optional Protocol, she requested further information on training provided to the judiciary on the Protocol. She suggested that the State party might wish to consider publishing and translating the views of the Committee concerning cases considered under the Optional Protocol, as it had done with the European Court of Human Rights.

56. **Ms. Pires** asked what share of the Ministry for Human and Minority Rights budget was allocated to the Department for Gender Equality and what share of the State budget was set aside for all ministries focused on the promotion of gender equality. Noting that the Committee placed great emphasis on the role of parliament, she wondered whether the parliamentary Gender Equality Committee might advocate on behalf of the Department, including for the purpose of increasing its funding.

57. **Mr. Delić** (Montenegro) said that the Law on the Prohibition of Discrimination banned discrimination on many grounds, including gender and sexual orientation. The grounds also included many other factors such as race, ethnicity, religion, disability and age, to name but a few. It was for the Ombudsman to select the specialization of his or her deputies. There was currently a deputy for the protection of the rights of the child. He could not say at present whether there would be a similar deputy for gender equality. Nevertheless, gender equality was one of the seven core areas falling under the Ombudsman's mandate.

58. **Ms. Vlahović** (Montenegro) said that the anti-discrimination law stipulated equal pay for work of equal value and women could assert that right before the courts. The Optional Protocol had indeed been translated. There was a need, however, for technical assistance to train judges and prosecutors. The budget of the Department for Gender Equality was less than 10 per cent of the overall budget of the Ministry for Human Rights and Minorities. The Ministry of Defence was the sole ministry with funding allocated specifically for gender-equality activities. Turning to temporary special measures, he said that they had been taken to improve the status of rural women. The Ministry of Agriculture was currently working on a plan of action for rural women and the Ministry for Human and Minority Rights for Roma woman.

59. **Ms. Murillo de la Vega** asked how many laws had been amended in accordance with the Law on Gender Equality. She said that she understood how difficult conducting legislative reform might be in the light of the serious budget constraints. Nevertheless, the

Labour Law needed to be brought into line with the Law on Gender Equality, to give only one example. She would like to know whether the State party had been consulting with civil society and women's organizations in the European Union accession process and whether the organizations had access to all the relevant ministries. Given that judges and prosecutors seemed to lack a full understanding of the issue of violence against women, she wondered whether any assessment had been made of rulings and sentences in cases of gender-based violence. Turning to the issue of abortion, she would appreciate hearing the views of the delegation on the reports that girls were valued less than boys in Montenegro. It would be useful to have data on the impact that the civil war had had on the countries of the region and, more generally, gender-disaggregated data in future periodic reports.

Article 5

60. **Ms. Patten** said that gender stereotypes continued to permeate society in the State party and had even had an impact on the discourse of people in positions of power. She would like to know how the Government, the media and local communities were addressing stereotypes. It would be useful to know what efforts were being made at the community level to empower women and combat violence. The new Law on Protection against Domestic Violence was commendable. The State party should now make every effort to implement the Law, especially in the light of reports of inadequate investigation and prosecution and lack of coordination of law enforcement bodies in cases of domestic violence. Montenegro was not alone in that respect, as prosecutors and other judicial officials elsewhere often considered domestic violence to be a minor offence that occurred only within certain social classes.

61. She recommended that the State party should intensify its training of the judiciary and law enforcement officials. She would like to know what measures were in place to ensure that court and law enforcement officials routinely cooperated with organizations that worked to protect women against gender-based violence and that offenders were duly arrested and prosecuted, thus conveying to offenders and the public that society in Montenegro condemned domestic violence.

62. **Ms. Acar** said that the Convention was the sole treaty of its kind with an explicit provision on the need to modify social and cultural patterns to eliminate stereotypes. There was a high incidence of domestic violence in Montenegro, with a survey showing that 65 per cent of women had experienced such violence while some 11 per cent of women condoned it. The survey suggested that most women in Montenegro were aware that men should not be striking them; it also suggested that men were not aware that hitting women was wrong. She wondered whether any research had been done on violence against women in Montenegro and encouraged the State party to pursue further research. Training should be based on the information that emerged from such research. Noting the high incidence of early marriage among the Roma, Ashkali and Balkan Egyptian population, she said that early marriage constituted a type of violence against women that should be addressed. Nevertheless, Montenegro was to be commended on being among the few signatories of the Council of Europe Convention on preventing and combating violence against women and domestic violence. She asked whether the State party had a time frame for ratifying it.

63. **Ms. Šimonović** said that the Minister for Human and Minority Rights had been quoted as saying that the woman was the neck and the man the head. She asked what was meant by the statement and wondered whether the delegation considered it to be in keeping with the principles of gender equality. She would like to know what the Ministry for Human and Minority Rights was doing to challenge patriarchal stereotypes based on a sense of the superiority of men over women that still prevailed in some parts of the region.

64. While commending the adoption of the Law on Protection against Domestic Violence, she noted that there were only two shelters for victims, which were mainly

funded by international donors, and asked whether other shelters were planned. Furthermore, regarding cases of violence against women, it was not clear whether protection orders could be obtained only through civil proceedings. Further explanation of the criminal proceedings available to victims was needed.

65. **Mr. Novović** (Montenegro) said that the Ministry of Education and Sport attached great importance to gender equality. He cited paragraphs 59 and 60 of the report, concerning the General Law on Education and the Law on Higher Education, respectively, which provided for equal access to education and prohibited discrimination. He agreed that further efforts were needed to increase the number of women principals in schools. Referring to the questions relating to violence against women, he said that civic education courses covering the issue were taught in schools. A module on healthy lifestyles, which dealt with reproductive health, the prevention of sexually transmitted diseases and the prevention of sexual and other forms of violence, was also offered in schools. Some 60 per cent of all students opted to take that course.

66. **Ms. Baković** (Montenegro) said that the Law on Protection against Domestic Violence complemented existing legislation to prevent such violence, including the Law on Social and Child Protection, the Criminal Code and Code of Criminal Procedure. Penalties for domestic violence under the Code of Civil Procedure included restraining orders, mandatory substance-abuse counselling and psychological treatment. More than 300 domestic violence cases involving minor offences had been tried. Victims of domestic violence were entitled to free legal aid. Montenegro had signed the European Convention on the Compensation of Victims of Violent Crimes, on which it was basing its domestic legislation.

67. **Ms. Remiković** (Montenegro) said that the multiple indicator cluster survey that her Government was conducting with UNDP, which would be completed in early 2012, included a section on attitudes towards domestic violence.

68. **Ms. Donaj** (Montenegro) said that one male and two female police officers were always assigned to domestic violence cases. Law enforcement bodies kept separate records for the perpetrators and the victims of domestic violence. Her Government was making efforts to ensure that women were better represented in the law enforcement bodies and received the necessary training. Furthermore, there were regional police networks, including a women police officers network, to promote cooperation among law enforcement bodies in South-Eastern Europe.

69. **Ms. Vlahović** (Montenegro) said that labour legislation had been amended several times to bring it into line with the Law on Gender Equality. Other legislation that had been harmonized with that Law included electoral law and the Law on Protection against Domestic Violence. Her Government was working with NGOs on a strategy and had provided for multidisciplinary teams to implement the Law. In addition, the Law on Civil Service had been amended using gender-sensitive language to ensure equal pay for work of equal value. The Law on the Protector of Human Rights and Freedoms had also been amended in accordance with the new gender equality legislation.

70. **Mr. Delić** (Montenegro), noting that he understood how the comment of the Minister for Human and Minority Rights might cause offence, given his reference to human anatomy, said that the statement had been made at a meeting between the Government and NGOs. The Minister had explained that he had tried to convey that women in Montenegro were guiding men, showing them the direction in which they should be heading.

71. Turning to early marriage, he said that although it remained a problem among the Roma community, the law prohibited the practice. In addition, Roma girls continued to give birth as early as 12 years of age. Nevertheless, his Government was making considerable efforts to overcome harmful cultural practices, including early marriage, and raise

awareness about gender issues through seminars, training, media campaigns and other numerous events.

Article 6

72. **Ms. Gabr**, noting that the issue of trafficking and prostitution had not been addressed in the delegation's introductory statement, asked whether the Government of Montenegro accorded the problem priority. She requested further details of the composition and financial resources of the Government body responsible for combating trafficking in persons. It would also be useful to know more about its relationship with the private sector and NGOs, particularly with respect to the implementation of any action plans. She asked whether the women's shelters mentioned by the delegation dealt with victims of trafficking and prostitution and how the shelters were funded. More information was needed on the protection of victims and witnesses. She would appreciate hearing about the Government's measures to address the problem of Roma street children. Lastly, she requested further details of training provided to the judiciary.

73. **Ms. Neubauer**, noting that prostitution and pimping were punishable by law in Montenegro, asked whether using the services of a prostitute was also prohibited. If that was not the case, the law would entail a form of discrimination against women as they were punishable for their activities while men — the main users of sexual services — were not. She wished to know whether there were any estimates of the extent of prostitution in Montenegro and whether the growing tourism industry increased the demand for it. Information was needed on the number of women who had been punished for prostitution, the number of men for pimping, and the sentences that had been imposed.

74. The data provided by the State party was not sufficiently disaggregated by gender. She would like to know, for example, how many Roma boys had been victims of trafficking, and the number of offenders who had been involved in the trafficking of women for sexual exploitation. She would also appreciate hearing about the coordination mechanism for the national strategy to combat trafficking in persons, and the role of NGOs in carrying out the strategy.

75. **Ms. Jahan** said that, despite the commendable efforts to combat human trafficking in Montenegro, she remained concerned at the prevalence of trafficking in women. The large refugee population in Montenegro was vulnerable to trafficking, particularly women refugees. It had been reported that implementation of the relevant legislation was a problem in practice. None of the victims had ever received compensation and the traffickers were handed down extremely light sentences. Furthermore, no victims had been identified in 2011.

76. Since victim identification was the first step in eradicating the problem, she wished to know what steps had been taken to train the competent authorities to identify victims of trafficking, and the extent to which NGOs were involved in such training. Details of the bilateral and multilateral agreements on trafficking to which Montenegro was a party were required as well as information on progress achieved in implementing the Council of Europe Convention on Action against Trafficking in Human Beings. Further information was also needed on the extent of prostitution in the State party, the safeguards for women against forced prostitution and the prevention of child prostitution. Referring to the Code of Conduct for Protecting Children from Exploitation in Travel and Tourism, she asked whether a similar code was envisaged for women.

77. **Ms. Baković** (Montenegro) said that Montenegro attached great importance to combating human trafficking. The criminal legislative reform that had begun in 2002 with the abolition of the death penalty had provided definitions for new crimes, including trafficking in persons. The Criminal Code had been amended in 2009 and 2010 to cover

trafficking and violations of sexual freedom, in accordance with the relevant agreements of the United Nations, Council of Europe and European Union. Between 2007 and 2008, 10 persons had been indicted for human trafficking. Criminal proceedings against six of them were under way. One person had been sentenced to a 4-year term of imprisonment; while another three had been sentenced to 3 years' imprisonment.

78. Turning to the question concerning the Council of Europe treaty to combat trafficking, she said that the Criminal Code had been amended to bring it into line with that Convention and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The Code of Criminal Procedure provided for special treatment of victims of trafficking, especially in cases of sexual violations. Victims were entitled to testify in court separately from the prosecutor and alleged perpetrator, who were placed in another room to observe the testimony. Montenegro had signed a number of bilateral extradition agreements in recent years, which covered the offence of trafficking in persons. In 2008, a person had been extradited to Belgium. In 2009, a person had not been extradited to Italy because Italy had not submitted the request in due time. In 2010, a person had been extradited to Serbia for a sexual offence against children, and a Montenegrin national had been extradited from Serbia to Montenegro. Prostitution was a civil offence, while encouraging or organizing prostitution was a criminal one. A pending bill on public order covered the use of prostitution, which would come under civil rather than criminal law.

The meeting rose at 1.05 p.m.