



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the third periodic report of Montenegro\*

#### Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

1. Please provide the Committee with information on the following:

(a) Decisions in which judges have referred to the provisions of the Convention to decide court cases, including in family law, criminal law, civil law and labour law cases. Please indicate how the Convention was applied in those cases and the outcome thereof;

(b) Measures taken to ensure that representatives at the decision-making level in government are enrolled in training courses on women's rights and gender equality.

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

2. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate the measures implemented by the State party to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of the recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals, in order to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the recovery and resilience plan:

(a) Address and are aimed at effectively preventing gender-based violence against women and girls;

(b) Guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery and, in particular, the design and implementation of recovery programmes;

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\* Adopted by the pre-sessional working group on 7 July 2022.



(c) Are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic.

### **Women's access to justice**

3. Please provide data on the number of complaints in relation to discrimination on the grounds of sex filed with the Supreme Court and the Protector of Human Rights and Freedoms in the past five years, and on the associated prosecutions, the sentences imposed on the perpetrators and the reparations provided to victims, as well as data on consideration by the courts of cases of intersecting forms of discrimination. Please also provide information on the following:

(a) Access for women and girls to affordable or, if necessary, free legal aid, including data disaggregated by sex on the number of requests for legal aid received in the past five years, the number of requests granted, the areas of law concerned and the types of offences committed;

(b) Measures taken to facilitate effective access to justice, including to eradicate obstacles to accessibility and to raise awareness among women of their rights under the Convention and related national legislation and to enhance their knowledge thereof;

(c) Measures to combat public defamation of and hate speech against women, in particular by members of the judiciary.

### **National machinery for the advancement of women**

4. The Department for Gender Equality Affairs, within the Ministry for Human and Minority Rights, was created to coordinate gender equality policies and was responsible for equality between women and men and equal opportunities. It was subsequently transformed into the Directorate for Gender Equality and thus accorded a lower status than it had previously. Please provide:

(a) Information on the mandate of the Directorate for Gender Equality, its institutional authority and the human, technical and financial resources, including qualified staff, allocated to it. Please also provide information on its current action plan, including its key features;

(b) Updated information on the system of coordinators on gender-related issues in place in line ministries and other public institutions in order to achieve gender mainstreaming throughout policies and programmes;

(c) Data on the specific impact and outcome of the national action plan for gender equality for the period 2017–2021, in particular for the most disadvantaged groups of women. Please also clarify whether the State party intends to adopt a new national action plan for gender equality in Montenegro and, if so, the time frame envisaged for doing so.

### **Temporary special measures**

5. Please provide information on the measures taken to familiarize all relevant State officials and policymakers with the concept of temporary special measures to achieve de facto or substantive equality between women and men, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures.

## Stereotypes

6. Please provide information on the following:

(a) Strategies or measures adopted to eliminate patriarchal attitudes and stereotypes regarding the roles, responsibilities and expected behaviours of women and men in society and in the family and to disseminate a culture of gender equality;

(b) Studies carried out on the representation of women in the media and the types and recurrences of sexist stereotypes found therein;

(c) Research conducted into the impact of oversexualized representations of girls and women in the media and the possible connections between sexualization and pornography and the root causes of gender-based violence, in particular in relation to girls.

## Harmful practices

7. In view of the fact that Montenegro has one of the highest imbalances between births of boys and girls in Europe, with around 107 newborn boys for every 100 girls in 2020, and in the light of the Committee's previous concluding observations (CEDAW/C/MNE/CO/2, para. 19 (b)), please inform the Committee of the measures taken:

(a) To implement the prohibition on sex-selective abortions and establish services for women who are being pressured into undergoing sex-selective abortions;

(b) To assess the prevalence of sex-selective abortions and the demographic and socioeconomic implications of the practice in Montenegro;

(c) To eliminate all forms of discrimination against girls and address the root causes of the preference for sons over daughters.

8. In the light of the Committee's previous recommendations (CEDAW/C/MNE/CO/2, para. 21) and the information provided by the State party in its report (CEDAW/C/MNE/3, paras. 55–66),<sup>1</sup> please provide information on:

(a) The steps taken to amend the legislation to establish the minimum age for marriage at 18 years of age, without exception, and to criminalize all forms of marriage with a person under the age of 18;

(b) The measures taken to end the practice of child and/or forced marriage, in view of data from the multiple indicator cluster survey of 2018 in which it was indicated that more than one third of girls (32.5 per cent) and more than one sixth of boys (15.8 per cent) aged between 15 and 19 years and belonging to the Roma and Egyptian communities were married or in a union;

(c) The number of cases of child and/or forced marriage that have been identified and prosecuted in the past five years.

## Gender-based violence against women

9. Please provide the Committee with information on the following:

(a) The number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of gender-based violence against women, disaggregated by the age of the victim, the type of violence committed and the relationship between the victim and the perpetrator, in the past five years;

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the third periodic report of the State party (CEDAW/C/MNE/3).

(b) Prosecutions and convictions of perpetrators of femicide, disaggregated by the age of the victim, the relationship between the victim and the perpetrator and the type of sentence imposed, in the past five years;

(c) Measures taken to amend criminal law provisions to provide for measures of protection to ensure victim safety during criminal proceedings;

(d) Support given to non-governmental organizations (NGOs) providing specialized services to victims of gender-based violence against women to qualify as licensed service providers and steps taken to ensure that support services for victims of violence are provided by NGOs with expertise and experience in this field.

10. Please provide the Committee with information on the prevalence of domestic violence against women in the State party, including:

(a) Data on the number of cases of domestic violence against women prosecuted in the misdemeanour courts, the number of cases in which the confrontation procedure between the victim and the accused was used and the number of cases in which victims testified using gender- and victim-sensitive means, including communications technologies, such as videoconferencing or other similar systems, so as to avoid a confrontation;

(b) Information on measures to prohibit the use of mediation and reconciliation procedures in cases of domestic violence;

(c) Information on measures to prohibit the use of mediation and reconciliation procedures in divorce proceedings when there are circumstances that indicate the existence of domestic violence;

(d) Information on measures to ensure routine training on domestic violence and the provisions of the law on domestic violence prevention for all actors involved in cases of domestic violence, including police officers and prosecutors, as well as capacity-building for judges, in consultation with or led by NGOs supporting victims of domestic violence.

### **Trafficking and exploitation of prostitution**

11. Please provide data on the number of women and girls who have fallen victim to trafficking, as well as on the number of criminal proceedings initiated in that regard, their outcome and the sentences imposed. Please also provide updated information on the measures taken since 2017 to combat trafficking in women and girls, including information on the strategy to address trafficking in women and girls. Please indicate the time frame for the adoption of a new strategy to address trafficking in persons, its scope, content and key features and the body responsible for its implementation.

### **Participation in political and public life**

12. Under the Law on the Election of Councillors and Members of Parliament, a 30 per cent quota is established for women candidates on the electoral lists of political parties. Women account for 27.2 per cent of Members of Parliament and 33 per cent of government ministers and hold 27.7 per cent of elected seats in municipal councils. Please provide:

(a) Information on measures taken to ensure parity in the representation of women in elected and appointed political positions and the penalties imposed for non-compliance with this requirement;

(b) Data on acts of hate speech and hate crime against women in parliament or government and human rights defenders, including information on the investigation and prosecution of such cases and the measures taken to protect women;

(c) Data on the prevalence of online harassment, in particular through social media, against women and information on the State party's legal framework, policies and processes with regard to cyberharassment and measures taken to protect the rights of victims;

(d) Information on steps taken to ensure that a higher number of women serve on the National Roma Council and to ensure their adequate representation.

### **Nationality**

13. Please provide the Committee with information on the following:

(a) Measures taken to establish a fully functional procedure for registering the birth of children who are abandoned or whose parents do not possess identity documents;

(b) Measures taken to amend the statelessness determination procedure, including whether the new procedure will fully incorporate international standards concerning statelessness and when the amendments are envisaged to be adopted. Please also provide data, disaggregated by sex, on the number of persons who have been granted stateless status since 2017.

### **Education**

14. Please provide the Committee with the following:

(a) Information on strategies envisaged to encourage women and girls to choose non-traditional fields of education and career paths in the areas of science, technology, engineering, mathematics and information and communications technology;

(b) Details of how educational programmes on healthy lifestyles adequately address the principles of non-discrimination and substantive equality between women and men and the prevailing stereotypes against women;

(c) Data on the enrolment and dropout rates of Roma, refugee, asylum-seeking and migrant girls at the primary and secondary educational levels and on their enrolment in higher education;

(d) Steps taken to increase the number of girls with disabilities and girls belonging to disadvantaged and marginalized groups attending school, prevent them from dropping out and ensure that girls who are in a union stay in school.

### **Employment**

15. Please provide detailed information on measures taken to improve the rate of employment among women and, in particular:

(a) To close the gender pay gap, appraised at 16 per cent in 2016 (para. 149), and enforce the principle of equal pay for work of equal value, in line with the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100);

(b) To address occupational segregation in the labour market;

(c) To raise awareness among employers in the public and private sectors of the prohibition of discrimination against women in employment, to apply provisions of the Labour Law prohibiting discriminatory practices related to employment

(para. 141) and to establish mechanisms for conducting job evaluations in accordance with ILO standards, in both the public and private sectors;

(d) To encourage the use of flexible working arrangements by women and men to promote the equal sharing of family responsibilities;

(e) To introduce incentives to encourage fathers to take parental leave.

16. Please provide updated information, including statistics, on the unemployment rate among women, including women working on a part-time basis, women with disabilities, and Roma and Egyptian women (para. 152). Please inform the Committee about measures taken to tackle sexual harassment in the workplace and about the number of cases filed in the past five years. Please indicate whether the State party intends to ratify the ILO Violence and Harassment Convention, 2019 (No. 190).

### **Health**

17. With reference to the previous recommendations of the Committee (CEDAW/C/MNE/CO/2, para. 35), please provide the Committee with information on:

(a) The monitoring and improvement of practices in maternity wards following the assessment of the quality of hospital care for mothers and newborns conducted in 2016;

(b) Progress made in making modern forms of contraception available, free of charge, if necessary, to all women and girls and in raising awareness of how to prevent unwanted pregnancies and sexually transmitted diseases, such as HIV/AIDS, including among Roma and Egyptian women and girls;

(c) Progress made with respect to reducing the prevalence of early pregnancy;

(d) Measures taken to ensure that women with disabilities have equal access to sexual and reproductive health services;

(e) Measures taken by the State party to criminalize the practice of forced sterilization or sterilization without the free, prior and informed consent of the woman concerned.

### **Economic and social benefits**

18. Please provide the Committee with detailed information on the funds available for the payment of benefits to women who chose to opt for the benefits introduced by the amendments to the Law on Social and Child Protection, in 2015, which were subsequently declared unconstitutional and void (para. 158).

### **Rural women**

19. Please inform the Committee of the measures taken to implement its previous concluding observations (CEDAW/C/MNE/CO/2, para. 39), namely:

(a) To ensure that rural women engaged in unpaid work or in the informal sector have access to non-contributory social protection schemes;

(b) To introduce a system of mobile courts aimed at facilitating access to justice for women living in rural and remote areas;

(c) To adopt gender-responsive social protection floors to ensure that all rural women have access to essential health care, childcare facilities and income security, as well as to deploy mobile health units and enhance public transportation services in remote rural areas;

(d) To ensure the free, effective and informed participation of rural women in political and public life and at all levels of decision-making, including with regard to rural development.

#### **Disadvantaged groups of women**

20. Please provide comprehensive disaggregated statistical data on the situation of disadvantaged and marginalized groups of women, in particular older women, women with disabilities, Roma and Egyptian women, and lesbian, bisexual, transgender and intersex women. Please indicate the measures taken, including through legislation, policies and programmes, to address the needs of women belonging to disadvantaged and marginalized groups and to eliminate all forms of discrimination against them. Please provide detailed information on the types of support services provided to migrant and asylum-seeking women.

#### **Climate change and disaster risk reduction**

21. Please provide information on climate change policies and on measures taken to ensure that they take into account the differentiated and disproportionate impact of climate change on women in order to better integrate a gender perspective into relevant policies and programmes and to ensure the effective participation of women in decision-making processes on climate change adaptation, disaster risk reduction and land and environmental resource management at the local and national levels, in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

#### **Marriage and family relations**

22. Please provide information to the Committee on:

(a) The capacity-building programmes for judges on the requirement to take gender-based violence into account in child custody cases and to give priority to the prosecution of crimes over family reconciliation, provided in the past five years;

(b) The practice of hearing from experts on gender-based violence against women during child custody proceedings;

(c) The exchange of information between the competent misdemeanour courts and family courts on existing or past protection measures in family law cases.

23. In the light of the Committee's previous concluding observations ([CEDAW/C/MNE/CO/2](#), para. 51), please provide the Committee with the following information on the Alimony Fund (para. 203):

(a) The measures that have been taken to set up the Alimony Fund, including information on how it will operate and be managed, whether an innovative approach will be applied to ensure that non-payers comply with their alimony obligations or whether the Fund will rely on existing legal provisions;

(b) The planned size of the Fund and the data used to assess the amount required to cover alimony payments and the Fund's operational needs, indicating whether all alimony payments will be processed through the Fund or whether it will operate on the basis of individual complaints only.