



Convention on the Elimination of All Forms of Discrimination against Women

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Eighty-eighth session

Summary record of the 2063rd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 15 May 2024, at 10 a.m.

Chair: Ms. Peláez Narváez

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The meeting was called to order at 10.05 a.m.

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

Third periodic report of Montenegro (CEDAW/C/MNE/3; CEDAW/C/MNE/Q/3; CEDAW/C/MNE/RQ/3)

1. *At the invitation of the Chair, the delegation of Montenegro joined the meeting.*
2. **A representative of Montenegro**, introducing his country's third periodic report (CEDAW/C/MNE/3), said that the Government had been actively working to identify challenges and improve legislation, policies and practices in order to promote full respect of women's rights in society. In recent years, visible results had been achieved in combating violence against women, in the field of women's participation in political and public life and in ensuring access to education, health services and economic resources.
3. While challenges remained, the Government had pledged to work more actively towards achieving gender equality in Montenegrin society and was working with non-governmental organizations (NGOs) to achieve the objectives of the Convention and to improve the position of women in the country.
4. The National Strategy for Gender Equality 2021–2025 was the fourth document of its kind. Its main goal was to advance gender equality by improving the application of the existing legislative framework and by strengthening the capacities of institutional mechanisms responsible for applying anti-discrimination legislation. It also aimed to improve the coordination and supervision of implementation and the way in which progress was reported.
5. One of the key measures taken under the Strategy was the development of an instrument with precisely defined criteria for evaluating the degree of gender sensitivity of strategic documents before they were submitted to the Government for adoption, thus ensuring the inclusion of the gender perspective in all relevant policies and plans. The Strategy also sought to promote an inclusive society through initiatives in education, cultural life and the media aimed at combating stereotypes and prejudices against women and persons with different gender identities. It aimed to increase the participation of women and persons with different sexual and gender identities in economic and political life and the science and technology sectors.
6. The Government was committed to strengthening institutional capacities, improving the legislative framework and implementing measures to ensure equality and justice for all citizens, with a special emphasis on vulnerable groups. Since membership of the European Union had been set as one of the country's key political goals, Montenegro had been committed to achieving European Union standards in the field of gender equality and protection against discrimination on grounds of sex and gender. In order to remedy shortcomings in the existing Law on Prohibition of Discrimination, work was under way to adopt a new, overarching anti-discrimination piece of legislation under the title of the Law on Protection of Equality and Prohibition of Discrimination. Once in force, it would cover discrimination based on gender identity, sexual orientation and intersex characteristics and highlight the obligation to harmonize all other laws governing those areas, including the Law on Gender Equality.
7. The adoption of the Law on Same-Sex Life Partnerships represented a major step forward in human rights terms, as it made possible same-sex unions whose status, with certain exceptions, could be equated with marriage. A further piece of anti-discrimination legislation was being drafted that would legally recognize a person's gender identity based on self-determination, without the need for the person to undergo medical procedures and interventions.
8. The Criminal Code had been amended in 2023 to help guarantee the safety and integrity of all members of society and protect people against various forms of violence and harassment. Seventeen new criminal offences had been introduced, including the offence of forced marriage.

9. One of the key challenges faced by Montenegro was that of promoting women's economic participation and narrowing the gender wage gap. A report issued in 2023 and entitled "The Gender Pay Gap in Montenegro: A statistical update and policy implications" indicated that women earned 78.4 cents for every euro earned by men and that the gap was greater at the upper end of the wage scale and among workers who were older, highly educated workers, foreign workers and workers engaged in temporary work. The fact that women generally had higher professional qualifications than their male counterparts suggested that direct or indirect wage discrimination was at play.

10. The country also faced challenges in combating violence against women, especially in the domestic environment, where prevention, protection and support for victims needed to be improved. Victims of psychological violence reported violent incidents in fewer than 50 per cent of cases, which indicated a lack of trust in institutions. Victims of violence reportedly confided in their family and friends in only approximately 30 per cent of cases, which suggested that psychological and other types of violence remained taboo subjects.

11. The Law on Compensation of Former Users of Benefits Based on the Birth of Three or More Children had come into force in 2022 and reversed a previous abolition of the right to lifetime compensation for eligible mothers. Nearly 15,000 beneficiaries had been awarded the right to compensation under the legislation, though many had opted to receive the minimum pension instead.

12. In 2023, Montenegro scored 59.3 points on the Gender Equality Index, 4.3 points higher than in 2019. When viewed alongside the average gender equality figures of the European Union, which had scored 68.6 points, Montenegro compared most favourably in the field of health and least favourably in respect of financial resources.

13. Women accounted for just over a third of the total number of registered property owners in the country. Such low representation had a strong adverse effect on their creditworthiness.

14. Following an initiative by the Women's Political Network, the Law on the Financing of Political Entities and Election Campaigns had been amended. As a result, in 2024, political parties were entitled to €700,000 of State funding to finance the work of their women's organizations. The Government recognized gender-responsive budgeting as a key instrument in working towards gender equality. It sought to ensure that public resources supported equal participation, a fairer distribution of goods and a reduction of gender-based poverty, and it had provided training to relevant employees on the methodology to be applied.

15. Another challenge that was being addressed was the fight against all forms of discrimination against women, including those who faced intersectionality because they belonged to minority groups, came from rural communities or lived with a disability.

16. An operational team had been set up for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). It would analyse practices and cases and propose changes to public policies and institutional practices in the fight against violence. The Ministry of the Interior was also working on guidelines for the protection of minor victims of sexual violence and was strengthening the capacity of police officers to combat gender-based and family violence.

17. Through a multi-sectoral approach and cooperation with civil society, the academic community, international partners and other stakeholders, the Government was striving to raise awareness of the importance of issues relating to gender-based discrimination and violence.

Articles 1–6

18. **Ms. Mikko** said that she would like to know why no cases relating to gender-based discrimination had been heard in Montenegrin courts during the previous five years. In the Montenegro 2022 Report by the European Commission, the Commission had stated that the legislative framework on gender equality continued to have a limited impact due to insufficient political will to prioritize the issue in the Government's general accountability mechanisms. She would be interested to learn of any recent positive examples showing that such political will had increased. It would be interesting to know what plans the Government

had for the collection of gender-disaggregated statistics and whether there were any plans to share such data publicly. The Committee would like the delegation to provide up-to-date information on the political and financial support available to civil society organizations that ran specialized services for women and children, while respecting their autonomy and working principles. Did the State have any obligation to provide financial support to licensed NGOs? Lastly, she would be interested to know whether the Government was considering incorporating penalties into the Law on Gender Equality to punish failures to implement gender mainstreaming.

19. **A representative of Montenegro** said that international treaties took precedence over domestic legislation and that the Convention had been invoked by judges in only two recent court cases. Visibility of the Convention was promoted through training sessions held for judges and prosecutors at the Judicial Training Centre. In 2023, eight such sessions had been held, focusing on gender equality and the fight against domestic violence, and including the Convention as an integral part of the training process. There were also plans to open a special unit at the Centre to train private lawyers who provided legal aid free of charge to vulnerable categories of the population, including women and victims of domestic violence and human trafficking. A gender equality programme was available for consultation on the Centre's website.

20. **A representative of Montenegro** said that there were plans to amend the Law on Gender Equality to introduce sanctions for non-compliance with its provisions. The Directorate for Gender Equality of the Ministry of Justice, Human and Minority Rights was training its staff to improve understanding of the Law and to include the gender perspective and gender mainstreaming in all strategies and documents.

21. All Government institutions were instructed to adopt a gender-sensitive approach to drafting the Government's medium-term programme of work, including when formulating objectives and performance indicators. As a result, the programme contained the goal of improving measures to achieve gender quality; upholding respect for human rights, including the rights of minority groups and persons with disabilities; and eliminating all forms of discrimination. The programme also identified the Gender Equality Index as a performance indicator.

22. A Government analysis of the Law on Gender Equality had found its implementation to be lacking and had recommended that it should be amended. The Law would be duly amended once the necessary preliminary steps – including the adoption of a framework law on anti-discrimination – had been taken. Efforts had already been made to train public administration officers to implement the Law effectively. It was worth noting that that Law already provided penalties for the acts of discrimination that it covered. One such penalty referred explicitly to discrimination against pregnant women in the workplace. However, the application of those penalties could be improved. In fact, improving it was one of the goals set out in the National Strategy for Gender Equality 2021–2025.

23. **A representative of Montenegro** said that the Statistical Office of Montenegro gathered data disaggregated by sex, and that the Office, together with the Ministry for Human and Minority Rights, produced reports on the situation of men and women in the country using sex disaggregated data.

24. **A representative of Montenegro** said that all licensed NGOs received financial support from the State. There were numerous licensed NGOs running shelters across the country for women and children as well as for victims of violence, human trafficking and sexual exploitation. The Government had awarded €100,000 in 2022, €150,000 in 2023 and €290,000 in 2024 to such organizations. The Government had not yet provided any financial support specifically for counselling services, but it had issued a public call for tenders for such services and had earmarked €150,000 to be awarded to NGOs offering counselling for victims of violence who were lesbian, bisexual and transgender women and intersex persons, persons with disabilities or persons living in rural areas.

25. **A representative of Montenegro** said that the Human Resources Management Administration –the body responsible for human resources in public administration in Montenegro – was endeavouring, in cooperation with the United Nations Development Programme (UNDP), to mainstream gender equality across all aspects of its work. The

Administration had included gender equality and gender-sensitive language as topics in its training courses for civil servants. In 2023, it had organized five training sessions, which had been attended by 63 women and 12 men. In addition, it had launched a series of training courses on gender-responsive budgeting. The Administration provided training not just for civil servants, but also for trainers. In 2023, it had added a module dealing with gender-based hate speech, sexism and misogyny to its training programme for trainers. It had also added that same module to its training programmes for newly employed civil servants and managers.

26. **A representative of Montenegro** said that, since the recent appointment of the new State Prosecutor, the State Prosecution Office had taken important steps towards building the capacities of prosecutors to successfully apply the provisions of the Convention, including by organizing training sessions. In addition, the Office had issued a revised set of instructions on handling cases of domestic violence and hate speech and a revised protocol on communications between the State Prosecution Office and the Ministry of the Interior.

27. **A representative of Montenegro** said that, to support victims of domestic violence and human trafficking, the Ministry of Justice, Human and Minority Rights, the Council of Europe and a number of NGOs had jointly launched an awareness-raising campaign in October 2021 called “Tell the whole story”.

28. **A representative of Montenegro** said that, since 2011, more than €1.3 million had been allocated to NGOs to support projects aimed at combating all forms of discrimination, violence against women and girls, sexist speech and misogyny, and projects aimed at promoting political participation and leadership among women.

29. **Ms. Mikko** said that she had been glad to hear about the extensive gender equality training given to judges and civil servants and wondered whether that could be the explanation behind the absence of complaints to the Supreme Court about gender-based discrimination. She would nevertheless be grateful to hear more from the delegation about possible causes for that absence. Further, she would be curious to learn about the motives behind the ample training offered to all civil servants: was a new cohort of civil servants brought in with every change of Government?

30. **A representative of Montenegro** said that the number of cases that had arisen from complaints of gender-based discrimination had been small, but the reason was not clear. As a result, the case law on gender discrimination was limited. She wished to reiterate that, under national law, judges had not only the right but the obligation to receive training, both initial training at the start of their careers and continuous training throughout, as part of their professional development. It was through continuous training that judges might receive instruction on the provisions of the Convention. The Supreme Court would endeavour to ensure that judges received such training in order to increase the number of court decisions invoking the Convention and thus help to grow the national case law on gender-related issues. Additionally, lawyers – who could support victims wishing to file complaints of gender discrimination – had recently gained access to the same training as judges and would soon benefit from their own specialized training programme.

31. As part of its preparations for the State party’s dialogue with the Committee, the Supreme Court had requested information from courts around the country and had discovered that many courts did not keep records of cases where the provisions of the Convention had been invoked. As a result, the actual number of cases was likely much higher than reported. Improvements in the reporting system were required. It was worth noting that, in criminal cases of domestic violence, which was the most prevalent form of gender-based violence against women, judges often referred to other international instruments, such as the Istanbul Convention.

32. **Ms. Morsy** said that she would be grateful to learn more about the institutional capacity development programmes currently in place to enhance the Department for Gender Equality within the Ministry for Human and Minority Rights, which had regained its previous status following a downgrade. Information about the Department’s focal points in other ministries, and any other linkages between it and other ministries for the purpose of strategy coordination, would be welcome. In view of the official recommendations to amend the Law on Gender Equality, she wished to know about the current status of the law and about the role

that the Department for Gender Equality might play in amending it. She would also be grateful if the delegation would clarify why no seats had been allocated to officers focusing on gender at the Council overseeing the implementation of the Strategy for Public Administration Reform 2022–2026, despite the fact that gender was a cross-cutting issue within the Strategy. More information about the National Council for Gender Equality, including its mandate, the frequency of its meetings and its links with the Department for Gender Equality, would be gratefully received.

33. The mid-term evaluation report of the National Strategy for Gender Equality 2021–2025 had found that not more than 30 per cent of the planned measures had been successfully implemented. It had recommended that significantly larger budgetary funding should be allocated for the next phase of the Strategy and had identified a lack of qualified human resources in the Department for Gender Equality as a reason for the substandard implementation. She would therefore be interested to learn about the plans, including projected budgetary allocations, for programmes to build capacity in those areas. She would also be interested to hear about the frequency with which civil servants were replaced.

34. It was her understanding that gender-responsive budgeting was not a legal requirement in the State party and that many government institutions did not engage in that task; many lacked the relevant technical expertise to do so. The delegation might therefore provide more information about plans to introduce procedures for such budgeting and to enhance expertise among staff in that area. She would be grateful if the delegation would clarify whether gender-responsive data was used to inform policy, target interventions and track the impact of gender equality initiatives. Information on mechanisms in place to ensure the participation of women's organizations in the adoption and implementation of public policies and programmes would be gratefully received.

35. She would be interested to learn more about plans the Government might have to strengthen the Protector of Human Rights and Freedoms of Montenegro, or Office of the Ombudsman, so that it was able to effectively and independently discharge its mandate in full and in line with the principles relating to the status of national institutions for the promotion and protection of human rights. Was the Office's work coordinated with that of the Department for Gender Equality?

36. **Ms. Stott Despoja** said that she had noted that the Women's Political Network's initiative to increase the quota of women on election lists to 40 per cent in 2019 had not received the support necessary for implementation. She wondered whether the Government planned to revisit that initiative and to increase the quota. The Committee would be interested to learn about any temporary special measures put into place to achieve the goal under the Strategy for Minority Policy 2019–2023 to ensure representation and participation of minority groups in political life, and whether any such measures would be continued. Aware that the Government had collaborated with UNDP to deliver an accredited training programme in public administration, she said that she would be interested to learn more about the programme, including its results and the proportion of men and women who took part. In view of the increase in reports of hate speech, particularly against women, she wished to know about temporary special measures adopted to tackle such manifestations of violence, especially in the media. Lastly, she would be grateful to learn about any special measures that had been taken to implement the Ombudsman's recommendation to "present in an adequate manner special lines of programmes for women from rural areas", and also about any measures in place to promote the economic empowerment and political representation of those women. Data measuring the impact of such programmes and measures would be particularly useful.

37. **A representative of Montenegro** said that, following the formation of a new Government in October 2023, the institutional mechanism for improving gender equality in Montenegro had gained the status of an independent organizational unit in the form of the Department for Gender Equality of the Ministry for Human and Minority Rights. The Department reported directly to the Minister. In line with the recommendations of the mid-term report on the National Strategy for Gender Equality 2021–2025, the Department should have five full-time staff members, one of whom would be in charge of implementing the National Strategy. While all five positions had been created, some remained vacant. The National Council for Gender Equality was not currently operational, owing to the numerous

changes that had been made in the structure of Government since 2022. It was expected that, following a period of stability, all of the necessary conditions would be created to establish the National Council, which would be responsible for all issues pertaining to the improvement of gender equality.

38. **A representative of Montenegro** said that there had been some shortfalls in the implementation of the National Strategy for Gender Equality 2021–2025 but that some significant results had been achieved. The Ministry for Human and Minority Rights had conducted a number of initiatives to improve gender equality, for example by providing training to journalists, judges and civil servants on promoting dialogue and uniting against hate speech; by establishing a broad network of women leaders; and by addressing gender stereotypes in school textbooks and curricula. The initiative put forward by the Women's Political Network to increase the quota to 40 percent had been relaunched.

39. **A representative of Montenegro** said that a new training module on gender equality, which included gender-sensitive budgeting, had been drafted in 2023 and, following a call for trainers in the fields of gender equality and public relations, 16 trainers had attended three workshops.

40. **A representative of Montenegro** said that he was a representative of a national minority in Montenegro and was proud of the country's system for protecting minority rights, which included a dedicated fund that financed projects relating to national minorities and six State-funded councils representing different national and religious minorities.

41. **A representative of Montenegro** said that the Ministry of Human and Minority Rights used statistical data disaggregated by sex when formulating its strategies and monitoring their implementation. A new anti-discrimination law was being drawn up, and the Government was in the process of gathering opinions on the current draft from relevant institutions, including the European Commission. The Ministry also planned to hold consultations and establish a working group to study the steps it needed to take in order to make the Office of the Ombudsman fully compliant with the Paris Principles. Depending on the results of that analysis, the working group would either prepare new legislation or amend the existing provisions governing the Office.

42. **A representative of Montenegro** said that the Ministry of Finance had first started to implement gender-responsive budgeting in 2023. In recent years, the proportion of the overall State budget allocated to investment in gender-related activities had risen on annual basis, and it currently stood at 9 per cent. Based on the recommendations of the State Audit Institution, the Ministry had formulated a detailed action plan for the progressive implementation of gender-responsive budgeting, including deadlines for its incorporation into all mainstream budgeting processes. Capacity-building activities had been organized for officials at the Ministry and other civil servants tasked with budget management, and measures had been taken to improve the Government's digital systems to enable accurate monitoring of all spending on gender-related activities.

43. **Ms. Stott Despoja** said that she would like to know precisely what new action was being taken to ensure that quotas for gender representation in the legislature would be fulfilled. She wished to know what progress had been made towards implementing the Committee's previous recommendations on that subject and what specific measures the Government intended to take to accelerate that process.

44. **Ms. Mikko** said that she would like to know what action the Government planned to take to bring the Council for Gender Equality into operation. She would also welcome further information on the Women's Club in the national legislature and the working group tasked with preparing amendments to the electoral law, as well as on the nature of any interactions between the two bodies. Lastly, she would like to know when the reform of the electoral law was expected to come into force.

45. **The Chair** said that she would be interested to know to what extent women were represented in the six national councils for minority groups and whether any specific steps, such as quota measures, had been taken to guarantee the participation of women in their work. The delegation might also like to explain why those councils were already fully operational at a time when the Council for Gender Equality had yet to be formed.

46. **A representative of Montenegro** said that the process to revise the electoral law remained ongoing. It was hoped that new legislation would be adopted within the following year and that the quotas for the representation in the legislature of women and other minorities, such as the Roma community, would be increased. A number of political actors had pledged to support the proposed amendments, although it should be noted that a two-thirds parliamentary majority would be needed to approve the reforms.

47. The minority councils had been established by law. The legislation governing them did not provide for gender parity in their membership, but every effort was made to ensure that women participated in their activities. Work was under way to create a new council, for persons with disabilities.

48. **A representative of Montenegro** said that, although the legally established quota for women parliamentarians had not yet been fulfilled, a number of measures had been taken to ensure the full participation of women in parliamentary activities. The Women's Club, which was composed of all female parliamentarians and also included a number of male associate members, played an active role in promoting gender equality in decision-making. The parliamentary Gender Equality Committee had also been formed, and sessions of the Women's Parliament were held twice a year. Under the Law on Financing of Political Entities and Election Campaigns, €700,000 of State funds had been allocated to financing women's organizations within political parties in 2024.

49. **A representative of Montenegro** said that he wished to clarify that it was the responsibility of the Government to form the Council for Gender Equality. The establishment of that body had been identified as a priority by the Ministry of Human and Minority Rights, and it was hoped that its members would be appointed in the near future.

50. **Ms. Tisheva** said that she would like to know whether the Government would consider adopting a comprehensive strategy to address and eliminate gender stereotyping and prejudice and all traditional practices impeding the realization of women's rights, either through the creation of a new strategy or by expanding the gender stereotyping component of the Gender Equality Strategy. Given the recent attacks on women's rights by representatives of the church in Montenegro, she said that she would be interested to know what measures the Government planned to take to involve religious leaders in its efforts to combat gender stereotyping. It would also be useful to know what legal and policy measures were planned to strengthen the protection of women from hate speech and harassment and to ensure that they had access to justice under civil and criminal law, particularly in serious cases where there was a genuine fear for the safety of the woman and those around her. She would welcome further information on the safeguards and protection measures that had been put in place to protect women and women's rights defenders from being subjected to hate speech and harassment, for example online.

51. She wished to know what specific measures the Government planned to take to prevent harmful practices such as sex-selective abortion, forced sterilization and early and forced marriage. It would be interesting to hear whether the Government intended to carry out research to establish the root causes, characteristics and prevalence of those practices with a view to fine-tuning and strengthening the measures already in place. She also wondered whether the Government was considering establishing a dedicated facility to provide shelter and reintegration services for victims of arranged and child marriages. More generally, it would be useful to know what measures would be taken to strengthen State support for specialized gender-sensitive services provided by women's NGOs.

52. She would like to know whether the State party had established a high-level national coordinating body for efforts to reduce and eliminate violence against women and girls. If not, she wished to know whether the Government intended to create such a mechanism and what functions and resources would be assigned to it. It would be helpful to hear what steps had been taken to set up programmes to change the behaviour of perpetrators of gender-based violence and to improve the safety of victims. She wished to know how many such programmes were currently in operation around the country.

53. **Ms. Leinarte** said that the delegation might like to comment on reports indicating that the Ministry of the Interior had recently awarded a grant to a manager of an NGO who had previously been accused of committing violent acts against children at a shelter for trafficking

victims. She would also like to know whether any of the acts of illegal employment of foreigners identified by labour inspectors in 2023 were considered to be cases of labour exploitation. It would be interesting to find out whether a victim of trafficking had ever received redress under the Law on Compensation for Victims of Violence. Lastly, she would appreciate it if the delegation could confirm whether the act of pimping was criminalized under domestic legislation.

54. **A representative of Montenegro** said that the second operational objective of the Gender Equality Strategy was to improve the areas of education, culture and media to reduce the level of stereotypes and prejudices towards women and persons of different gender identities. Several research projects focusing on gender stereotyping and discriminatory communications in the media had been carried out prior to the adoption in October 2023 of the Media Strategy 2023–2027. The Strategy contained various measures aimed at promoting gender equality, including by encouraging the use of gender-sensitive language by public broadcasters. It also envisioned the adoption of a new set of media laws to combat online sexism, hate speech and harassment and to prohibit the spread of hatred and discrimination in the media.

55. **A representative of Montenegro** said that the Government was working in partnership with the European Union to strengthen procedural safeguards for all victims, including victims of gender-based violence. The aims of those efforts included enabling victims to use their own language and participate fully in proceedings, ensuring that all public institutions, courts and prosecutors communicated in a way that was understandable to victims and reducing secondary victimization. The Government was committed to developing a new strategy on the protection of the rights of victims. The new strategy was expected to be adopted by the end of 2025.

56. As a result of amendments to the Criminal Code adopted in December 2023, legislation on domestic violence had been strengthened and more serious sanctions had been introduced for genital mutilation and forced intercourse. Specific forms of sexual harassment and forced marriage had been criminalized, as had the non-consensual spreading of sexually explicit recordings.

57. **A representative of Montenegro** said that the Government was reviewing different options with a view to establishing a new coordinating body to oversee measures to prevent and combat violence against women and domestic violence, in compliance with its obligations under the Istanbul Convention. It had reached the conclusion that the body must be fully independent of both the Government and any of the national councils. To that end, it had requested the support of other States parties to the Istanbul Convention and had also received guidance from the Group of Experts on Action against Violence against Women and Domestic Violence. Its aim was to form a team of experts on the Istanbul Convention to coordinate the activities of all institutions involved in protecting women against domestic violence. In the meantime, the dedicated domestic violence department within the Ministry of Labour and Social Welfare was tasked with monitoring implementation of the Istanbul Convention.

58. **A representative of Montenegro** said that the issue of arranged marriages had been brought to the attention of the Government by NGOs. As a result, a new education and training programme had been put in place to raise awareness of such practices among public officials who might come into contact with victims. School staff, police officers and social workers all received training to allow them to identify victims and to report their cases to the relevant authorities. The specific offence of trafficking in persons for the purpose of early or forced marriage had been incorporated in the criminal legislation in 2013. Since 2020, 20 people had been identified as potential victims of trafficking for such purposes and, since 2021, two convictions had been obtained in court.

59. **A representative of Montenegro** said that the Operational Team for Combating Domestic Violence was an inter-institutional body that operated under the aegis of the Ministry of the Interior. It reviewed practices and analysed specific cases in order to identify weaknesses in the domestic violence prevention system and also to provide guidelines for action and strengthen coordination between relevant institutions. Since its establishment in

2018, the Team had been elevated to the status of a governmental body, which meant that it benefited from a stronger organizational structure and received greater support for its work.

60. **A representative of Montenegro** said that the Government was concerned about the imbalance between the number of newborn boys and girls, as it suggested that there had been cases of selective abortion and indicated a negative perception of women in Montenegrin society. Campaigns were therefore being organized to promote gender equality and the right of women to bodily autonomy. Prenatal genetic testing – except in cases where there were signs of genetic diseases – and abortions were prohibited from the tenth week of pregnancy, and public health institutions had been instructed not to allow prenatal testing to determine the gender of a baby. However, it was not possible to enforce the prohibition in the private sector.

61. **A representative of Montenegro** said that, while prostitution was not illegal, it was a criminal offence to force someone into such work or to advertise prostitution. The offence was punishable by a prison sentence of 3 months to 2 years. If the offence was committed by a group of people in an organized manner or against a minor, it was punishable by a prison sentence of up to 10 years.

62. **A representative of Montenegro** said that the more serious forms of intersectional discrimination were punishable by more stringent penalties.

63. **A representative of Montenegro** said that victims of human trafficking had the right to free legal aid and that legal aid training sessions had been organized for lawyers. Accredited programmes would be put in place following the introduction of a legal requirement for lawyers to be licensed to provide free legal aid. Steps were being taken to raise victims' awareness of their rights, including their right to compensation. The Law on Compensation for Victims of Violence, adopted in 2015, would come into effect when Montenegro became a member of the European Union.

64. Under current practice, it was considered that separate civil proceedings should be started for victims to claim compensation following a final criminal judgment. However, the Supreme Court had recommended that criminal judges should include the right of victims to compensation in their final rulings so as to avoid subjecting them to double victimization by requiring them to undergo a second trial.

65. **A representative of Montenegro** said that, while previously, charges had rarely if ever been brought for human trafficking, since 2019, 40 cases of human trafficking had been processed and six final judgments had been issued. Since the beginning of 2023 a few cases of trafficking for the purpose of sexual exploitation or pornography had been recorded or brought to court, including some involving the exploitation of 18 foreign female victims.

66. In September 2023, the State Prosecution Office had issued an order to investigate six people for the criminal offences of participation in organized crime and human trafficking committed against Turkish workers who had been hired in Montenegro. The State Prosecution Office had subsequently indicted the six suspects at the high court in Podgorica.

67. The Ministry of the Interior had not sent funding to the NGO whose manager had previously served as the director of a shelter for victims of trafficking. A commission was established each year to select the NGOs that would receive funding from the Ministry. The selected project proposals were then independently assessed and ranked. The Ministry did not have information on whether a potential conflict of interest existed within NGOs. It could not withhold funding on the basis that such a conflict existed. The Ministry planned to introduce a mandatory criminal record check of the founders, members and activists of NGOs who applied for funding. It had also proposed to introduce a legal obligation to check criminal records of NGOs as legal entities and of all their members.

68. The Ministry had requested that the Ministry of Labour and Social Welfare should amend the rule book governing licensing in the field of social work and childcare, so as to stipulate that managers, directors and executives should not have any pending criminal procedures or convictions against them.

69. **A representative of Montenegro** said that a government-run, licensed shelter for victims of human trafficking had become operational in March 2024. Meetings with local

governments in the north of Montenegro had been organized to discuss the opening of new shelters, and a memorandum of understanding had been signed to open shelters for children and older persons who were victims of human trafficking. The Ministry of Labour and Social Welfare planned to set up a shelter for victims of human trafficking and a shelter for victims of domestic violence in the south of Montenegro by the end of 2024. Earlier in 2024, the Ministry had initiated the process to open a shelter for victims of sexual exploitation.

70. **A representative of Montenegro** said that the Ministry of Human and Minority Rights had organized public consultations to discuss a proposal to adopt a law against hate speech. Unfortunately, no representative of any religious community had attended. The Ministry was currently collecting opinions from relevant institutions and hoped to present the bill to the legislature in the near future.

71. **A representative of Montenegro** said that the new Strategy for the Protection of Persons with Disabilities from Discrimination and the Promotion of Equality 2022–2027 paid particular attention to the vulnerability of women and girls with disabilities and the specific issues they faced in the domestic, social, political and professional spheres.

72. **Ms. Tisheva** said that she would be grateful for further details on how the Government intended to amend the criminal law so that it would contain a definition of sexual violence that would be based on the lack of consent. It would be interesting to find out how it would strengthen protection measures for both adults and minors, improve investigation and prosecution processes and ensure that penalties were proportionate to the harm caused in cases of sexual violence.

73. **A representative of Montenegro** said that, in December 2023, provisions had been adopted that established sexual harassment, revenge pornography and invalid marriage as criminal offences. Forcing a child to marry was considered a serious form of invalid marriage and was punishable by a prison sentence of 1 to 5 years. The criminal offence of the sale of children was punishable by a prison sentence of 1 to 10 years. Motivation to commit an offence on the basis of the victim's gender, language, origin, sexual orientation, gender identity or disability was considered an aggravating circumstance.

74. Significant improvements had been made to the treatment of children in criminal proceedings. Children were individually assessed to establish their personality, stage of development, abilities, social and family circumstances and vulnerabilities. Hearings involving children must be conducted by a judge or prosecutor of the same gender as the child and recorded, and special justification was required for a hearing to be repeated. A person of trust chosen by the child could attend the hearing. Hearings with children under the age of 14 were conducted by an expert in children's rights and without the presence of a judge, prosecutor or other parties. In cases of domestic violence, torture, abuse or trafficking, the child was automatically appointed an attorney with training in children's rights. The court considered the commission of a criminal offence against a person in a vulnerable category, such as a child, to constitute an aggravating circumstance.

75. **A representative of Montenegro** said that the Ministry of Labour and Social Welfare was conducting training sessions and awareness-raising campaigns to prevent domestic violence and challenge patriarchal attitudes.

76. **A representative of Montenegro** said that the Ministry of Human and Minority Rights had run a campaign to draw attention to the traditional roles of men and women and the division of domestic labour. Over 16 days of activism, discussions had been held on a wide range of issues, including the importance of preventing violence against women, the multiple forms of discrimination experienced by women with disabilities and the need to increase female political participation and leadership.

77. **A representative of Montenegro** said that the Supreme Court had found that for certain offences the courts had not been making full use of the legal options available and that penalties had been overly lenient. It was therefore taking steps to review the policy to ensure that penalties were harmonized and sufficiently stringent.

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78. **Ms. Stott Despoja** said that she would like to know the consequences imposed on political parties for non-compliance with the electoral quota for female candidates and whether there were any upcoming legislative or policy initiatives designed to advance gender equality in political participation and engagement. She wondered what specific pathways were in place for women in politics, particularly for women from diverse ethnic, religious and other backgrounds.

79. It would be of interest to the Committee to have further details on how the funding obtained by the Women's Political Network to support women in politics had been spent, and also on the influence of the Women's Parliament over general legislation and policy. She wished to hear about the measures taken in the legislature to demonstrate parity and ensure that women were supported in assuming decision-making roles at the highest level.

80. The Committee would welcome further information on the steps already taken to improve legislation and criminalize hate speech through the Promotion of Dialogue and Joint Action to Combat Hate Speech Project. Could the delegation provide gender-disaggregated data on reports of online harassment since its implementation?

81. It would be useful to know what measures were taken to promote women's progression in leadership positions, particularly on boards of directors and in public agencies and administrations and in management positions. She wondered whether data were available on the number of women participating in international diplomacy roles, what percentage of ambassadorial positions were held by women, and what measures had been taken to encourage the appointment of women in diplomatic positions.

82. **Ms. Manalo** said that she would be grateful for information on the legislation that gave women the right to change or retain their nationality and on the steps taken to prevent women from becoming stateless.

The meeting rose at 1 p.m.