



Montenegro
Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status

for the 43rd Session of the Working Group on the Universal Periodic Review
1-12 May 2023

Submitted 11 October 2022

Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

SOS Hotline for Women and Children Victims of Violence- Nikšić was founded in 1998 by a group of activists, who dream about a society in which equality and social justice are core values. SOS Hotline is recognized as one of the leading NGOs in Montenegro in the fight for women's rights. SOS Hotline seeks to be a powerful instrument for women in economic, social and political empowerment. SOS Hotline's vision is a world where all women and all children live in peace and dignity. Its mission is to help the positive development and application of capacity and potential of women and children in the family and society, through the promotion and protection of women's and children's rights in order to create a dedicated, responsible, and open community

EXECUTIVE SUMMARY

1. Despite some advances in policies and legislation, violence against women in Montenegro remains widespread and systemic. Domestic violence legislation falls short of protecting women in practice. Police and other authorities continue to use mediation in domestic violence cases. Shelters are not adequate and do not address the specific needs of women, especially victims of trafficking.
2. This stakeholder report provides information about women's rights in Montenegro, including forced marriage, trafficking, domestic violence, and sexual assault. This report provides recommendations to Montenegro to improve protections for victims of gender-based violence and for adequately punishing perpetrators.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

3. During Montenegro's last UPR in 2018, the State received 169 recommendations and supported 151 recommendations.¹ Among the 18 recommendations not immediately supported was one encouraging Montenegro to "prohibit child marriage and child labor, particularly in the minority communities."²
4. Montenegro has ratified eight international human rights conventions, including the UN Convention on Elimination of All Forms of Discrimination (CEDAW) and the Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). Article 9 of the Montenegrin Constitution states that "ratified and published international agreements and generally accepted rules of international law shall make an integral part of the internal legal order," setting the foundation for integrating internal standards into Montenegrin law.³

Equality & non-discrimination (Theme B31); Discrimination against women (F12)

Status of Implementation: Accepted, Partially Implemented

5. During the last UPR cycle, Montenegro supported 3 recommendations related to gender equality and non-discrimination, and 3 recommendations related to discrimination against women.⁴
6. Several articles of the Constitution relate to issues of gender equality. These include Article 8,⁵ prohibiting any direct or indirect discrimination, and Article 18 promoting gender equality policies.⁶
7. Montenegro's Gender Equality Index, a collaboration between various sectors, was calculated for the first time in 2019. This tool monitors the pace of change and effectiveness of legislation, comparing various aspects of gender equality with that of other states.⁷ Montenegro's score of 55 is significantly lower than the average of those countries of the European Union at 67.4, indicating room for improvement.⁸

Rights related to marriage & family (Theme D8)

Status of Implementation: Accepted, Partially Implemented

8. During the last UPR cycle, Montenegro accepted 1 recommendation related to marriage and the family. Argentina recommended Montenegro “continue its efforts to raise awareness about forced unions and child or forced marriages in the Roma, Ashkali and Egyptian communities.”⁹
9. There remains a lack of shelters for girls who are victims of forced marriage and other forms of violence. The victims of child and arranged marriage often face societal stigma, lack of prosecution, and a lack of reintegration programs. Many of the women and girls seeking assistance often encounter skepticism and denial of services due to their low-income socio-economic background.¹⁰ Various shelters exist, but none that consider the specific needs of child marriage victims.¹¹
10. The Center for Roma Initiatives has identified and prosecuted more than 101 cases of child illegal and arranged marriage in Montenegro since 2011.¹² Due to lack of evidence, more than 85 of the cases were dismissed.¹³ During 2019 and 2020, of the 15 cases identified, 6 victims in 2020 received the status of victims of human trafficking, 4 persons for arranged marriage, and 2 persons for begging.¹⁴ Given the absence of adequate support,¹⁴ girls are compelled to return to perpetrators, often resulting in a large number of extramarital unions and an increase in underage pregnancies.¹⁵

Prohibition of slavery, trafficking (Theme D27)

Status of Implementation: Accepted, Partially Implemented

11. During the last UPR cycle, Montenegro accepted 15 recommendations related to prohibition of slavery and trafficking. These include enhanced prosecutions of traffickers and expanded services for victim survivors, specifically those in minority communities.¹⁶
12. Victims of sex trafficking identified in Montenegro are mostly women and girls. Even though the government has taken up several standard measures to prevent trafficking, it has failed to meet minimum standards in several key areas. For instance, the shelters for the protection of victims of human trafficking lack staff and specific experience in assisting such victims. While a shelter for victims of trafficking exists, it accommodates both adults and children from different social contexts.¹⁷ The conviction rates in these cases are also generally lower than what is expected.¹⁸

Domestic violence (Theme D29)

Status of Implementation: Accepted, Partially Implemented

13. During the last UPR cycle, Montenegro accepted 5 recommendations related to domestic violence, including several encouraging increased victim services and shelters.¹⁹

14. The government has made some progress in the protection of women from violence. The Criminal Code of Montenegro was amended twice, criminalizing female genital mutilation, forced sterilization, and persecution.²⁰ The government amended Article 204 on rape to remove requirements of coercion, use of force, or threat of direct attack on life or body, to bring it in compliance with the Istanbul Convention.²¹ The new definition of rape is based on a lack of consent and punished by a prison term of one to eight years. A new Protocol on the Treatment, Prevention and Protection of Violence against Women and Domestic Violence entered into force in January 2019. This new protocol is binding on all signatories, unlike the previous protocol.²²
15. In practice, the provisions of the Criminal Code and the Law on Protection from Domestic Violence (LPDV) overlap, and it is necessary to distinguish misdemeanor from criminal responsibility in the case of domestic violence. Due to the overlap, there is often difficulty in determining whether an act should be prosecuted as a misdemeanor offense under the LPDV or as a criminal offense under the Criminal Code.²³
16. In 2019, the state announced proposed amendments to the LVPD and the Criminal Code, including the scope, relationships and family members that the PVD covers, increasing the duration of protection measures and evictions, and mandating police determination of the primary aggressor.²⁴ They have yet to be adopted.²⁵
17. Psychological, economic, and sexual violence are all absent from the Criminal Code. The Criminal Code broadly defines domestic violence, without specific mention of violence against women.²⁶ There remains an absence of protective measures that would ensure the victim's safety during criminal proceedings.²⁷
18. The LDV also contains a broad definition of domestic violence, but does not include current or former intimate partners and former in-laws in its scope.²⁸ The vagueness of the law has left a loophole leaving extramarital spouses and those not living in a joint household without protection.²⁹
19. The LPDV provides victims with specific remedies aimed at protecting their safety. Under the LPDV, a police officer may issue an on-the-spot eviction order, valid for a maximum of three days.³⁰ A victim, victim's representative, Centers for Social Welfare, police officer, or prosecutor may petition a misdemeanor court for any of five OFP remedies, and the misdemeanor judge may issue any of these *ex officio*.³¹ The petitioners may seek any of the following remedies: (1) removal from residence (eviction); (2) restraining order; (3) order prohibiting harassment and stalking; (4) mandatory drug or alcohol addiction treatment; and (5) mandatory psycho-social therapy.³² In addition, the misdemeanor court has the authority to impose fines and brief prison terms for domestic violence.³³
20. Problems with effective implementation of the law remain, including by the judiciary. Misdemeanor courts continue to utilize the harmful practice of confrontation in domestic violence cases. The Criminal Procedure Code provides for the use of confrontation between the accused person and a witness "if their statements regarding relevant facts do not correspond."³⁴ Under this procedure, "[t]he confronted persons shall be placed one towards the other and shall be requested to repeat to each other their statements regarding each disputable circumstance and to argue whether their statements are true."³⁵ According to a

2021 civil society shadow report, the victim and accused stand between one-half and two meters apart and look each other in the eye as they recount their testimony. As they testify, the judge relies on “their posture, whether they turn their eyes to the side, and their attitude” to draw a conclusion as to the parties’ veracity.³⁶ Misdemeanor judges typically use confrontation in domestic violence cases.³⁷ When asked whether the practice is common in domestic violence cases, a misdemeanor judge confirmed, “Absolutely.”³⁸ Another judge justified the use of confrontation to respect the “human rights of everyone.”³⁹ Confrontation, however, is contrary to best practice standards, retraumatizes the victim, and is unlikely to result in candid or accurate testimony.⁴⁰

21. Psychosocial treatment for the offender, a remedy available under the LPVD, is not always available nor does it always meet best practice standards. The LPVD states “[m]andatory psycho-social therapy may be issued to [the] abuser to eliminate the cause of violent behavior and reform [the] abuser; and to diminish or eliminate risk of reoffending.”⁴¹ The therapy may last no longer than six months, although the misdemeanor court may prolong the orders for up to two years if reasons for imposing it still exist.⁴² While stakeholders found there are a small number of psycho-social treatment programs available, these programs are limited and do not meet the best practice stands for effective treatment.⁴³ The programs currently in place lack protocols in prioritizing and protecting victims, there is no system-wide structure, systems actors lack training on appropriate treatment, and there is no protocol to monitor and report compliance with the treatments.⁴⁴
22. According to a 2018 survey, about one in five, or 19%, of women in Montenegro has experienced violence by a partner or non-partner after age 15.⁴⁵ A survey conducted by the Organization for Security and Co-operation in Europe (OSCE) on violence against women found that in 2018 26% of women in Montenegro reported physical or sexual violence by a current partner, and 32% reported physical or sexual violence by an ex-partner.⁴⁶ 12% of women reported economic violence and 35% reported controlling behavior amounting to psychological violence.⁴⁷
23. Further, very few domestic violence cases are prosecuted. According to a report by the European Women’s Lobby, between 2013 and 2017, 10%-14% of domestic violence cases were charged as criminal offenses.⁴⁸ When cases did reach the courts, 60% of sentences were “suspended sentences, admonitions, acquittals, and fines.”⁴⁹ Consequently, victim survivors rarely obtain remedy and rehabilitation.

Violence against women (Theme F13)

Status of Implementation: Accepted, Partially Implemented

24. During the last UPR cycle, Montenegro accepted 8 recommendations related to violence against women.⁵⁰

Violence against Women

25. Violence against women continues to be prevalent in Montenegro. Between October 2021 and June 2022, at least 5 women were reported to have been killed by their intimate

partner.⁵¹ According to a 2021 civil society shadow report, nearly one in five women report they have experienced physical and/ or sexual partner or non-partner violence after age 15.⁵² To combat the violence, civil society advocates have been actively calling since March 2022 to introduce a separate criminal offense in the Criminal Code for femicide.⁵³

Shelters

26. The number of shelters and beds falls short of the international standards of 1 shelter per 10,000 people, with a total of 29 beds of the 62 required.⁵⁴
27. Women’s NGOs face licensing requirement obstacles that limit the ability of organizations to provide their services, often incurring further financial burdens without governmental assistance.⁵⁵ Since 2018, NGOs must comply with the amended Law on Social and Child Protection by licensing their services through the Ministry of Labor and Social Welfare.⁵⁶ This requires the organizations to meet high standards in human resources, procedures, and infrastructure.⁵⁷ NGOs often hire professionals with specific personal licenses, which poses a significant expense for organizations.⁵⁸ There is no state obligation to provide any financial support. NGOs who continue to provide services without the proper licenses may face fines from the Department for Inspection Affairs for Social and Child Protection.⁵⁹ An NGO that offers several services is required to license each individual service. According to the NGO, “The law required SOS Niksic to license three services separately: National SOS Line for Victims of Domestic Violence, the SOS Shelter for Women and Children with Experience of Violence, and the psychological counseling services for women and children residing in the SOS Shelter.”⁶⁰
28. Additionally, the number of women referred to shelter services has decreased significantly.⁶¹ The Center for Social Work determines whether an individual is eligible for placement in shelters/ safe houses.⁶² Other obstacles include the Law on Social and Child Protection’s stipulation that NGOs cannot conduct an assessment in the field for which they specialize. This greatly impacts victims referred to shelter accommodations. In a 6-month period, the Center for Social Work refused to issue a decision in 4 out of 5 cases of women placed in the SOS shelter, without specific explanations and only brief reference to the law and regulations.⁶³ The subsequent appeals exhausted the resources and staff of SOS Hotline Nikšić. Other inconsistencies in the interpretation of the Law on Social and Child Protection often lead to greater restrictions on NGOs compared to those imposed on public institutions.⁶⁴ For instance, SOS Nikšić only received a 3-year temporary license despite meeting high international standards for its shelters. In contrast, a similar public institution that did not meet those standards nevertheless received a long-term license.⁶⁵ The inspections themselves last several days, diminishing organizational resources and staff.

Sexual Assault

29. State prosecutors rejected prosecution in 70% of 100 sexual assault cases. 2% of the perpetrators were punished and only one of them received a prison sentence.⁶⁶
30. The amendment of Article 204 on rape to remove requirements of coercion, use of force, or threat of direct attack on life or body is commendable.⁶⁷ Article 204 of the Criminal Code addresses rape, but Montenegro lacks a specific law regarding marital rape.⁶⁸ In April 2022, women's NGOs launched an initiative to amend the Criminal Code to include "revenge pornography."⁶⁹ The proposed statute would cover the misuse of someone else's sexually explicit video, photograph, portrait, audio recording, or writing.⁷⁰ The initiative was submitted for public discussion in July 2022.⁷¹
31. Montenegro has not yet established a Crisis Center or similar institution in which specialized support would be provided to survivors of rape or sexual violence, and therefore there is no data on the number of survivors of rape or sexual violence who were provided with specialized support, in relation to the total the number of reported cases of such violence, on an annual basis.⁷² There are no general or specialized protocols for dealing with rape survivors, nor are there specialized, free services for survivors of rape and other sexual crimes.⁷³ There is no free specialized psychological help to overcome the trauma of rape.⁷⁴ Medical examinations of survivors of sexual violence are performed in general hospitals and the Clinical Center of Montenegro, by regular staff.⁷⁵
32. The process of reporting sexual violence often involves re-victimization of the victim. The questions police and prosecutors ask women are described as unpleasant and judgmental; officials question the truthfulness of their statement and minimize their experiences, and; the procedures are long and exhausting.⁷⁶ Qualitative research that examined the experiences of 100 women and girls who survived sexual violence, and who turned to the Safe Women's House and SOS Hotline Nikšić for help and support, showed that in 70% of cases, state prosecutors rejected the criminal charges.⁷⁷ All women and girls who participated in the research reported they were not informed by the institutions about the further proceedings of their case.⁷⁸ No risk assessment nor individual work plans were made in any cases, or the women were not informed about them.⁷⁹ In summary, out of 100 women and girls who experienced sexual violence, 2% of the perpetrators were punished, and only one of them received a prison sentence.⁸⁰

Victim Compensation

33. The government has adopted the Law on compensation for damages to victims of criminal acts of violence with delayed application, according to which the victim of a criminal act of violence committed with intent has the right to compensation on three grounds: compensation for lost earnings, compensation for treatment and hospitalization expenses, and compensation for funeral expenses.⁸¹ If the death of the victim occurred as a consequence of the committed criminal act, the persons who supported the victim have the right to compensation.⁸² The fee will be paid from the budget. This law, however, will be applicable only when Montenegro accedes to the EU.⁸³

Practices of Mediation

34. Police and other authorities continue to use mediation in cases of domestic violence. Mediation is inappropriate in domestic violence cases, as it presumes that the parties have equal bargaining power and an equal voice in decision-making. Standard mediation assumes that both parties have equal power in the relationship, whereas in reality, the abuser holds tremendous power over the victim; this imbalance of power between the parties cannot be remedied despite the skills of the mediator. Amendments to the Family Law from 2016 exclude the application of the procedure of mediation in divorce disputes on the lawsuit of one of the spouses in cases when there are circumstances that indicate the existence of any form of domestic violence.⁸⁴ In 2020, however, the article was amended to provide the court will not refer parties to mediation in cases where, due to suspicion of domestic violence, mediation would not be expedient.⁸⁵ It is unclear what conditions are considered “expedient,” and the practice of mediation persists. Family law judges in Montenegro often refer parties to the Center for Mediation in direct opposition to the Istanbul Convention’s prohibition on use of mediation and reconciliation in cases of domestic violence.⁸⁶ While the Law on Mediation states this practice is voluntary, and the Family Law does not mandate mediation in situations of domestic violence,⁸⁷ stakeholders report that “judges always say it is obligatory.”⁸⁸ Indeed, the head of the Center for Mediation was recorded as stating “mediation is an obligatory part of the marital dispute.”⁸⁹ Another concern is that, in divorce proceedings, the Family Law provides that couples must participate in a reconciliation hearing as part of the mediation process, which in practice judges may extend to domestic violence cases.⁹⁰

II. SUGGESTED RECOMMENDATIONS FOR MONTENEGRO

35. Fully and effectively implement the 2019 Amendments to the Law on Protection from Domestic Violence by including current and former intimate partners, former in-laws, and extramarital spouses in the definition of domestic violence.
36. Amend the Criminal Code to:
- Include “revenge pornography,” as defined and proposed by civil society groups.
 - Include psychological, economic, and sexual violence as required by the Istanbul Convention.
 - Introduce a separate criminal offense for femicide.
 - Criminalize marital rape explicitly.
37. Propose legislation specifically criminalizing marital rape establishing adequate punishment for perpetrators and redress for victims.
38. Amend legislation to more clearly define what constitutes misdemeanor and criminal cases of domestic violence and undertake trainings to relevant systems actors on this difference

39. Provide enhanced financial support to organizations providing specialized services to victims, specifically for the licensing process required under the amendments to the Law on Social and Child Protection.
40. Ensure consistency and predictability in interpretation of the Law on Social and Child Protection between the Ministry of Labor and Social Welfare, the Department for Inspection Affairs for Social and Child Protection.
41. Propose legislation to erase legal obscurity around the legality of child marriage and raise the upper age limit for marriage to at least 18 years of age.
42. Establish a shelter specifically for victims of forced marriages that can adequately provide care for victims of child marriage.
43. End the practice of mediation in domestic violence cases.
44. Publish statistics, updated annually, on domestic violence cases, disaggregated by sex, ethnicity, sexual orientation and gender identity, age, and socio-economic status.
45. Enhance police training, in consultation with or led by NGOs that serve victims of violence, to better identify the primary aggressor in cases of domestic violence.
46. Conduct awareness-raising campaigns about the nature of domestic violence and the power dynamics associated with gender.
47. Establish separate shelters for adult and child victims of human trafficking.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Montenegro*, 18 April 2018, U.N. Doc. A/HRC/38/13.

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Montenegro*, 18 April 2018, U.N. Doc. A/HRC/38/13. ¶106.12.

³ Government of Montenegro Ministry of Justice, Human and Minority Rights, *Gender Equality Profile of Montenegro*, p. 13

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Montenegro*, 18 April 2018, U.N. Doc. A/HRC/38/13, ¶105.13 Enhance measures aimed at preventing discrimination, intensify efforts on fighting poverty and social isolation of vulnerable groups of the population, including women, children and national minorities (Uzbekistan) ¶105.99 Resource appropriately the implementation of the Action Plan for Achieving Gender Equality 2017–2021 and monitor its implementation (Australia) ¶105.100 Continue to implement equal opportunity policies aimed at promoting gender equality between men and women in all spheres, combating domestic violence and violence against women, and eliminating traditional gender stereotypes regarding women’s roles in society (Namibia) ¶105.101 Strengthen the bodies created to eliminate discrimination against women (Peru) ¶105.102 Continue to address the challenges in the area of equal opportunities between women and men, with a particular focus on the economic and political empowerment of women, as well as combating violence and stereotypes of traditional women’s roles (Romania) ¶105.106 Increase efforts to address specific issues, such as the lack of women participating in political life, wage inequality and the unequal distribution of responsibilities in the home (Uruguay)

⁵ MONTENEGRO [MNE] [Constitution] Art. 8

⁶ MONTENEGRO [MNE] [Constitution] Art. 18

⁷ United Nations Development Programme, *Gender Equality Index 2019: Montenegro*, available at <https://www.undp.org/montenegro/publications/gender-equality-index-2019>.

⁸ Communications from local Montenegrin NGOs to The Advocates, September 2022, (on file with authors)

⁹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Montenegro*, 18 April 2018, U.N. Doc. A/HRC/38/13. ¶105.81 Continue its efforts to raise awareness about forced unions and child or forced marriages in the Roma, Ashkali and Egyptian communities, in particular by guaranteeing the investigation and punishment of these practices (Argentina)

¹⁰ Communications from local Montenegrin NGOs to The Advocates, September 2022, (on file with authors), report

¹¹ Communications from local Montenegrin NGOs to The Advocates, September 2022, (on file with authors), report

¹² SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Niksic, Women's Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), p. 116.

¹³ SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Niksic, Women's Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), p. 116.

¹⁴ SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Niksic, Women's Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), p. 116.

¹⁵ SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Niksic, Women's Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), p. 66.

¹⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Montenegro*, 18 April 2018, U.N. Doc. A/HRC/38/13. ¶105.64 Implement vigorous policies to combat trafficking in persons, which also ensures the prosecution of perpetrators (Sierra Leone) ¶105.65 Ensure effective implementation of the Anti-Human Trafficking Strategy 2012–2018 and its Action Plan (Bulgaria) ¶105.66 Systematically strengthen legal and institutional mechanisms in order to more efficiently and effectively address human trafficking through Montenegro (United Kingdom of Great Britain and Northern Ireland) ¶105.67 Continue increasing actions to fight against human trafficking, especially of women and children, and strengthen measures to prevent and improve the detection of human trafficking cases (Bolivarian Republic of Venezuela) ¶105.68 Continue the efforts to combat human trafficking, especially of women and girls belonging to minorities, and take the necessary measures to ensure the protection and assistance of all victims of human trafficking (Algeria) ¶105.69 Take additional measures to combat human trafficking (Angola) ¶105.70 Enhance the practical measures to combat human trafficking, including the identification, prosecution and punishment of perpetrators and the provision of protection to the victims (Belarus) ¶105.71 Ensure that the perpetrators of trafficking in human beings are brought to justice (Russian Federation) ¶105.72 Adopt additional measures for the identification, adequate protection and rehabilitation of the victims of human trafficking (Russian Federation) ¶105.73 Take further measures to ensure rehabilitation and reintegration of the victims of human trafficking (Armenia); 105.74 Strengthen its public policy aimed at combating human trafficking, particularly of girls and women of Roma, Ashkali and Gypsy origin, at the regional level and in cooperation with neighbouring countries (Côte d'Ivoire) ¶105.75 Continue national efforts to combat human trafficking and child abuse (Egypt) ¶105.76 Vigorously pursue public policy programmes aimed at combating trafficking in persons, in particular of Roma, Ashkali and Egyptian girls and women (Ghana) ¶105.77 Implement its public policy against human trafficking, in particular of Roma, Ashkali and Egyptian girls and women, including at the regional level and in cooperation with neighbouring countries, by ensuring that all the victims of trafficking have

free and immediate access to reception centres, medical care, psychological counselling, legal assistance and specialized rehabilitation services, as well as temporary residence permits, regardless of their ability or willingness to cooperate with the judicial authorities (Honduras) ¶105.78 Enhance efforts to counter trafficking in human beings (Iraq) ¶105.79 Guarantee the implementation of policies aimed at combating trafficking in persons, in particular to protect Roma, Ashkali and Egyptian girls and women, who tend to be particularly vulnerable to being victims of this crime (Mexico)

¹⁷ SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Niksic, Women's Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), p116.

¹⁸ Source on file with authors.

¹⁹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Montenegro*, 18 April 2018, U.N. Doc. A/HRC/38/13. ¶104.7 Ensure adequate shelters are made available for victims of domestic violence (Malaysia) ¶105.114 Ensure that all alleged cases of domestic violence are thoroughly investigated, perpetrators brought to justice and victims adequately protected and compensated (Estonia) ¶105.116 Allocate adequate resources for the accommodation and care of victims of domestic violence. Break down the culture of impunity for domestic violence through public dialogue and advocacy (Canada) ¶105.117 Enhance support services for domestic violence victims (Ireland) ¶105.120 Ensure that victims of domestic violence are provided with comprehensive counselling and rehabilitation services, and that training is provided on a regular basis to sensitize all key personnel and authorities handling cases of domestic violence (Malaysia).

²⁰ CRIMINAL CODE arts. 151(a), 151(b), 168(a) (Montenegro). The crime of persecution is defined as when a person: 1) unauthorizedly monitors or takes other actions in order to physically approach that person; 2) endeavors to establish contact with that person contrary to his will directly, through a third party or by other means of communication; 3) misuses that person's personal data for the purpose of ordering goods or services; 4) threatens to attack the life, body or freedom of that person or his close person; 5) takes other similar actions against that person.

²¹ CRIMINAL PROCEDURE CODE art. 204 (Montenegro).

²² Communications from local Montenegrin NGOs to The Advocates, January 9, 2020, (on file with authors)

²³ SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Niksic, Women's Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), pg. 6.

²⁴ Communications from local Montenegrin NGOs to The Advocates, September 2022, (on file with authors).

²⁵ Communications from local Montenegrin NGOs to The Advocates, September 2022, (on file with authors).

²⁶ SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Niksic, Women's Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), pg. 6.

²⁷ Communications from local Montenegrin NGOs to The Advocates, September 2022, (on file with authors), report

²⁸ SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Nikšić, Women's Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), pg. 6.

²⁹ SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Nikšić, Women's Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), pg. 6.

³⁰ LDVP arts. 4(2), 26(2), 28(1) (Montenegro).

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- ³¹ LDVP art. 28 (Montenegro).
- ³² LDVP arts. 20-25 (Montenegro).
- ³³ LDVP art. 36 (Montenegro).
- ³⁴ CRIMINAL PROCEDURE CODE art. 102(1) (Montenegro)
- ³⁵ CRIMINAL PROCEDURE CODE art. 102(2) (Montenegro)
- ³⁶ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence-Nikšić, and Women's Rights Center, *Implementation of Montenegro's Domestic Violence Legislation* (Minneapolis, MN, July 2017), 55.
- ³⁷ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence-Nikšić, and Women's Rights Center, *Implementation of Montenegro's Domestic Violence Legislation* (Minneapolis, MN, July 2017), 55.
- ³⁸ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence-Nikšić, and Women's Rights Center, *Implementation of Montenegro's Domestic Violence Legislation* (Minneapolis, MN, July 2017), 56.
- ³⁹ Press Release, Women's Rights Center Za Zenska Prava, International Day of Combatting Violence Against Women (Nov. 25, 2019), <https://bit.ly/2TdK6pc>.
- ⁴⁰ Press Release, Women's Rights Center Za Zenska Prava, International Day of Combatting Violence Against Women (Nov. 25, 2019), <https://bit.ly/2TdK6pc>.
- ⁴¹ LDVP art. 25(1) (Montenegro)
- ⁴² LDVP art. 26(3) (Montenegro)
- ⁴³ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence-Nikšić, and Women's Rights Center, *Implementation of Montenegro's Domestic Violence Legislation* (Minneapolis, MN, July 2017), 66.
- ⁴⁴ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence-Nikšić, and Women's Rights Center, *Implementation of Montenegro's Domestic Violence Legislation* (Minneapolis, MN, July 2017), 67, 68.
- ⁴⁵ Pres Release, Women's Rights Center Za Zenska Prava, International Day of Combatting Violence Against Women (Nov. 25, 2019), <https://bit.ly.2TdK6pc>
- ⁴⁶ The Organization for Security and Co-operation in Europe, *OSCE-led Survey on Violence Against Women: Well-being and Safety of Women*. (Albania, OSCE: March 2019), 35. Available at <https://osce.org/secretariat/41327?download=true>.
- ⁴⁷ The Organization for Security and Co-operation in Europe, *OSCE-led Survey on Violence Against Women: Well-being and Safety of Women*. (Albania, OSCE: March 2019), 35. Available at <https://osce.org/secretariat/41327?download=true>.
- ⁴⁸ European Women's Lobby, *Mapping of Policies and Legislation on Violence Against Women and the Istanbul Convention in Montenegro* (European Union: November 2018), 10. Available at https://www.womenlobby.org/IMG/pdf.ewl-montenegro_report_web.pdf.
- ⁴⁹ European Women's Lobby, *Mapping of Policies and Legislation on Violence Against Women and the Istanbul Convention in Montenegro* (European Union: November 2018), 10. Available at https://www.womenlobby.org/IMG/pdf.ewl-montenegro_report_web.pdf.
- ⁵⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Montenegro*, 18 April 2018, U.N. Doc. A/HRC/38/13. ¶105.17 Fully implement adopted legal measures against discrimination and effectively address reported cases of violence against persons based on their sexual orientation and gender identity (Czechia) ¶105.19 Strengthen institutions to combat discrimination and violence based on sex, sexual orientation and gender identity (Mexico) ¶105.109 Continue efforts to address domestic and gender-based violence against women (Nepal) ¶105.110 Strengthen the strategy on the protection against domestic violence (Angola) ¶105.111 Continue taking measures to enhance the efficiency of its national institutional framework with a special focus on

overcoming challenges in empowering women and protecting women and children from all forms of violence (Bhutan) ¶105.112 Ensure that all acts of domestic and sexual violence against women and girls are promptly and effectively investigated and prosecuted (Slovenia) ¶105.115 Continue awareness-raising and education against gender-based violence (Albania); ¶105.115 Continue efforts to further promote women’s rights and support awareness-raising and education on gender-based violence (Georgia); ¶105.119 Strengthen efforts to prevent and combat all forms of discrimination and violence against women, and ensure that women victims of violence receive appropriate help, and that perpetrators are brought to justice (Italy).

⁵¹ Communications from local Montenegrin NGOs to The Advocates, September 2022, (on file with authors)

⁵² SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Nikšić, Women’s Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), p 41.

⁵³ Communications from local Montenegrin NGOs to The Advocates, September 2022, (on file with authors)

⁵⁴ Communications from local Montenegrin NGOs to The Advocates, September 2022, (on file with authors)

⁵⁵ Communications from local Montenegrin NGOs to The Advocates, September 2022, (on file with authors)

⁵⁶ Communications from local Montenegrin NGOs to The Advocates, September 2022, (on file with authors)

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⁸⁴ SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Nikšić, Women’s Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), 130.

⁸⁵ SOS telephone for women and children victims of violence Podgorica, SOS telephone for women and children victims of violence Nikšić, Women's Safe House, Center for Roma Initiatives, *NGO GREVIO Shadow Report: Monitoring the Implementation of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Domestic Violence) in Montenegro*, (Podgorica, July 2021), 130.

⁸⁶ Istanbul Convention, 2014, § 48.

⁸⁷ See FAMILY LAW, Art. 326 (Montenegro)

⁸⁸ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence-Nikšić, and Women's Rights Center, *Implementation of Montenegro's Domestic Violence Legislation* (Minneapolis, MN, July 2017), 107.

⁸⁹ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence-Nikšić, and Women's Rights Center, *Implementation of Montenegro's Domestic Violence Legislation* (Minneapolis, MN, July 2017), 107.

⁹⁰ FAMILY LAW, Art. 328 (Montenegro)