
**GENERAL AND SPECIALIST SUPPORT SERVICES FOR
VICTIMS OF VIOLENCE AGAINST WOMEN AND FAMILY
VIOLENCE IN MONTENEGRO**



WOMEN'S RIGHTS CENTER
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GENERAL AND SPECIALIST SUPPORT SERVICES FOR VICTIMS OF VIOLENCE AGAINST WOMEN AND FAMILY VIOLENCE IN MONTENEGRO

Report of the Women's Rights Center on the application of the Council of Europe Convention on preventing and combating violence against women and domestic violence, and support services for victims of violence against women and domestic violence in Montenegro.

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INTRODUCTION

The Convention of the Council of Europe on preventing and combating violence against women and domestic violence distinguishes general and specialized support services. General support services refer to help offered by public institutions such as social services, health services, employment services, which provide long-term assistance and are not exclusively intended for the benefit of victims, but the public as a whole.

In contrast, specialized support services are focused on providing support and assistance intended for the often immediate needs of victims of special forms of violence against women or domestic violence and are not available to the general public. These services may be run or funded by government institutions, and the vast majority of specialized services are offered by non-governmental organizations.

The obligation contained in Article 20, paragraph 1 of the Convention requires that public care services such as housing, employment, public education and training, public psychological and legal counseling, as well as financial support services, respond when necessary to the specific needs of victims of all forms of violence which covers the scope of this Convention. And while many victims can already be found as users of such services, their particularly difficult situation and trauma is not responded to or is not always sufficiently or systematically taken into account. State is therefore required to ensure that victims have access to such services, to ensure that they are supported and their needs are met with dignity, as well as to have adequate resources to meet their long-term needs. Furthermore, emphasis is placed on the importance of training staff members regarding the issue of various forms of violence, the specific needs of victims and how to respond to them in order to provide them with support.

In its report on the implementation of the Convention in Montenegro from 2018, GREVIO strongly encouraged the Montenegrin authorities to ensure adequate resources so that the Centers for Social Work can perform their duties effectively. Furthermore, it calls on the authorities to provide specific training for social workers on the gendered nature of violence against women, including domestic violence, and to appoint specialized social workers in the field.

Complementing the obligation contained in Article 20, provisions related to specialized support services require from the state to establish and/or ensure a sufficient number and geographical distribution of these services. The goal of specialized support is to ensure the complex task of empowering victims through the optimal support and assistance intended for their specific needs. Most of these services are provided with the help of women's organizations and with support services provided by, for example, local authorities with specialized and experienced staff with in-depth knowledge of gender-based violence.

It is important to ensure that these services are sufficiently spread across the country and accessible to all victims. Moreover, these services and their staff should be able to respond to the different types of violence covered by the scope of this Convention and to provide support to all categories of victims, including the more difficult to reach categories.

The types of support that such dedicated services should provide include: shelters and safe accommodation, emergency medical assistance, collection of forensic medical evidence in cases of rape and sexual assault, short and long-term psychological counseling, trauma care, legal counseling, legal representation and additional services, helplines for directing victims to the right type of service and specific services for child victims and/or witnesses.

Recalling the importance of professional support and counseling for women who have experienced any form of violence covered by the Istanbul Convention, GREVIO appeals to the Montenegrin authorities to accelerate work on a national plan to improve professional services for providing support to victims of violence against women, and to ensure that counseling and support exists throughout the country and in relation to all forms of violence covered by the Istanbul Convention.

This report provides information on general and specialized support services available to victims of violence in 2022.

C. GENERAL SUPPORT SERVICES (ARTICLE 20)

The following institutions provide general support services in Montenegro:

Health institutions:

18 primary health care centers, 7 general hospitals, 3 special hospitals, 1 clinical center, 2 health institutes, the Institute for Emergency Medical Services with 18 units and one regional station, spread across municipalities. All the above-mentioned institutions are under the jurisdiction of the state. In addition, there is one private institution that provides general and special services.

Although the Protocol on handling, preventing and protecting against violence against women and domestic violence¹ (2018) clearly defines the steps that should be taken by healthcare professionals in cases of violence, in practice women encounter many problems. The protocol mandates, among other things, the following: "In the case of the arrival of the victim for the needs of emergency medical assistance, according to the principle of priority, receive her IMMEDIATELY and allow her privacy during the examination in such a way that only the personnel necessary to provide medical assistance contact her (without allowing other personnel to enter)"

In practice, when turning for help, due to injuries caused by violence, women are not provided with privacy, but are expected to state the reason for turning to the health institution on the reception desk. These rooms are also waiting rooms, which puts the woman in a situation where she has to talk about violence in front of many people, which has a discouraging effect on her. Privacy is not fully ensured even during the examination itself. In institutions dealing with emergency health care, the space is usually organized in such a way that several people are examined in one room, which also implies the circulation of personnel who are not involved in a specific case.

¹ Protocol on handling, preventing and protecting against violence against women and domestic violence 2018.
<https://www.gov.me/dokumenta/b945931e-01be-417d-a6b5-215ecb635af3>

Also, contrary to the Protocol, women with experience of violence do not have priority during the examination, but are forced to wait in line for the examination, which often takes many hours.

Injuries are often not recorded with sufficient care, which has consequences for the subsequent procedure, regarding the qualification of the offense by the prosecution; as misdemeanor or criminal, or regarding the final court decision, i.e. the amount of the penalty or imposed security measures.

In October 2021, information reached the general public about the case that the rape victim, although referred by the order of the prosecutor's office, was not examined according to an urgent procedure, which could result in the loss of evidence. In connection with this case, the Medical Chamber justified the colleague's action by saying that there is a difference between an ordinary and a forensic examination and that according to the protocol of the Clinical Center of Montenegro, for the purposes of a forensic examination, a council of three gynecologists is needed, which were not available to the attending physician at that time. On the other hand, the President of the Association of Gynecologists of Montenegro stated that such a protocol does not exist, that the examination is no different from any other, and that it is the gynecologist's job to write an objective report based on the examination, which will later serve as a forensic medical report. He also stated that there are always three gynecologists on duty at the Clinical Center, so that should not have been a reason for delaying the examination².

Social welfare

According to the Law on Social and Child Protection in Montenegro³ (Article 60), victims of domestic violence belong to the priority target groups. Services in the field of social and child welfare are:

- 1) Support for the life of community;

- 2) Counseling-therapeutic and social-educational services;
 - 3) Housing services;
 - 4) Immediate intervention and
 - 5) Other services.
-

² <https://www.pobjeda.me/clanak/miketic-zrtva-nije-smjela-da-ceka-pregled>

³ Law on Social and Child Protection, (The official gazette MNE No. 27/2013, 1/2015, 42/2015, 47/2015, 56/2016, 66/2016, 1/2017, 31/2017 – Decision of the Constitutional Court of Montenegro, 42/2017 I 50/2017) <https://www.paragraf.me/propisicrnegore/zakon-o-socijalnoj-i-djecjoj-zastiti.html>

According to the same law, the Center for Social Work is a public institution and can be established only by the state (Article 113).

There are 13 centers for social work in Montenegro, which, together with their regional units, are represented in all 24 municipalities in Montenegro.

According to the Protocol on handling, preventing and protecting against violence against women and domestic violence, "case management in cases of protection against domestic violence and violence against women implies a coordinating role of centers for social work, among all relevant officials and professionals from other state systems".

Duty of the CSW professional worker (i.e. the case manager), among other things, is to "inform the victim about her rights and ways of exercising her rights (jurisdictions and actions of the centers for social work, the measures and actions that the centers will take in the future to protect the safety of the victim and other family members)".

Also, the CSW's obligation, in accordance with the Law on Protection from Domestic Violence⁴, is to determine the Support Plan and further coordinate the support process in cooperation with the victim and experts from other relevant institutions and organizations. According to the same law, social protection of the victim includes material and non-material assistance, accommodation and social work services, in accordance with the law regulating social and child protection.

Through our daily work with women, victims of gender-based violence, we notice that the Centers for Social Work do not take all the actions that laws and regulations require them to do. Cases of violence are approached passively, only at the advisory level, without sufficient investigation of the victim's needs and the involvement of other institutions.

⁴ Law on Protection from Domestic Violence, The official gazette MNE No. 46/10, 40 /2011-1:
<https://www.gov.me/dokumenta/072eb204-b885-43e2-8d30-3931bda88cef>

Our observations are also confirmed by the findings of the research "Satisfaction of women with experience of gender-based violence with the services of the center for social work and specialized non-governmental organizations"⁵, which the Women's Rights Center conducted during 2020.

The research included 66 respondents, beneficiaries of the services of 4 women's non-governmental organizations, who in the previous 12 months turned to the Center for Social Work for help. The results show that the victims are not sufficiently informed and involved in the support process. When asked whether, in their case, the CSW expert prepared the above-mentioned Service Plan, only 19.44% of respondents answered that they knew it was prepared. When asked whether the case manager or another professional worker from CSW examined the needs that she has as a victim of violence and whether they informed her about all the rights that the law allows her; 60.71% of them stated that they were examined by CSW of their needs, and 50% of them that they were informed about all rights. However, when they were questioned for each form of support individually (psychosocial support, the possibility of obtaining safe housing, the possibility of support to solve housing issues, the possibility of obtaining material support, the possibility of support in employment), we see that the percentage of being informed is below 30%. When it comes to support in relation to children, only 39% were informed about the possibility of obtaining a temporary arrangement for entrusting and seeing children, 14% about the possibility of psychosocial support for children, 13% were informed about the possibility of determining supervision measures (in 8 cases a measure of supervision was also determined, in 6 cases in relation to the father, in one case in relation to the mother and in one case in relation to both parents), 13.64% of respondents were informed about the possibility of restriction or deprivation of parental rights of the perpetrator of violence. In 4 cases, the Center for Social Work initiated the procedure for partial deprivation of parental rights. No proceedings have been initiated for the complete deprivation of parental rights.

One part of the questionnaire was related to the assessment of attitudes towards

women in CSW. When asked whether the professional workers showed that they understand her, that they trust her and that they support her, 36.11% of them

⁵ Satisfaction of women with experience of gender-based violence with the services of the center for social work and specialized non-governmental organizations, Women's Rights Center, 2018
<https://womensrightscenter.org/izvjestaj-o-zadovoljstvu-zena-sa-iskustvom-nasilja-u-porodici-uslugama-koje-pruzaju-centri-za-socijalni-rad-i-specijalizovane-nvo/>

answered affirmatively, 11.11% negatively, while the largest number of respondents - 52.78% - answered that they did and did not show understanding, trust and support.

When asked whether professional workers at the Center for Social Work supported the abuser or violent act with their comments and attitudes, 14.71% of them gave an affirmative answer, and the majority - 55.88% - denied.

Almost a third (29.41%) of respondents stated that professional workers partially supported the abuser or the violent act (Chart no. 52)

When asked if they got the impression that the experts of the Center for Social Work were blaming her, as a victim of violence, with their comments or attitudes, most respondents, 68.75%, answered in the negative, while 31.25% answered "yes and no". None of the users gave a fully affirmative answer.

When asked how she assesses the reaction of the Center for Social Work to her needs at the moment; as "very satisfactory", evaluated by only 11.11% of the respondents, as "satisfactory" - 27.78% of the respondents, as "somewhat satisfactory" - 19.44% of the respondents, as "Unsatisfactory" - 19.44% of the respondents and as " Very unsatisfactory" - 22.22% of the respondents.

From the above, it can be seen that the recommendations of the GREVIO body were not adopted, both in the matter of informing the victim and in the matter of protecting child victims/witnesses of domestic violence.

According to the Law on Social and Child Protection of Montenegro, activities in the field of social and child protection, or individual services can also be provided by organizations, entrepreneurs, companies and individuals, in accordance with the regulations (Article 119).

The conditions that the social service must meet in order to obtain a permit for the provision of the mentioned social protection services are established by regulations (...)

the detailed conditions for provision and use, norms and minimum standards of the service...). The shortcoming of these regulations is that they refer to all categories of users and do not recognize the specific needs of women with experience of gender-based violence. According to regulations, a certain number of licensed professionals is required for each type of service. However, obtaining a license does not require specific knowledge in the field of gender-based violence or work experience in this area, so it is questionable whether this way ensures quality and adequate services for women with experience of gender-based violence.

Given that the Law on Social and Child Protection and the by-laws governing licensing do not recognize specific support services for violence against women, the official register of licensed providers of social protection services⁶ does not provide information on existing support services for women who have suffered violence. Unless it is not apparent from the name of the service provider.

In 2019, the Institute for Social and Child Protection published the report "Mapping of Social and Child Protection Services in Montenegro"⁷. In addition to public institutions, the report also listed 79 social service providers, of which 22, among other service categories, provide some form of support for the survivors of violence. The report identifies 6 organizations that provide specialized support services.

The report cannot be considered completely reliable for a number of reasons. In addition to not recognizing the services provided by prominent NGOs⁸, there are reasons to believe that not all services listed in the report are actually provided. A possible reason may be that information about services was not collected through direct observation or visits, but was collected from data from the NGO register. The identified NGOs were then asked to fill in questionnaires, which were collected and analyzed by the Institute for Social Protection.

According to the data collected through the provision of direct support to victims, we conclude that the general support services that exist in Montenegro are generally not

Financial support

Financial support is also covered by the Law on Social and Child Protection. However, this law does not recognize victims of violence against women or single mothers as a special category of social protection beneficiaries who need financial support. Therefore, a very small number of women managed to realize the right to material allowances (continuous financial support), because it implies numerous criteria, which can only be met by people in an extremely unfavorable financial position. Therefore, the majority of women with experience of gender-based violence remain alone, without any significant support.

This law provides for one-time assistance, the amount of which is not specified, but "is determined by the center for social work, depending on the needs of the individual or family and the financial capabilities of the state." The amount of one-time assistance is not even defined by a secondary legal act, i.e., the Legal Code on closer conditions for the realization of basic material benefits from social and child protection⁹. The experience of our users has shown that this type of help is easier to get, but the amount is so low that it cannot cover even basic needs for a period of several days. For amounts that are considered higher, ranging from EUR 100 to EUR 200, the center for social work must obtain the approval of the competent ministry. This procedure takes a long time, so the basic purpose of this type of donation is lost.

The Law on Social and Child Protection stipulates that "the Municipality may, in accordance with its financial capabilities, provide material benefits from social protection, such as: one-time assistance; subsidies in the payment of utility services provided by public companies established by the municipality and other material benefits from social protection"¹⁰. The analysis of the participation of local self-governments in the financing of material benefits and services in the field of social and child protection, prepared by the Union of Municipalities of

Montenegro, for the year 2019, shows that in that year 24 municipalities set aside a significant sum of EUR 2,132,160.89 for social benefits, including: one-time assistance,

⁹ Legal Code on closer conditions for the realization of basic material benefits from social and child protection https://www.csrcg.me/images/Dokumenti/Pravilnici/Materijalna%20davanja_1/1.%20Pravilnik%20o%20bli%C5%B Eim%20uslovima%20za%20ostvarivanje%20osnovnih%20materijalnih%20davanja%20iz%20socijalne%20i%20dje% C4%8Dje%20za%C5%A1tite%2043_20.pdf

¹⁰ Law on Social and Child Protection, (The official gazette MNE No. 27/2013, 1/2015, 42/2015, 47/2015, 56/2016, 66/2016, 1/2017, 31/2017 – Decision of the Constitutional Court of Montenegro, 42/2017 I 50/2017) <https://www.paragraf.me/propisicrnegore/zakon-o-socijalnoj-i-djecjoj-zastiti.html>

subsidies for paying services, aid for newborns, aid for buying school supplies and others¹¹. However, the report does not specify how much money has been allocated to support victims of gender-based and family violence, given that they are not recognized as a special category even at the municipal level.

Employment

In its actions, the Employment Service also does not recognize women with experience of violence as a special, vulnerable category, unless they fall into the category of difficult to employ persons due to their age or some other characteristics, for which the Service organizes special programs. The National Employment Strategy 2021-2025¹², as well as the Employment Action Plan for 2022¹³, which was prepared by the Ministry of Economic Development and adopted by the Government of Montenegro in December 2021, also do not recognize victims of violence as a vulnerable group.

The employment action plan for the year 2022, within the framework of Operational objective 3 "Improving the position of the unemployed on the labor market through the efficiency of services for the labor market and active employment policy measures and strengthening social inclusion and reducing poverty" among others targets women. One of the measures is the continuation and expansion of the "Activation of Women" pilot project, which is planned to improve the employment of women who lost their jobs during the COVID-19 pandemic. However, this project is financed by foreign donations, so continuity is not guaranteed, and it is implemented in only 4 municipalities and includes a narrow target group of women who lost their jobs during the pandemic, have preschool children and are between 25 and 34 years of age. The exact number of women who will be covered by this measure has not been specified.

Within the scope of the same operational goal, a measure of acquiring business skills for women from rural areas is also foreseen. The other measures are related

to entrepreneurship.

¹¹ Analysis of the participation of local self-governments in the financing of material benefits and services in the field of social and child welfare, Union of Municipalities of Montenegro, 2019

<http://uom.me/2020/01/analiza-ucesca-lokalnih-samouprava-u-finansiranjumaterijalnih-davanja-i-usluga-iz-oblasti-socijalne-i-djecje-zastite/>

¹² The National Employment Strategy 2021-2025, Ministry of Economic Development of Montenegro, 2021

<https://www.gov.me/dokumenta/69ebe10f-f575-4d45-b642-378ce7c95601>

¹³ Employment action plan for the year 2022, Ministry of Economic Development of Montenegro, 2021

<https://www.gov.me/dokumenta/69ebe10f-f575-4d45-b642-378ce7c95601>

From the above, it is clear that the state of Montenegro has not foreseen measures related to the empowerment and economic independence of women victims of violence even for the next three years, even though this was foreseen by the Istanbul Convention.

This issue is partly covered by the Law on Social and Child Protection, which prescribes mandatory cooperation between the Employment Institute of Montenegro and the Center for Social Work. This cooperation refers to the activation of able-bodied beneficiaries of material security and is regulated in more detail by a bylaw. As previously stated, the right to financial security is acquired based on the family's financial situation and does not take into account whether someone is a victim of violence or a single parent. Therefore, a very small percentage of women with the experience of violence will find employment in this way.

Social Housing

The right of women to adequate housing is covered by a number of international standards, which Montenegro has ratified and thereby committed to their implementation. When it comes to the national legal framework, the most important is the Law on Social Housing¹⁴, which came into force in July 2013. It defines social housing as "housing of an appropriate standard that is provided to individuals or households that, for social, economic and other reasons, cannot solve the housing issue". In accordance with Article 3 of the Law on Social Housing, it is defined that the right to social housing can be exercised by persons who do not have an apartment or other housing facility, or persons whose housing facility is not of an appropriate standard and who cannot provide a housing facility from their income.

In Article 4 of this law, victims of domestic violence are recognized as a target group that, among others, has priority in realizing the right to social housing. However, Article 8 sets out the criteria for exercising the right to social housing:

¹⁴ *Law on Social Housing* (The official gazette MNE No. 35/13)

<https://www.paragraf.me/propisi-crnegore/zakon-o-socijalnom-stanovanju.html>

existing housing situation, level of income and property status, length of residence or residence in continuity in the place of solving the housing need, number of family members, disability, health condition, and age. More detailed criteria, in accordance with the social housing program, are determined by the regulation of the Government, that is, the local municipality administration, in accordance with the local program. The regulation prepared by the local administration, in accordance with the local program, is adopted with the prior approval of the state administration authority responsible for social welfare affairs.

From the data published by the Ministry of Tourism and Sustainable Development in August 2017, as part of the Proposal for the Social Housing Program for the period 2017-2020, it is concluded that local governments, when assigning social housing for use, are guided by the criteria specified in Article 8 and not the priorities determined by Article 4 of the Law on Social Housing. Thus, in the table showing the state of the housing stock by municipalities (as of 2016), analyzed by the number of housing units and by types of accommodation (collective, individual housing units, prefabricated buildings), which were allocated in the largest number to priority target groups according to the Law on social housing, we can see that, out of a total of 1,965 housing units (all of Montenegro), victims of domestic violence have not been allocated a single one. At least not on this basis.

A woman who needs this type of support after leaving violence can hardly prove that she meets the other criteria, at least in the first period after leaving, when she needs adequate housing the most.

According to the Law on Domestic Violence Protection, the protection of domestic violence victims stipulated by this Law shall also include a social care, which comprises material and non-material assistance, accommodation and social work services, in accordance with the law governing social and child care. However, the right to accommodation was not stipulated in the scope of the social care rights, which were defined by the Law on Social and Child Care.

¹⁵ Proposal of the Social Accommodation Programme for the period 2017-2020, the Ministry of Sustainable Development and Tourism, 2017 - <https://wapi.gov.me/download-preview/a9fa570e-3b22-4ea9-b7cf-460bbe73752f?version=1.0>

The practice of the Women's Rights Center shows that many women, who have experienced violence and those who take care of their children by themselves, thus belonging to vulnerable categories, have found themselves, during COVID-19 pandemic, in the situation of a financial insecurity, due to a job loss, unemployment, irregular alimony, the consequences of violence, etc. Many of those women have faced the impossibility of the payment for the rent for the residential premises where they live with their children, as well as the impossibility to pay for the utilities and other living expenses and, hence, together with their children, they have been exposed to forced dislodgements and the risk of homelessness. Therefore, the Women's Rights Center, in the document, *Social Accommodation – Support to Rehabilitation and Reintegration of Women Who Experienced Domestic Violence*¹⁶, proposes that the state secure the funds for the transitional assistance in the provision of accommodation for women who are domestic violence victims, through the transitional social accommodation programme. The Transitional accommodation programme shall be provided for the period of up to twenty-four (24) months, but also longer if the necessity arises, to victims who need the transitional accommodation due to domestic violence. The eligible beneficiaries of the fund may be the local government units and other organizations with the documented history of the efficient work against domestic violence and violence against women.

Free Legal Aid

According to the Law on Free Legal Aid, women who have experienced a gender-based violence may realize the right to a free legal aid in the capacity of domestic violence victims, victims of human trafficking, based on the poor financial situation or in the case when they are the beneficiaries of the material (financial) assistance. The free legal aid offices were established in all Basic courts in Montenegro. However, the research¹⁷ that was conducted in the year of 2019, has shown that women who have experienced violence, use this right to a lesser extent compared to the other categories of the beneficiaries. NGOs dealing with the women's rights have noticed that women often do not receive adequate free legal aid, given that the available jurists frequently do not have a specific knowledge and sensitivity for gender-based violence. Our female beneficiaries lodge frequent complaints that a lawyer, assigned in accordance with the Law on Free Legal Aid, did not show understanding or was not available to them to a sufficient extent.

¹⁶ *Social accommodation – support to rehabilitation and reintegration of women who experienced domestic violence,*

Women's Rights Center, 2021

<https://womensrightscenter.org/socialno-stanovanje-podrska-rehabilitaciji-zena-sa-iskustvom-porodicnog-nasilja/>

¹⁷ Reserach of the free legal aid system in Montenegro – creating an effective and sustainable system of the free legal aid provision, 2019

<https://gamn.org/wp-content/uploads/2019/09/GA-Istra%C5%BEivanje-sistema-besplatnepravne-pomo%C4%87i-u-Crnoj-Gori-2012-2019-3.pdf>

Apart from the aforementioned, each new procedure requires the appointment of a new lawyer and, hence, a victim must acquaint lawyers with her case several times, which is an additional victimization for her and it often disables the appropriate legal protection and access to justice.

The Law does not acknowledge the legal services that are provided by specialized non-governmental organizations, which provide strategic representation and, thus, NGOs are constrained to finance the mentioned services using foreign donations.

Support services to victims / witnesses

The Supreme Court invests efforts in the establishment of the Service for the support to victims / witnesses in all Basic and High courts in the country. Such services are intended for the provision of assistance to all victims / witnesses, regardless of their gender. Their role is all-encompassing: informing a victim / witness about the work of the court, criminal and misdemeanour proceedings, the place of sitting in the court hall, the rights and obligations of the injured party / witness, protection measures and other issues related to their appearance and hearing before the court; the provision of a psychological support and accompaniment in the course of a testimony; providing conditions for the safe testimony, i.e. the protection from a physical attack or insulting before and after the trial in the court premises; cooperation with the police, social work centers, courts and non-governmental organizations for the purpose of providing a comprehensive support; cooperation with the prisons and department for conditional release, as well as providing information on the finalization of the prison sentence of a perpetrator of violence or human trafficking.

However, the mentioned services have not yet been applied in practice and not a single case of the provision of the support to victims / witnesses has been recorded.

The "Women's Rights Center" signed the Memorandum on Cooperation with the Supreme Court of Montenegro and participated in the preparation of the information materials for the abovementioned services and, in three (3) instances, provided the basic training for their representatives. However, frequent staff changes in the courts, including in the mentioned services, make their establishment difficult. The last training was organized in 2021, in the scope of the project of the European Union and the Council of Europe „Strengthening the procedural rights in the judicial system in Montenegro“, which aims at reinforcing the capacities of the Services for the support to victims in Montenegro, in

cooperation with the Supreme Court of Montenegro and NGO Women's Rights Center.

In the scope of the same project, the Council of Europe, in cooperation with the Supreme Court and civil society organizations, created the Protocol for the work of the Services, which provides the clear instructions for the employees in the process of the provision of support and protection to victims during the judicial proceedings.

With the aim of raising awareness of the public about the existence of the mentioned services and the support that is available to the victims, the Council of Europe, in cooperation with the Ministry of Justice, Human and Minority Rights, the Supreme Court of Montenegro, the Association of Judges of Montenegro, Women's Rights Center and SOS telephone for women and children victims of violence Podgorica, realizes the campaign „Tell the story to its end“ targeted at women who are victims of violence.¹⁸

Recommendations:

- **It is necessary to improve a medical protection of the victims of violence, in terms of urgency, privacy and due care on the occasion of treating and registering injuries.**
- **To ensure professional and trained staff for sexual violence victims.**
- **To improve the operation of the social work centers, in accordance with the obligations stipulated by the national (domestic) legislation, as well as international documents.**
- **To improve the regulations which are related to licensing of the services, so that women who have experienced violence may be guaranteed a specialist support by experienced female experts who have sensibility.**
- **To adjust the laws and regulations which are related to the financial support, employment, housing, so that women who are victims of violence and their children may be ensured with the faster and higher quality reintegration.**

D. SPECIALIST SUPPORT SERVICES (ARTICLE 22)

¹⁸ <https://besplatnapravnapomoc.me/>

As it has already been stated, the Montenegrin legislative framework does not recognize the specialist services for the victims of gender-based violence and, hence, the official sources do not provide reliable information about the available services. For the purposes of this report, we have identified the services (centers) that provide specialist services in accordance with the standards of Istanbul Convention, with whose operation we are acquainted. Their work has been recognized as competent by the female beneficiaries themselves, as well as by the institutions that are within the protection system. We have divided them as per the municipalities in which they are registered:

BIJELO POLJE

NGO SOS telephone for women and children victims of violence Bijelo Polje provides advisory services to the children and young victims of abuse, neglect, domestic violence and exploitation, to adult and aged victims of neglect, abuse, exploitation and domestic violence, as well as to single parents without a family support.

NIKŠIĆ

SOS telephone for women and children victims of violence Nikšić provides daily care, counselling, SOS telephone 24/7 and shelter for the victims of gender-based violence.

Center for Roma Initiatives provides support to women and girls from the Roma and Egyptian community, having had the experience of gender-based violence, forced and arranged marriages, as follows: advisory services, free legal aid, accompaniment by a confidential person, mediation with the institutions, the services of translation from Albanian to Montenegrin language and from Montenegrin to Albanian language. They are currently collecting resources for launching of a specialized shelter for the victims of a child arranged marriage.

PLAV

NGO SOS telephone for women and children victims of violence provides the following services: a personal assistance, counselling, therapy, SOS telephone, mediation with the institutions, shelter.

PODGORICA

NGO Women's Rights Center provides the following services: psychological counselling, psycho-therapy, legal aid and legal representation, accompaniment by a confidential person, mediation in contacts with the institutions;

NGO Montenegrin Women's Lobby provides the services of SOS telephone for victims of sexual violence 24/7;

NGO Women's Safe House provides counselling services, SOS telephone 24/7, shelter, legal aid, mediation in contacts with the institutions, psychological assistance, accompaniment by a confidential person;

NGO SOS Podgorica (SOS telephone for women and children victims of violence - Podgorica) provides counselling, SOS telephone, mediation in contacts with the institutions. They are currently undergoing the procedure of licensing of a crisis center for women who are victims of gender-based violence, which will provide, apart from the mentioned services, the transitional accommodation services, as well.

It is obvious that the specialist services for the support to women who are victims of gender-based violence, are available to women only in five (5) out of twenty-four (24) municipalities, and they are provided by the non-governmental organizations, which are mainly financed by foreign donors. The emergency (crisis) accommodation for women and children who have experienced domestic violence that had been announced, on the occasion of the previous GREVIO report, by the Ministry of Labour and Social Care¹⁹ at that time, for several Montenegrin municipalities, was not realized.

There is no crisis center for women who are victims of sexual violence in Montenegro. Also, there is no specialized shelter for women victims of human trafficking and sexual exploitation.

It is important to note that, in the previous couple of years, the state of Montenegro and, especially, the former Ministry of Labour and Social Care, insisted on licensing the services so that they would enter the social and child care system. However, although the majority of the women's organizations entered the social care system, such a system does not guarantee the announced financial

sustainability to them. In 2020, the Ministry of Labour and Social Care engaged experts for the calculation of the prices of the services of the social and child care in Montenegro. However, the mentioned prices have not yet been defined. Shelters / room and board facilities, receive two hundred and fifty (250) euros per a female beneficiary, on a monthly level, which is not sufficient to cover, beside the basic needs of

¹⁹ The present Ministry of Finance and Social Care

the female beneficiaries, all the expenses stipulated by the criteria for obtaining the licence. In this manner, the specialized shelters / room and board facilities are brought into an unequal position in relation to the shelter, which is maintained by the Public institution Center for the support to children and family in Bijelo Polje, which is completely financed from the state budget and, thus, its sustainability does not depend on the number of (female) beneficiaries.

The services which are licensed for counselling and sos telephone services do not receive this kind of support from the competent Ministry, apart from the National sos line maintained by SOS telephone for women and children victims of violence Nikšić.

The Law on Social and Child Care stipulates that the resources for the social and child care may be secured from the municipal budgets for the services, such as: aid at home, daily care, public kitchen, children's leisure and recreation, housing with support, accommodation in a private unit / shelter, housing for socially vulnerable persons, etc. However, from the Analysis of the participation of the local self-governments in financing material contributions and services in the area of the social and child care²⁰, which was prepared by the Association of Municipalities of Montenegro in 2020, it may be concluded that, from the total budgets for the social protection of all Montenegrin municipalities, only 0,24% was allocated for the shelter expenses, while 37% of their financial resources was spent for the services of day care and 27% for the expenses of the public institutions for the social care. The Capital city of Podgorica is the only one that allocated the resources for the shelter in the amount of 10 000 euros or 0,52% of the total budget allocated for the social care. Having in mind that the Law does not acknowledge the specialized services for the victims of gender-based violence, the municipalities do not provide the information on the resources allocated for such services in their reports.

Recommendations:

- **It is necessary that the state of Montenegro provide the quality conditions for recovery to women who have experienced violence, through the partnership with the specialist services and their stable financing.**

²⁰ Analysis of the participation of local self-governments in financing of material contributions and services in the area of social and child care, the Association of Municipalities of Montenegro, 2020
<http://uom.me/2020/01/analiza-ucesca-lokalnih-samouprava-u-finansiranju-materijalnih-davanja-i-usluga-iz-oblasti-socijalne-i-djecje-zastite/>

- **It is necessary that the state provide equally geographically distributed specialist support services, so that all women in Montenegro would have equal access to them.**
- **It is necessary to provide a crisis center for women victims of sexual violence.**

E. SAFE HOUSES (ARTICLE 23)

There are two shelters for women who have experienced domestic violence in Montenegro. Both mentioned shelters are located in the area of the central region of Montenegro, one is located in Podgorica and another one in Nikšić. According to the latest report (2021) WAVE (Women Against Violence Europe) network, *WAVE Country report 2021, Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*²¹, the existing two shelters in Montenegro, have the total accommodation capacities for thirty-nine (39) women. Having in mind that the needs in Montenegro, in relation to the number of inhabitants, would be satisfied with sixty-two (62) places, twenty-three (23) places are lacking, i.e. 37%.

Both shelters are maintained by women's non-governmental organizations and they are licensed by the Ministry of Finance and Social Care, in accordance with the Rulebook on more precise conditions for the provision and utilization, normatives and minimum standards of the accommodation service in the shelter – room and boarding facility ("Official Gazette of Montenegro", number 076/19 dated 31.12.2019)²². In the aforementioned shelters, women and children are provided with the accommodation and food services, psychological support and assistance (individual and group work), as well as legal aid (counseling, drafting of complaints and representation before the court), transportation in emergency situations, the service of accompaniment by a confidential person.

Minors without parental accompaniment cannot receive protection in the mentioned shelters. In the shelter Women's Safe House, Podgorica, a boy who is more than fourteen (14) years old cannot stay with his mother, while in the shelter led by SOS telephone for

²¹ WAVE Country report 2021, Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision <https://wave-network.org/wp-content/uploads/2021/12/WAVE-Country-Report-2021.pdf>

²² Rulebook on more precise conditions for the provision and utilization, normatives and minimum standards of the accommodation service in the shelter – room and boarding facility ("Official Gazette of Montenegro", no. 076/19 dated 31.12.2019) <http://www.sluzbenilist.me/pregled-dokumenta-2/?id={1769FB0E-3B2F-45CB-B474-AC995753FBDB}>

women and children victims of violence Nikšić, a boy older than fifteen (15) years of age cannot stay with his mother.

In the scope of the Public institution (PI) Children's home "Mladost" in Bijela, a shelter for children victims of domestic violence was opened, where they dwell without the accompaniment of their parents. This is a more adequate option for children when compared with PI Center for children and family in Bijelo Polje, where children have been accommodated before, due to the fact that the Children's home "Mladost" possesses more appropriate accommodation capacities, as well as the practice lasting several decades in the work with children, who have been the victims of violence and neglect.

There is no specialized shelter for women victims of human trafficking and sexual exploitation in Montenegro. Until the 1st of August 2019, the Shelter for human trafficking victims was within the competence of the Ministry of Interior. The Ministry financed the Shelter, which was led by the female activists of the non-governmental organization „Montenegrin Women's Lobby“ as of the year of 2004. After that, the service of the accommodation of human trafficking victims was transferred to the competence of the Ministry of Labour and Social Care²³, and the former Shelter did not obtain the licence for the provision of the services of accommodation for human trafficking victims, which resulted in the termination of the operation of the shelter, which had provided the specialist service for human trafficking victims. In December 2019, the non-governmental organization „Institute for Social and Education Policy“ received the licence for the provider of the accommodation service, i.e. the shelter solely for the human trafficking victims. As of that moment, all victims of the mentioned criminal act have received priority accommodation in this specialized Shelter and, in case when the spatial capacities are limited, they may be referred to one of the four (4) previously mentioned facilities. However, in certain periods, the number of victims who were accommodated in the Shelter was higher than that allowed by the accommodation

capacities of the Shelter. According to the received information, although placed in separate rooms, the specialized Shelter accommodated adults of different sex, which is contrary to the Rulebook stipulating that human trafficking victims are to receive accommodation in separate facilities, depending on the sex. Also, it is questionable whether children over fourteen (14) years of age of opposite sex were accommodated with their parents in the same or different room. In this area, the Article 10 of the Rulebook stipulates that parents with children are accommodated in a separate room, except in the case when the child is of an opposite sex and older than fourteen (14) years of age. The termination of the continuity of the operation of the Shelter, which was led by the NGO that was specialized for the work with women and children, as well as assigning of the licence to the organization, which had not had any experience in the work with human trafficking victims until the moment of the Shelter's opening, which was enabled to create a "track record" in the provision of the specialist services in such a manner, causes a serious concern in view of the quality services for the victims, and an example of a "shrinking space" for the operation of the specialized women's non-governmental organizations.

²³ As of December, this ministry functions as the Ministry of Finance and Social Welfare.

Inadequate and non-sensitive process of licensing of the services of the social and child care in terms of gender, represents a problem indicated in the report of the experts of the independent expert body GREVIO, as well as CEDAW. Also, in the report of the State Department on human trafficking in Montenegro for the year of 2021, it is brought into a question whether the employees in the licensed shelters, especially those who had not had a previous experience with the treatment of the victims, possess the sufficient level of experience and knowledge. The Women's Rights Center published more information about taking care of human trafficking victims in its report „Monitoring and Evaluation of the Policies Aimed at Curbing Human Trafficking in Montenegro 2018 – 2020”.²⁴

There is no specialized shelter in Montenegro for women and children who intend to escape or are endangered by a forced marriage. Most frequently, they are accommodated in the above mentioned shelter for human trafficking victims. This is particularly the case when it comes to minor young women / girls, who are the victims of the forced marriage. Having in mind that in the majority of the cases, parents are those who perform the coercion, they cannot be accommodated in some of the specialized shelters maintained by the women's organizations, taking into account that such organizations are not allowed to admit minor persons, who are not accompanied by their parents. The Shelter maintained by the Children's home “Mladost” does not have sufficient technical and human resources to ensure the safety of victims, the victims of forced marriage or human trafficking (arranged marriage). Therefore, the professional (expert) associates of the Social Work Center, by default, accommodate all children who are potential human trafficking victims (among whom, on the occasion of identification, the victims of forced marriage are still included), in the shelter of the „Institute for Social and Education Policy”, without a detailed assessment of the best child's interest. Thus, it happens that a boy and a girl who are the victims of a forced marriage (or an arranged marriage, which is still under investigation), are accommodated in the same shelter, whose capacities comprise only six (6)

accommodation units and, hence, the mentioned children are constrained to spend twenty-four (24) hours in the same premises. Such a situation may last for months. Also, a concerning piece of information is that certain children spend a year or longer than a year, in the shelter for human trafficking victims, and that the Social Work Centers do not invest efforts to find a solution that would be more appropriate in their best interest.

²⁴ Monitoring and evaluation of the policies aimed at curbing human trafficking in Montenegro 2018 – 2020
<https://womensrightscenter.org/monitoring-i-evaluacija-politika-za-suzbijanje-trgovine-ljudima-u-cg-2018-2020/>

Recommendations:

- **It is necessary to provide a higher number of shelters for women and children victims, with equal geographical coverage.**
- **All children should be accommodated in the shelter with their mothers, regardless of their sex and age.**
- **Continuous financing of the specialist services should be ensured, under the conditions that are equal to those founded by the state.**
- **It is necessary to provide a specialized shelter for women victims of human trafficking and sexual exploitation.**
- **It is necessary to provide a specialized shelter for women and girls victims of a forced marriage.**

F. TELEPHONE LINE FOR ASSISTANCE (ARTICLE 24)

There is a National SOS line for domestic violence in Montenegro, which operates in line with IC standards. Although it bears the name which indicates that it provides support only in the cases of domestic violence, it actually provides equal support in the cases of all forms of gender-based violence. The mentioned telephone line is completely financed by the state and it is led by the women's non-governmental organization SOS telephone for women and children victims of violence Nikšić. Calls to this telephone line are free of charge. The line functions 24/7, and women may obtain support in Montenegrin language and Albanian language.

There are additional five (5) specialized organizations that provide support via telephone, but they are not available 24/7. These telephone lines are financed mainly from the foreign donations. As it has already been stated, the state of Montenegro has not secured the system of financing for the mentioned service.

In June 2019, SOS line for victims of sexual violence, led by NGO Montenegrin Women's Lobby started operating. The line is available 24/7 and it provides the services of counselling and psychological support. The mentioned telephone line is also financed through the project and it does not have secure financing ensured²⁵.

Recommendations:

- **It is necessary that the state establish the model of stable financing of SOS lines, which are maintained by the specialized organizations.**

G. SUPPORT TO VICTIMS OF SEXUAL VIOLENCE

There is no crisis center in Montenegro, which would provide the services of the medical and forensic examination to women and girls who experienced sexual violence, as well as the support in the case of traumas and counselling. The medical exam is performed in the Clinical Center or in general hospitals. The examination is performed by a practising physician, which does not guarantee sensibilized support and, sometimes, it does not guarantee adequate collection of evidence (an example described in the scope of the section C). The experiences of the Women's Rights Center show that there is no sufficient sensibility even on the occasion of reporting a violence. Immediately after the act of rape, our female beneficiary was left to wait alone in one of the offices of the Security Center, while the inspectors on duty were questioning the perpetrator in another room. After that, she was referred to a medical examination and she was not informed by the inspector either about the possibility of a free legal aid or about the services provided by the women's non-governmental organizations. Therefore, she was alone in the Clinical Center as well, although she could have been provided the accompaniment of a confidential person, which is offered by the specialized women's organizations. She was informed about the work of the Women's Rights Center only in the Clinical Center by the practising psychiatrist and referred thereto for the purpose of the psychological assistance and legal aid. There are no specialized psychologists in the medical (health) system for this kind of trauma, but a victim is a referred to a regular procedure maintained by the community health centers.

²⁵ WAVE Country report 2021, Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision <https://wave-network.org/wp-content/uploads/2021/12/WAVE-Country-Report-2021.pdf>

The community health centers are, mainly, overbooked and, hence, counselling often lasts for a shorter period of time and it is available once a month, which is not sufficient for overcoming a deep trauma after having experienced the act of rape.

Girls, victims of sexual exploitation, are accommodated by the Social Work Center in the above mentioned shelter for human trafficking victims, which is maintained by the NGO Institute for Social and Education Policy. Apart from the fact that this organization does not have a feminist approach or sufficient experience in the work with this kind of traumas, there are several other circumstances due to which this kind of accommodation is inadequate: the girls share the space with children who have experienced some other form of exploitation (e.g. a beggary) and who do not have understanding for this kind of trauma; a considerable risk of breaching anonymity and exposure to additional victimization, having in mind that certain children in the shelter have a telephone contact with their parents or other family members and they may disseminate information from the shelter in their own language (Roma language or Albanian language), which the expert female employees do not understand; such a type of shelter, although this is not precisely defined by the Rulebook, should have a full-time employed male psychologist / female psychologist, so that the girls who have been victimized in multiple ways would receive adequate support, which is not the case with the shelter of the Institute for Social and Education Policy.

SOS line specialized for sexual violence started to operate in the year of 2019 and it provides the services of counselling and psychological support.

Women who are victims of sexual violence mainly seek the support of the women's organizations that are specialized for the work with victims of all forms of gender-based violence.

Recommendations:

- **It is necessary to establish, as soon as possible, a crisis (emergency) center for the victims of rape or the centers for sexual violence victims, which would ensure the services of a medical and forensic examination, the support in the case of traumas and counselling.**