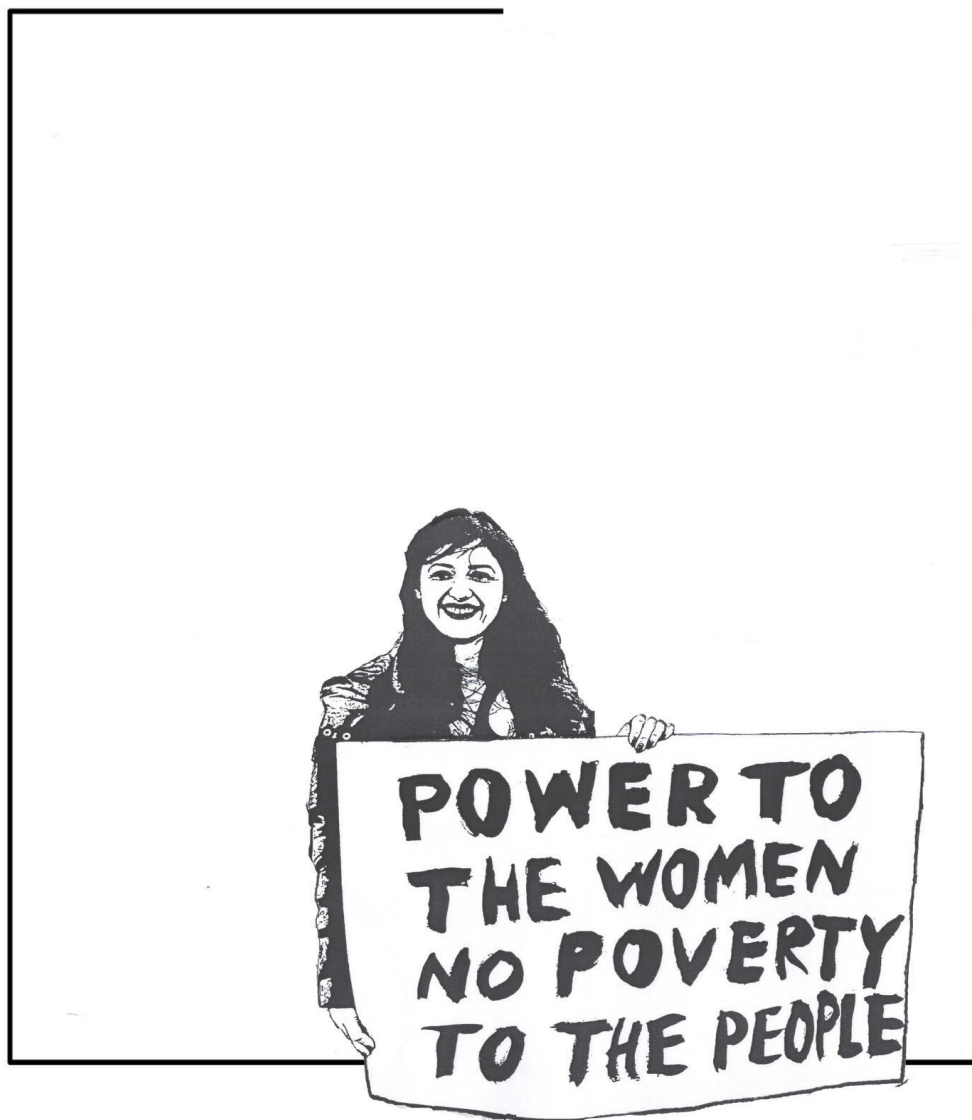


**NGO SHADOW REPORT ON THE IMPLEMENTATION OF THE  
CONVENTION ON THE ELIMINATION OF ALL FORMS OF  
DISCRIMINATION AGAINST WOMEN (CEDAW) IN MONTENEGRO**  
Submitted for the for the 88th CEDAW Session (13-31 May 2024)



Podgorica, April 2024



NGO SHADOW REPORT  
ON THE IMPLEMENTATION OF THE CONVENTION ON THE  
ELIMINATION OF ALL FORMS OF DISCRIMINATION  
AGAINST WOMEN (CEDAW) CONVENTION  
IN  
MONTENEGRO

Submitted for the for the 88<sup>th</sup> CEDAW Session  
(15-31 May 2024)

This report is submitted by the NGO  
**Women's Rights Center**

on behalf of the following  
organisations:

**Women's Rights Center**

**Center for Roma Initiatives**

**Spectra**

**Association of Youth with  
Disabilities  
of  
Montenegro**

## 8. - 9. CEDAW/C/MNE/CO/2 - VISIBILITY OF THE CONVENTION

According to the Supreme Court data, from 2018 to 2024, there were no records on cases related to gender-based discrimination against women, therefore no court verdict referred to the CEDAW Convention.<sup>1</sup>

Apart from the holders of judicial functions who passed the WRC led trainings, and civil servants who report on its application, the Convention remain largely unknown to a large part of the state apparatus. This was further aggravated by the loss of institutional memory brought about by new appointments in the state administration, due to major political changes in the country after 2020.

The CEDAW Convention is claimed to be the source of measures in the strategic documents that relate directly to women, but it is rarely applied directly.

Visibility of the Convention was mainly promoted by NGOs<sup>2</sup>.

The text of the Convention is still not published in the official language, let alone the national minority languages, Braille, audio, sign language, and easy-to-read and easy-to-understand formats for persons with different forms of disabilities.

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<sup>1</sup> This information was obtained by the Supreme Court of Montenegro on April 10, 2024, after Women's Rights Center official request to access the information. The Supreme court also addressed judges engaged in civil proceedings, however, without any response till date.

<sup>2</sup> During the reporting period, Women's Rights Center continued with the promotion of the Convention and of the CEDAW Committee Concluding Observations on Montenegro, by organising meetings with representatives of the state institutions, including those engaged in the Working Group for Chapter 23 of the EU accession and published several (online and printed) publications, containing the text of the Convention and the cases considered by the CEDAW Committee. Annually, WRC in cooperation with the Judicial and Prosecutorial Training Center provided a training on CEDAW. The training on the Convention in accessible format for persons with disabilities have not been organized by the state, but NGOs working in the field of rights of persons with disabilities.

## WOMEN'S RIGHTS IN RELATION TO THE PANDEMIC

Women in Montenegro suffered unproportionally more from the crisis caused by the COVID-19 pandemic, experiencing existential issues such as losing jobs<sup>3</sup>, while the lockdowns exposed them to violence in unprecedented manner. Regardless of this, the Government failed to create measures to alleviate the effects of the crisis and to provide any sort of concrete assistance to women exposed to gender-based violence, except for the public campaign<sup>4</sup>. Despite women NGO appeals<sup>5</sup>, the state failed to consider the effects of the crisis on socio-economic position of women, failing to introduce mitigation measures tailored according to specific needs of women, which led to a worsening of their employment opportunities and regression to the private sphere where they performed 92 per cent of unpaid work more than men<sup>6</sup>.

### COVID 19 and Gender-based violence (GBV)

Women's specialised WNGOs registered an increase of around 20% in GBV cases in 2021, compared to the previous year, and even of 80% compared to 2019, the pre-pandemic year<sup>7</sup>. According to WRC practice, during pandemic many women violence survivors, and those who take care of children independently, particularly Roma women and women with disability, found themselves in a high risk of violence, job loss and unemployment, irregular alimony payments, Many of them were not able to pay communal and other housing costs, and were exposed to forced evictions and to the risk of homelessness with their children.

### COVID 19 and socio-economic position of women

The poverty of women as main child bearers and caregivers was not specifically targeted by the official statistics or social reform plans. Hence, the official statistic report showed almost the same at-risk-of-poverty rate for men (21.1%) and women (21.3 %) <sup>8</sup> However, the same report showed that in 2021, the highest at-risk-of-poverty rate was for persons in households consisting

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<sup>3</sup>SOS Hotline for Women and Children Victims of Violence Nikšić and the Safe Women's House from Podgorica, conducted a qualitative study to find out how COVID 19 affects the lives of women in Montenegro. Full research see at [LINK](#).

<sup>4</sup> A campaign *#Safe at home (2020)* was targeting victims of domestic violence as particularly vulnerable groups in the context of state-imposed measures to stay at home, as a prevention for further spreading of the virus.

<sup>5</sup> In 2020, WRC sent several letters to the Minister of Economic Development and at the time Minister of Finance and Social Welfare with information on COVID crisis disproportionately high effects on women, hitherto government policy responses has failed to take account for the gender dimension of the crisis and devise solutions which would be based on careful gender sensitive evaluation of the current state of play, or the effects of its measures on women and men.

e of play, or the effects of its measures on women and men.

<sup>6</sup>For more information see UNDP research at: [en/home/presscenter/pressreleases/2020/Women\\_Care\\_Work](https://en/home/presscenter/pressreleases/2020/Women_Care_Work)

<sup>7</sup> European Commission Country Report on Montenegro, 2022, more at:

[https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2022\\_en](https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2022_en)

<sup>8</sup> Survey on Income and Living Condition (EU-SILC) MONSTAT, December 7 2022, page 4

of one adult with at least one dependent child (47.4%) and for children under 18 years old (30.5%). When this data is crosslinked with the official annual data on the number of divorces (690) that include dependent children (57,2% in 2022) and on the percentage of divorces in which children were entrusted to mothers (67,8%), fathers (9.1%) or both parents (14.9%)<sup>9</sup>, it is clear that the risk of poverty affects women's led households with dependent children disproportionately more than presented by the official statements on poverty and living conditions.

As for the COVID 19 effect on female business, research showed that as many as 85% of female entrepreneurs recorded a drop in income, while 69% of them reported a drop in productivity<sup>10</sup>. However, this data did not inform any of the follow up Government packages for alleviating the effects of the crisis<sup>11</sup>. A rare positive example of gender mainstreaming in financial recovery measures were 2022 grant schemes of Investment Development Fund specifically dedicated to female entrepreneurship<sup>12</sup>.

### COVID 19 and disadvantaged groups of women

Crisis disproportionately affected LGBTI women, Roma, and women with disabilities. Most LGBTQ women did not even have access to hormone therapy and outpatient examinations by specialist doctors, so they weren't able to monitor their health status, particularly important for the process of transition<sup>13</sup>. Some LGBTQ women lost the income, could no longer pay for accommodation, and returned to their primary families where they were exposed to violence<sup>14</sup>.

The COVID 19 crisis had a negative effect on the living standards of women with disabilities and led to significant reduction in income. At the beginning of the epidemic, many employers terminated their employment contracts, due to the inability to mitigate financial loss caused by the crisis<sup>15</sup>. Economic position of women with disabilities was also affected by the inflation and high prices of food, utilities and electricity, compared to incomes that remained the same<sup>16</sup>. Those who lost their jobs faced difficulties in obtaining the necessary documentation for acquiring the

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<sup>9</sup> Communication 49/2023 *Married and divorced marriages in Montenegro in 2022*, MONSTAT,2023, at: [https://www.monstat.org/uploads/files/demografija/brakovi/2022/Sklopljeni%20i%20razvedeni%20brakovi%20u%20Crnoj%20Gori%20u%202022.%20godini\\_.pdf](https://www.monstat.org/uploads/files/demografija/brakovi/2022/Sklopljeni%20i%20razvedeni%20brakovi%20u%20Crnoj%20Gori%20u%202022.%20godini_.pdf)

<sup>10</sup> Research of Business Union from 2021, see more at: PUBLICATION

<sup>11</sup> Regarding the Government's economic measures from the second half of 2020, 37% of female entrepreneurs stated that they could have been better, 34% stated the measures were inadequate, while only 2% attributed survival of their companies to the Government's support measures.

<sup>12</sup> More on grant schemes launched by IDF under the term of office of Ms Irena Radović, see at: LINK

<sup>13</sup> Annual Report on the state of human rights of LGBTIQI persons in Montenegro, more at link: <https://lgbti-era.org/wp-content/uploads/2023/01/IZVJES%CC%8CTAJ-O-STANJU-LJUDSKIH-PRAVA-LGBTIQ-OSOBA-2020-2021.pdf>

<sup>14</sup> Assessment on the social effect of COVID 19 pandemic in Montenegro, see full publication at link: LINK

<sup>15</sup> Information from the Parliament's Committee for Human Rights session from June 2021, see at: <https://zakoni.skupstina.me/zakoni/web/dokumenta/sjednice-radnih-tijela/2902/7366-00-63-8-21-.pdf>

<sup>16</sup> Assessment on the social effect of COVID 19 pandemic in Montenegro, *ibid.*

right to social benefits, and other social protection rights, due to different interpretations of legal provisions<sup>17</sup>.

## **WOMEN'S ACCESS TO JUSTICE**

### *Gender based discrimination.*

Limited access to justice and to free legal aid for women who experience discrimination and human rights violations, in particular Roma, LGBTI and women with disabilities, remain a serious concern. A single database on cases of discrimination at the national level has not yet been established, even though the obligation was adopted in 2021<sup>18</sup> and Protector of Human Rights and Freedoms (Ombudsperson) continuously proposed its introduction<sup>19</sup>

The number of complaints pertaining to gender discrimination, filed with the Ombudsperson, remains low (26 cases in 2018, 29 in 2019, 11 in 2021)<sup>20</sup>. In 2022, the Ombudsperson registered 16 cases of hate speech and 14 cases in public discourse and media, including discrimination on the grounds of ethnic and gender identity<sup>21</sup>. It is evident that the Ombudsperson's office invests significant efforts to deliver timely and quality opinions to change the discriminatory institutional practices, however, the institutional response to his recommendations is not satisfactory.

The new anti-discrimination law<sup>22</sup> was drafted in 2022, but not adopted yet. The overall institutional framework remains insufficiently prepared for its implementation. The 2017 ECRI priority recommendation to put in place a system to collect disaggregated data on hate crimes is yet to be implemented.

The Labour Inspectorate in charge for acting in cases of gender-based discrimination in labour (GBD), hasn't received any GBD cases since 2018, while Women's Rights Center assisted 50 cases during the same period<sup>23</sup>. Given low reporting of GBD, amid the lack of trust in institutions

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<sup>17</sup> Information from the Parliament's Committee for Human Rights session, June 2021, see at: <https://zakoni.skupstina.me/zakoni/web/dokumenta/sjednice-radnih-tijela/2902/7366-00-63-8-21-.pdf>

<sup>18</sup> According to the 2021- 2022 Action Plan of the National Strategy for Gender Equality 2021-2025, one of the obligations of the Ministry of Human and Minority Rights is to establish and consolidate records on cases of discrimination based on sex and gender.

<sup>19</sup> A statement of the Deputy Protector Nerma Dobardzic, June 3 2022, available at: <https://www.ombudsman.co.me/34781.news.html>

<sup>20</sup> The Ombudsperson's Annual Reports 2018-2021, available at: [https://www.ombudsman.co.me/Izvjestaji\\_Zastitnika.html](https://www.ombudsman.co.me/Izvjestaji_Zastitnika.html)

<sup>21</sup> European Commission Country Report on Montenegro, 2023, more at: [https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2023\\_en](https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2023_en)

<sup>22</sup> The full name is the Law on Protection of Equality and Prohibition of Discrimination

<sup>23</sup>The Report "Gender Based Discrimination in Labour", page 39, Women's Rights Center 2021, at: [https://womensrightscenter.org/wp-content/uploads/2022/04/GBD\\_in\\_Labour\\_in\\_Montenegro.pdf](https://womensrightscenter.org/wp-content/uploads/2022/04/GBD_in_Labour_in_Montenegro.pdf)

and fear of potential consequences, few institutions or organisations have had experience in treating gender-based discrimination cases<sup>24</sup>.

The WRC case of GBD in labour has been handled by the Constitutional Court for more than two years, showing the inadequate and slow access of victims to justice and weak procedural safeguards in that respect.

### *Free legal aid*

The research<sup>25</sup> has shown that women who have experienced gender-based violence (GBV), use the state provided free legal aid to a lesser extent compared to the other categories of the beneficiaries. Only 168 women used the state free legal aid in 3 years<sup>26</sup>, while WRC registered as many as 669 beneficiaries from 2020- 2023. The reasons are different - WRC beneficiaries often reported that state assigned lawyers lack sensitivity, specialisation, and devotion to the cases. WRC practice showed that there are usually several parallel legal procedures required by each free legal aid beneficiary, and each new procedure requires the appointment of a new lawyer, which creates an additional burden for women survivors and complicates their access to justice. However, the new Draft Law on Free Legal Aid<sup>27</sup> again failed to include specialised NGOs in free legal aid provision, despite appeals of NGOs with years of experience in representing cases of human rights violations.

### *Raising awareness*

Majority of awareness raising campaigns were launched by CSOs and international organisations. That's also the case with the campaign *#Tell the story until the end* (2022)<sup>28</sup>, mentioned in the state report, funded and launched by the CoE, in partnership with the WRC and SOS Hotline Podgorica. WRC launched several campaigns for raising awareness on gender-based violence and discrimination.<sup>29</sup>

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<sup>24</sup> Ibid, page 10

<sup>25</sup> Research of the free legal aid system in Montenegro – creating an effective and sustainable system of the free legal aid provision, 2019 see at link: <https://gamn.org/wp-content/uploads/2019/09/GA-Istra%C5%BEivanje-sistema-besplatnepravne-pomo%C4%87i-u-Crnoj-Gori-2012-2019-3.pdf>

<sup>26</sup> Analysis of results of free legal aid system, Ministry of Justice, november 2022, more at link: <https://wapi.gov.me/download/0fc0b937-0673-48c5-a5b8-89f8fa374c2a?version=1.0>

<sup>27</sup> The Draft Law at: <https://www.gov.me/dokumenta/ab3f6217-115a-4ada-91c1-5e2e54bb1bd1>

<sup>28</sup> The European Union and the Council of Europe, in cooperation with the Supreme Court, the Ministry of Justice, the Ministry of Human and Minority Rights, the Association of Judges of Montenegro, the Women's Rights Center, and the SOS telephone for women and children victims of violence Podgorica launched a campaign to promote free legal aid for victims of violence in the family, through the slogan: *#Tell the story to the end*.

<sup>29</sup> In 2020 WRC conducted campaign "Strengthening access to justice for survivors of gender based violence" disseminating the key information for protection (contacts, legal measures, legal remedies) with the support of the Ministry of Foreign Affairs of the Czech Republic (see campaign at [LINK](#)); In 2023, supported by the UN Women Serbia and Norwegian Embassy in Belgrade, WRC launched a campaign "Improving Women's Safety" on security measures of a restraining order (2023) promoting the newly established electronic monitoring system#. In 2022,



## *Hate speech against women*

The last few years were marked by the rise of misogynist rhetoric and hate speech against women politicians, women human rights defenders and LGBTIQ persons. Despite NGO initiatives<sup>30</sup> such cases were rarely prosecuted, which is why serious considerations must be put on the capacities of law enforcement, but also on the adoption of the policy framework on digital gender-based violence and regulation of the media sectoral policy.

## **12. – 13. CEDAW/C/MNE/CO/2 - NATIONAL MECHANISMS FOR THE ADVANCEMENT OF WOMEN**

The legislative framework concerning gender equality exhibits limited efficacy due to a lack of sufficient political will to prioritise this issue within the governmental accountability mechanisms<sup>31</sup>. The Law on Gender Equality<sup>32</sup>, last time amended in 2015, doesn't provide legal guarantees for its provisions<sup>33</sup>.

There's a lack of an comprehensive framework for improving gender equality in practice, because the majority of state bodies are inconsistent in the implementation of their legal obligations, or their employees are insufficiently trained and dedicated to implement gender

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supported by UNICEF, WRC published and distributed "*There is a way out*" and created informative brochure in 3 languages, at: <https://womensrightscenter.org/izlaz-postoji-brosura-za-migrantkinje-suocene-sa-nasiljem/> WRC also implemented several campaigns aiming to raise awareness of the importance of the Istanbul Convention and its standards. Some of them are: #Equality from the drawer: for policies of nonviolence! (2021) organised on 10 years since the signing of the Istanbul Convention. From 2020 to 2021 WRC launched the campaign #Discrimination doesn't work to raise understanding of gender-based discrimination in labour, as well as the possibilities for overcoming it, and involving citizens, institutions, and other relevant social actors. Visuals available at: Facebook link

<sup>30</sup> WRC with other partner organisations warned that sexist and misogynist speech insult every woman and perpetrate political violence against all women, as they undermine historical efforts to get them more involved in public and political life. WCSO's also called State to adopt Strategy against hate speech and show zero tolerance towards violence against women, especially those performing public and political duties. Some of the most recent statements against hate and misogynist speech see at: <https://www.vijesti.me/vijesti/drustvo/681720/hra-i-czpp-osudjujemo-objavlivanje-knjige-prostackog-naziva-ratnog-zlocinca-seselja-podrska-za-vuksanovic-stankovic>; <https://m.facebook.com/womensrightscenter.mne/photos/a.629938143719094/4900197206693145/>; <https://womensrightscenter.org/tag/zeneupolitici/>; <https://www.standard.co.me/drustvo/hra-i-centar-za-zenska-prava-podnijecemo-prituzbu-rem-u-i-aem-u-happy-promovise-mrznju-prema-zenama/>; <https://rtnk.me/drustvo/centar-za-zenska-prava-ispitati-navode-o-zastrasivanju-poslanice-pejovic/>.

<sup>31</sup> Report of the European Commission on Montenegro for 2023, page 46, more on the link: [https://neighbourhoodenlargement.ec.europa.eu/montenegro-report-2023\\_en](https://neighbourhoodenlargement.ec.europa.eu/montenegro-report-2023_en)

<sup>32</sup> Law on Gender Equality (Official Gazette 046/07 ... 035/15 od 07.07.2015.) at link: [https://www.ombudsman.co.me/docs/1612165858\\_zakon-o-rodnoj-ravnopravnosti.pdf](https://www.ombudsman.co.me/docs/1612165858_zakon-o-rodnoj-ravnopravnosti.pdf)

<sup>33</sup> The State Audit Institution recommended to the Ministry of Human and Minority Rights to initiate amendments to the Law on Gender Equality, in such a way that it defines policy measures for achieving and improving gender equality, introduces the obligation to perform a gender analysis, clearly defines the institutional framework for achieving gender equality, as well as the obligations of state bodies, employers and other social partners to integrate a gender perspective in the field in which they operate while providing legal guarantees for the law implementation. From the State Audit Report, find at link: <https://dri.co.me/aktuelnost/objavljen-izvjestaj-o-reviziji-uspjeha-uspjesnost-sprovođenja-politike-rodne-ravnopravnosti-u-crnoj-gori>



politics<sup>34</sup>. Likewise, gender focal points ( mostly male and female employees from the departments of finance, human resources or general affairs)<sup>35</sup> do not participate directly in the development and gender-mainstreaming of policies<sup>36</sup>.

The National Council for Gender Equality still doesn't exist. Strategy for Public Administration Reform 2022-2026 horizontally includes gender related issues, but failed to provide seats for gender machinery at the Council for Public Administration Reform, that oversees the Strategy implementation<sup>37</sup>.

The Department for Gender Equality within the auspices of the Ministry for Human and Minority Rights (MHMR) regained its previous status, after being downgraded to Section for Gender Equality. It still operates within the small team of four.

Key staff in MHMR responsible for the rights of persons with disabilities were removed from duty for year and a half and just recently re-established.<sup>38</sup> An efficient connection between institutions/bodies working in disability and women rights is still missing, leaving women with disabilities out of focus.

Mid-term Evaluation Report on the implementation of the National Gender Equality Strategy 2021-2025 (NGES)<sup>39</sup> determined that overall fulfilment of strategic goals failed to exceed 30% of planned measures. In addition, strong downward trend in budget expenditures for gender equality was recognised<sup>40</sup>.

The NGES Action Plan 2023-2024<sup>41</sup>, foresees that more than a half of the AP's measures will be implemented in cooperation with NGOs<sup>42</sup>, but predicted only 99.000 Euros for these activities. However, it remains unclear if this funding is intended only for NGOs or for state institutions that implement joint activities. The new Working Group for the implementation of NGES 2021-2025 was established at the beginning of 2024, with WRC representative in the Working Group, making it more transparent than before.

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<sup>34</sup> Ibid.

<sup>35</sup> Gender Equality Profile, page 14

<sup>36</sup> Information from the Strategy, see at link: <https://www.gov.me/dokumenta/33985332-d431-4c25-9643-e9a15d76e548>

<sup>37</sup> More information at WRC publication "Gender Analysis of Public Administration", 2022, at: <https://womensrightscenter.org/rodna-analiza-javne-uprave-u-cg-2/>

<sup>38</sup> On March 1<sup>st</sup>, Directorate for Protection and Equality of Persons with Disabilities was re-established after more than one year and a half, leaving vulnerable groups without any coordinating body on a policy level. More about this at link: LINK

<sup>39</sup> The assessment is available at: <https://www.gov.me/dokumenta/00303903-9045-4c6a-afed-b6e82ebc552b>

<sup>40</sup> Ibid.

<sup>41</sup> AP was adopted in July 2022

<sup>42</sup> WRC representatives participated in the Working Group in charge of drafting the 2023-2024 Action Plan of the National Gender Equality Strategy 2021-2025, with more than 70% comments adopted.

The policy making still goes without *ex ante* gender analysis and rarely tackles the specific needs of marginalised groups. Out of the 57 sectoral strategies, that are currently implemented in Montenegro, only 3 strategies are gender transformative (GM2), that is, achieving gender equality is their main goal; 14 can be said to be gender mainstreamed, 4 strategies are partially mainstreamed, while as many as 36 strategies are completely gender-blind<sup>43</sup>. Program budgeting or performance-based budgeting, introduced in Montenegro in 2021, as a key prerequisite for gender-responsive budgeting, is still not recognised by the systemic Law on Budget and Fiscal Responsibility. According to the analysis of the Parliamentary Budget Office<sup>44</sup>, in 2022 the total amount of gender mainstreamed funds was 3.08% of the overall proposed state budget.

## **16.- 17. CEDAW/C/MNE/CO/2 - TEMPORARY SPECIAL MEASURES**

Apart from electoral quotas, which have exceeded their power to ensure better political participation of women (not even reaching 30% of representation), there's a general lack of temporary special measures in areas where women are disadvantaged.

Women are still underrepresented in decision making and senior staff positions in public administration, often due to gender bias in hiring, training, and promotion practices. The Law on Civil Servants and Employees misses provisions to achieve gender balance in Managing and Supervisory Boards, Committees appointments etc.

Joint advocacy of WRC and Investment Development Fund that set quotas for women in managerial positions in large business entities<sup>45</sup> brought some progress in harmonising national legislation with the best European practices (Women on Boards EU Directive).

## **19. CEDAW/C/MNE/CO/2 - STEREOTYPES AND DISCRIMINATORY PRACTICES**

### *Patriarchal attitudes*

The state still fails to address harmful gender stereotypes and prejudices, customs and traditions. These issues were mostly outside the focus of the political elites, which rather promoted conservative, traditional and religious values that supported stereotypical attitudes on women. Human rights were particularly threatened by the interference of the church in the reproductive rights of women and the rights of LGBTIQ+ person, culminating in recent debates in which

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<sup>43</sup> CSO Institute Alternative, Strategic Planning under the Glossary of Gender Assessment of the Degree of Gender Mainstreaming in Sectoral Strategies and Their Action Plans, 2022. Publication is at URL: <https://institut-alternativa.org/stratesko-planiranje-pod-rodnom-lupom/>

<sup>44</sup> Presentation of the Bill on the Budget of Montenegro for 2022, Parliamentary Budget Office, Parliament of Montenegro, 2021

<sup>45</sup> Law amending the Law on Business Entities (article 327a) included provision that at least 40% of the total number of non-executive directors in the board of directors, i.e. at least 40% of the members of the supervisory board or at least 33% of the total number of all director positions, including executive and non-executive directors, should be represented by less represented gender. The adoption of the Law is planned for the fourth quarter of 2024.

church leaders have shown intent to meddle in the legislative and executive branches. Lately, church is being given an increased media space<sup>46</sup>, both from national broadcaster, whose program schemes started openly to promote traditional values of family and marriage<sup>47</sup>, but as well by the private media channels<sup>48</sup> that were spreading problematic narratives questioning hardly won rights such as, right to abortion (named “Murder without punishment” in one morning TV show)<sup>49</sup> or disseminating discriminatory and derogatory language against LGBTIQ persons (named “Man, women or something third” in the same morning show)<sup>50</sup>.

Recently, the artistic director of one municipal theatre banned the play that confronted the exposure of women to GBV<sup>51</sup>. He characterised the play as a form of “engaged propaganda”, stating the women are those who discriminate and that he “became bored with the terror of the story of discrimination against women”. Such an attitude, arriving from the state owned cultural institution, passed without any sanctions. On the other side, strong official reaction from the Operational Team for Combating VAW and DV<sup>52</sup> sent a positive signal towards creating non-tolerance on violence.

### *Gender gap in property ownership*

Patriarchal attitudes that favour male inheritance of property continue to keep a significant gender gap in real estate ownership: out of the total number of registered owners, only 36% are women. In addition, 40% of women owned real estate were acquired by purchase, 19% are acquired through construction, while 36% are inherited<sup>53</sup>. However, the information on purchased real estate during marriage is missing, and separation can further lower the percentage of effective women’s property ownership. In addition, slightly less than 4% of real estate is in the combined ownership of spouses or extramarital partners<sup>54</sup>. Data collection didn’t include the data on land ownership, which would provide a more accurate picture on patriarchal customs of land inheritance that lead to ownership inequality.

### *Women in media*

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<sup>46</sup> TV show “Let’s see each other” popularized church marriage. Another TV show “Arguments” gathered representatives from four religious communities in Montenegro discussing the right of self-determination of trans persons etc. The link: [https://youtu.be/hg2Qnxin\\_nk?si=cXOHizA3WDigRYSE](https://youtu.be/hg2Qnxin_nk?si=cXOHizA3WDigRYSE)

<sup>47</sup>More info on at: <https://www.slobodnaevropa.org/a/crna-gora-mediji-vlasnistvo-srbija/31642265.html>

<sup>48</sup> Full show at: <https://www.youtube.com/watch?v=lzboIKMv1WY>

<sup>49</sup> Full show at: <https://www.youtube.com/watch?v=UXG6WkfRAuY>

<sup>50</sup> *ibid*

<sup>51</sup> The artistic director of the City Theatre of Niksic did not allow the performance of the engaged theatre play 'Exposed' (IzloZene). More info on this at url link: <https://www.vijesti.me/kultura/702125/jelicu-je-tema-ozenskoj-obespravljjenosti-izlizana-misli-da-zene-diskriminsu>

<sup>52</sup> Full reaction find on link: <https://www.gov.me/clanak/reagovanje-operativnog-tima-za-borbu-protiv-nasilja-uporodici-i-nasilja-nad-zenama>

<sup>53</sup> Batrićević, N. Komar, O. *Gender and property ownership in Montenegro - mapping the property gap*. OEBS and DeFacto Consultancy Agency, 2023, at: <https://www.osce.org/mission-to-montenegro/547829>

<sup>54</sup> *Ibid*.

The first Media Strategy 2023-2027, two years delayed, was finally adopted in October 2023. WRC Gender analysis of Media Strategy with an overview of gender parity in the media sector<sup>55</sup>, determined that the position of women within the sector has slightly improved, specifically on the level of decision-making. Accordingly, out of the total number of director's positions in 100 public broadcasters and operators registered with the Electronic Media Agency, 33% are held by women. Women headed three (42%) out of seven institutions directly in charge for media sector<sup>56</sup>. They make up a little over half of the management structure in the Ministry of Culture and Media and the dominant majority in the Agency for Electronic Media, as well as the Film Center. Women make most journalists, employees and managers in the media<sup>57</sup>.

However, the assessment of the financial aspect of the media, i.e. lower salaries of the media professionals, significantly changed the perspective of the seemingly improved position of women.<sup>58</sup> It seems that the underpayment of the media profession, the principles of hierarchical organization and the career race that hardly allow absence from work for private reasons, make this sector fundamentally unstimulating for women<sup>59</sup>. The underpayment of the profession requires additional work engagement, while undefined working hours with a so-called working on a "daily lane" with an internal organizational culture, do not contribute to achieving a work-life balance, especially for women.

### *Representation of women in media*

As for the media reporting on gender-based violence, the victims' rights to privacy is often violated; there is a lack of structural and systemic contextualization of gender-based and family violence<sup>60</sup>. The 2018 analysis of the presence of gender stereotypes in television advertising showed significantly higher number of stereotypes related to women than to men (10:2), while every fifth television advertisement had a message with a gender stereotype<sup>61</sup>. Gender sensitive

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<sup>55</sup> Analysis available at: <https://womensrightscenter.org/rodna-analiza-prve-crnogorske-medijske-strategije-uz-osvrt-na-stanje-u-sektoru-medija-sa-factsheets/>

<sup>56</sup> Ministry of Culture and Media and the Media Directorate, the Agency for Electronic Media, the Agency for Electronic Communications and Postal Services, Radio and Television of Montenegro, the Commission for Monitoring the Actions of Competent Authorities in Cases of Threats of Violence against Journalists, Murders of Journalists and Attacks on Media Property and the Film Center and Broadcasting Center.

<sup>57</sup> Source: <http://monstat.org/eng/novosti.php?id=3678>

<sup>58</sup> The data from the Media Union's research *Socio-economic position of media workers*, showed that in 2021 every fourth journalist in Montenegro received between 500 and 600 euros of net salary, which was below the average net salary in the country. The research of the Media Union of Montenegro, 2021. is available at: <https://sindikatomedija.me/publikacije/11655/>

<sup>59</sup> Factors such as doing housework, taking care of children, absence from work due to pregnancy or child's illness are recognized as burdensome with a negative impact on employment and reaching management positions and editorial positions. More in Position of female journalists in the media in Montenegro, Duška Pejović, op.cit. More at linku: <https://mediji.me/mediaandminorities-single/59>

<sup>60</sup> Gender mirror of the media in Montenegro - Research and analysis of the content of Montenegrin media from the gender perspective, by the Electronic Media Agency. and UNDP, 2022. Page 23.

<sup>61</sup> Analysis is at the link: <https://aemcg.org/obavjestenja/analiza-prisustva-rodnih-stereotipa-u-televizijskim-oglasavanju/>

language is still not completely used, neither in the Media Strategy, nor throughout media programme scheme<sup>62</sup>.

## HARMFUL PRACTICES

### *Sex-selective abortions*

Women CSO's are mainly those pointing out at the discriminatory roots of the sex selective abortions<sup>63</sup>, while the state led campaigns and follow up measures are missing.

The support services for women being pressured into undergoing abortions haven't been established either.

The Strategy for Preservation and Improvement of Reproductive and Sexual Health of Montenegro 2013-2017 expired four years ago.

### *Forced sterilisation.*

This issue particularly affects women with disabilities and transgender persons. Due to the moral model of approach to women with disabilities, there is a fear that if they become pregnant, they will give birth to a child with a disability, which can be used as a reason for forced sterilization<sup>64</sup>. However, official information on this matter is missing<sup>65</sup>.

Montenegro is one of only 9 countries that require forced sterilization of transgender persons to align with gender markers on personal documents.

### *Forced marriages*

Center for Roma Initiatives continuously advocate for raising the minimum legal age limit for concluding marriage to 18 years of age, but besides some legal changes related to *forced conclusion of marriage*<sup>66</sup> and the new *definition of child* (as anyone under the age of 18) in the

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<sup>62</sup> More on this at UNDP research: <https://www.undp.org/sites/g/files/zskgke326/files/2022-11/Analiza%20medijske%20pravne%20regulative%20iz%20rodne%20perspektive.pdf>

<sup>63</sup> Some of the examples are: <https://www.youtube.com/watch?v=aIBk3rW9S8Y>, <https://www.youtube.com/watch?v=fe8RuFdX6ds&t=1093s>

<sup>64</sup> More on the issue at URL: <https://ss-cg.org/?p=3525>

<sup>65</sup> The Association of Youth with Disabilities of Montenegro has repeatedly asked questions to obtain information on forced sterilisation of women with disabilities, but without any response from relevant ministries, stating insufficient evidence to prove forced sterilization.

<sup>66</sup> New Criminal Code (2023) introduced article 214a *Forced Conclusion of Marriage, Customary Marriage, or Life Partnership of Persons of the Same Sex*, worded as follows:

(1) Whoever coerces another person, by means of force or threats, into concluding a marriage, customary marriage or life partnership of persons of the same sex, shall be punished by a prison term from six months to five years.

(2) Whoever coerces or instigates a child into entering into a customary marriage or into concluding a marriage or life partnership of persons of the same sex or arranges for him a customary marriage or marriage or life partnership of persons of the same sex, shall be punished by a prison term from one to five years.

Criminal Code, there is no follow up in this regard. However, the Family Law<sup>67</sup> still enables the court to allow a child over the age of 16 to marry<sup>68</sup>.

Official statistical data on child marriages is still lacking, as most such marriages are not registered, though avoid legal safeguards. The NGO data showed that 54% of the registered victims of arranged child marriages in 2020-2023, aged 15-16, while the share of victims aged 12-14 was as high as 32%. The percentage of victims over 17 and adult victims was 12%.<sup>69</sup>

Current practice suggests that State Prosecution and law enforcement failed to implement all necessary evidentiary measures and actions to prosecute these criminal acts. A general concern was related to the large share of reports dismissed during the preliminary investigation, i.e. early stage in the criminal proceedings. An additional cause of concern is the excessive length of the processes from the start of the investigation to the beginning of the trial<sup>70</sup>

The protection, rehabilitation, and reintegration of victims of child marriages is also a matter of concern. There is no shelter that can enable reintegration with the help of professionals and assistants.<sup>71</sup> Discriminatory behaviour was observed in the treatment of the Roma-Egyptian community in cases of child marriages<sup>72</sup>, with the authorities viewing the practices as entrenched in their tradition. In 2022, there was a report of Roma child abuse by the manager of the state funded trafficking shelter.<sup>73</sup> The outcome of the case is still unknown, even though the media reported that prosecution initiated criminal charges.<sup>74</sup>

## **22. – 23. CEDAW/C/MNE/CO/2 - GENDER-BASED VIOLENCE AGAINST WOMEN**

According to WRC data, during the period 2018-2024<sup>75</sup>, at least 12 women were murdered by their family members and partners, while the daughter of one of the victims was seriously injured,

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<sup>67</sup> Under the provision of article 24 of the Family Law

<sup>68</sup> According to this article When the proposal is submitted by a minor, the court will examine in a convenient way all the circumstances that are important for determining whether there is a free will and desire of the minor to conclude the marriage, as well as whether the minor has reached the physical and mental maturity necessary to exercise the right and duties in marriage. The court will obtain the opinion of the health institution, will achieve appropriate cooperation with the guardianship body, will hear the applicant, his parents or guardian, the person with whom the minor intends to conclude a marriage, and, if necessary, may present other evidence and obtain other information.

<sup>69</sup> The prevention of child marriage in Montenegro – challenges, lessons learnt and theory of change, NGO Center for Roma Initiatives, 2018, available at: <https://crink.me/spasavanje-djecijih-brakova-u-crnoj-gori>

<sup>70</sup> Ibid

<sup>71</sup> Ibid.

<sup>72</sup> Monitoring and evaluation of policies for combating human trafficking in Montenegro 2018-2020, Women's Rights Center 2021, available at: <https://womensrightscenter.org/wp-content/uploads/>

<sup>73</sup> An alarming example of the possible corruption and a system failure in social protection of vulnerable groups and NGO funding is the case of the NGO Institute for Social and Educational Policy (ISOP), an abundantly state funded NGO, led by a person convicted for criminal offence of violent behaviour, combined with criminal offence - unlawful deprivation of liberty of two minors. He was sentenced to a single prison term of four months in 2014, and again in 2018 for three months, but still was granted a state licence to run the shelter for victims of trafficking. In July 2022, he was reported for violence against children accommodated in the anti-trafficking shelter.

<sup>74</sup> Article was published on July 29<sup>th</sup>, 2022 at: <https://www.pobjeda.me/clanak/formiran-krivicni-predmet-protiv-mitra-radonjica>

<sup>75</sup> In the absence of official statistic on femicide, WRC collects the data from the media.



as well as the father of another. In three out of five **femicides** that happened in the period 2021-2024, violence was previously reported to the police and prosecution, even on multiple occasions. However, all competent institutions have failed to act with due diligence. NGOs led protests against femicide<sup>76</sup>, but to date there was no concrete action to determine the responsibility of the competent public officials.

A particular concern is related to **protection of women and children during custody issues**, where relevant institutions failed to timely identify partner violence and tailor child visitation models accordingly. Many law enforcement officials and social workers at the Centres for Social Work consider child witnesses of domestic violence to be in less danger compared to children who experience violence directly, which is why they the contact with the violent father is rarely restricted or supervised. In practice, judges in family proceedings rarely seek to investigate violence in the family and procedures fail to ensure information flows across institutions.

To date, there is no systematic data collection on all forms of VAW<sup>77</sup>. The WRC analysis showed still very lenient penal policy, a small number of evictions and restraining orders imposed in misdemeanour proceedings, a very low number of security measures for victims imposed with a verdict in criminal proceedings. The data showed that prison sentences are closer to the legal minimum, so the penal policy still does not have a sufficiently deterrent character for perpetrators of violence. (see Annex 3 for WRC Analysis of Judicial statistics on GBV)

The level of violence against women from Roma and Egyptian families is even higher compared to the general population and their social exclusion prevents them from seeking their way out of abuse through mechanisms provided by the state institutions.<sup>78</sup>

#### *Measures taken to amend criminal law provisions.*

The reporting period was marked by significant positive changes and additions to the criminal legislation, which were the result of persistent WCSOs advocacy<sup>79</sup> (More on legislative changes in Annex 4)

#### *Support given to non-governmental organisations (NGOs)*

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<sup>76</sup> Media reports on protests available at: <https://www.vijesti.me/vijesti/drustvo/569755/protest-zbog-ubistva-sejle-bakije-u-podgorici-zrtvama-se-mora-vjerovati>  
<https://www.slobodnaevropa.org/a/podgorica-protest-ubistvo-sejla-bakija-nasilje-nad-zenama/31497942.html>

<sup>77</sup> Data are not classified according to the necessary parameters. Data from different sources are mutually incomparable. The data is collected and consolidated only for the purposes of reporting to international bodies and is not published regularly. The most important research in this field is still conducted by women's and international organizations.

<sup>78</sup> Ibid

<sup>79</sup> From 2020-2023, the director of the Women's Rights Center, Maja Raicevic, was the member of two working groups established by the Ministry of Justice - the one for amending and changing the Criminal Code, and the Working Group for amending the Law on Protection from Domestic Violence. Besides this, WRC use the public discussion to suggest amendments to the Law on Protection from Domestic Violence.



In Montenegro, there is a particularly worrying trend of shrinking overall space for provisions of gender sensitive specialised services for women and marginalised communities.

The new *Draft Law Amending the Law on NGOs*, planned to be re-evaluated and amended by the Government, is an ultimate opportunity to adopt clear mechanisms to prevent further abuses, primarily guaranteeing that individuals convicted of violent crimes are ineligible to lead specialized support services in this area<sup>80</sup> The lack of precise and fair selection criteria resulted in large amounts of money spent ineffectively and not reaching the vulnerable groups. This practice applies to all support lines (combating violence, persons with disabilities, the LGBTQI+ community, etc.). Furthermore, a valid licence and funding for shelters were recently granted to 4 NGOs<sup>81</sup>. One of these two NGOs was affiliated to the previous director of the trafficking shelter that was reported for abuse of children – shelter beneficiaries.<sup>82</sup>

For more information on GBV see 2023 [Women's Rights Center](#) Independent Report to GREVIO.

## **24.-27. CEDAW/C/MNE/CO/2 TRAFFICKING AND EXPLOITATION OF PROSTITUTION**

Montenegro does not fully meet the minimum standards for the elimination of human trafficking, which is why it fell on the list of Group 2 countries this year, according to the 2023 State Department's Trafficking in Persons Report for Montenegro<sup>83</sup>.

In 2023, 13 minors (eight female, five male) and 5 female adults were victims of sexual exploitation, forced begging, use for pornographic purposes, illegal marriage, criminal activity, and labour exploitation<sup>84</sup>. There were a total of fifteen court cases, of which three were resolved, while the other cases are in the trial phase before the High Court in Podgorica. In one concluded

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<sup>80</sup> At this moment state regulations do not stipulate that obtaining a license to perform sensitive social services requires an extract from the criminal records. Such a systemic flaw enabled a convicted perpetrator to run the state funded services for traumatised women and children and led to direct breach of their wellbeing, rights, and safety. Authorities failed to respond to WRC requests to protect the most vulnerable beneficiaries of social services and the Ministry of Labor and Social Welfare continued to fund NGOs that received negative reports.

<sup>81</sup> By the decision of the Ministry of Labour and Social Welfare from April 5,2024 (available at: <https://wapi.gov.me/download/db7e83a4-2f57-4e6e-8378-66ebed0f8a80?version=1.0> ) on the financing of accommodation in a private shelter for children, adults and the elderly, i.e. an adult with a child who is a victim of abuse, neglect, gender-based violence and family violence for the year 2024, these services will be provided by the NGO Women's Safe House Podgorica, the NGO SOS Niksic, NGOs Action for Women's and Children Rights and new NGO Sistem.

<sup>82</sup> The new NGOs Action for Women's and Children Rights recently changed the name from Women's Association that never presented financial reports on previously granted state funds, which may be the possible reason for NGO name change. This NGO was affiliated with the previous director of Shelter for victims of trafficking reported for child abuse. A recent media report on the case available at Portal Vijesti, April 10,2024: <https://www.vijesti.me/vijesti/drustvo/702182/zrtve-cuva-i-mlada-nvo>

<sup>83</sup> See more at link: <https://www.state.gov/reports/2023-trafficking-in-persons-report/montenegro/>

<sup>84</sup> <https://www.pobjeda.me/clanak/za-licenciranje-traziti-izvod-iz-kaznene-evidencije>

case the female defendant was sentenced to two years in prison. People from the Roma community, **in particular women and children**, remained at high risk of trafficking in human beings<sup>85</sup>.

The shelter for victims of trafficking in human beings<sup>86</sup>, financed by the state and run by an NGO, was closed in December 2022, after two minor victims hosted in the shelter filed a complaint with the local police about violence exerted against them by the manager of the shelter<sup>87</sup> (For more info see Case study #3)

## **28.-29. CEDAW/C/MNE/CO/2 - PARTICIPATION IN POLITICAL AND PUBLIC LIFE**

The repeated CEDAW conclusion (2011,2017) related to adoption of electoral quotas remains unfulfilled to date.

The absence of women from political negotiations remains a huge concern. It was reflected in the parliamentary elections results, showing the lowest percentage of women in the 2023 convocation of the parliament (21%). This percentage increased after male MPs were nominated for the positions in the Government and other executive branches and reached 27%<sup>88</sup>. Situation is even worse on the executive level, where only 4 or 17,4 % out of total Government members are women, and none of them at the vice-presidential function. This is the lowest participation of women in the Government since 2012. Within the Parliament, there are no women from underrepresented groups. The 2022 Draft Law on Government failed to include quotas proposed by the WRC<sup>89</sup>. Illegal and non-transparent expenditure of funds dedicated to

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<sup>85</sup> Ibid.

<sup>86</sup>Regarding the quality of service provided to victims, the protection and support was not at the highest level due to the lack of experience of shelter staff working with trafficking victims and language barriers. Additionally, the anonymity of the victims was compromised in some cases. (State Department TIP Report on Montenegro 2021, at: <https://www.state.gov/reports/2021-trafficking-in-persons-report/montenegro/>)

<sup>87</sup> The seriousness of this case and the ineffectiveness of institutions in terms of taking further measures after the reported violence in the shelter and possible corruption in the funding system is evidenced by the fact that the European Commission once again mentioned it in the chapter referring to the work of the NGOs, demanding urgent measures to prevent and suppress these adverse events.

<sup>88</sup> WRC and Association Spectra, Gender Analysis of 2023 Parliamentary Elections, see more at link: <https://womensrightscenter.org/rodna-analiza-parlamentarnih-izbora-2023/>

<sup>89</sup> Women's Rights Center repeatedly proposed introduction of quotas for the less represented gender, ensuring better gender parity among the executive power. Beside guarantee mechanisms for the implementation of the law, WRC proposed introduction of 40% quotas for the less represented gender in the composition of the Government, and also reserved at least one vice-presidential seat, in a cases when it is foreseen by its formal structure. The amendments were delivered to the Women's Club in the Parliament, to the line Ministry for Public Administration as well as to the Council for Public Administration Reform. However, the amendments were not included in formal Draft of the Law, whose adoption is planned for the second quarter of this year.The issue was also discussed at the meeting with the Vice President of the Government for political system, judiciary and anti-corruption who expressed his will to advocate for this purpose. On the other side, joint position with the Ministry for Human and Minority Rights is set as regards future amendments in election legislation concerning women's political participation.

women's organizations in political parties, is still an issue<sup>90</sup>. This negative practice has been raised by CSO's and lately also by the State Audit Institution's report<sup>91</sup>, but the line Ministry as well as the Anti-Corruption Agency, entitled to perform duties in this regard, remained non responsive.

Omnipresent hate and misogynist speech targets not only women in politics, but also women human rights activists<sup>92</sup>, creating unsafe public space for them to act freely, without fear of various types of pressure, threats, and exposure to other forms of violence. Public attacks often come from family perpetrators or their supporters. Lately they are becoming more visible in media, as so-called protectors of "man's rights".

### **30. – 31. CEDAW/C/MNE/CO/2 - EDUCATION**

Women's educational attainment in Montenegro recorded some rising compared to previous period and is represented by the fact that each year graduate more women than men<sup>93</sup>. When it comes to education of persons with disabilities, especially primary education, a significant gap between boys and girls is visible: in the 2022/2023 school year, there were 530 girls with disabilities and 1052 boys with disabilities enrolled in primary education. When it comes to the 2023/2024 school year there were 974 boys with disabilities and 498 girls with disabilities.

There is no evidence that the better education of women has resulted in them securing better jobs or having higher salaries<sup>94</sup>. Significant gender differences persist in the field of education, health, welfare humanities and arts where women represent the vast majority.

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<sup>90</sup> Vast majority of political subjects do not comply with their legal obligations related to reporting on the financing of their women's organisations. In line with relevant provisions of the Law on financing of political entities and electoral campaigns political entities are entitled to a fixed percentage of funds allocated specifically to support regular financing of women's organisations, introduced with the purpose of furthering gender equality and women's political empowerment. Although the Law stipulates that payment of these funds are conditional upon their purposeful spending, in line with the statutes of these women's organisations, the study found that most political parties neither reported on the way these have been spent, or even adopted the statutes of these women's organizations. Although they have continuously failed to comply with the relevant legal requirements, Ministry of Finance has continued to make regular payments to these political entities, thus leaving any non-purposeful spending of public funds intended for the financing of women's organisations unsanctioned. See also at link: <https://www.slobodnaevropa.org/a/zene-politika-ucesce-finansije-stranke/32860055.html>

<sup>91</sup> More info on this at link: <https://www.dri.co.me/aktuelnost/senator-kovacevic-na-ndi-radionici-posvecenju-finansiranju-zenskih-organizacija-unutar-politickih-subjekata>

<sup>92</sup> More info on this at link: <https://www.hraction.org/2023/10/11/hra-i-czp-protiv-mizoginije-prema-ivani-vojovic-politicari-da-saopstavaju-argumente-bez-omalovazavanja-zena/>

<sup>93</sup> According to Monstat, in the 2021-2022 school year, 47.9% of girls are regular students in schools, while the percentage for boys is 52.1%. In the academic year 2021/2022, 56.0% of women and 44.0% of men were enrolled in basic academic studies. During the year 2021, of the total number of undergraduate graduates, 59.2% are female, and 40.8% are male. In 2021, 58.9% of women completed specialist studies, and 41.1% of men. In the same year, 64.1% of women and 35.9% of men received their master's degrees. In 2021, 63.3% of women and 35.7% of men earned the title of Doctor of Science. More on this at: LINK

<sup>94</sup> Detailed information in Gender Equality Index, p.24

Some affirmative measures were launched by the Ministry of Science during 2018 and 2019 to promote better inclusion of women in STEM, by awarding grants to women PhD candidates.<sup>95</sup> However, only 30 percent of female students choose a faculty in STEM fields, according to data of the Ministry of Science from 2023<sup>96</sup>. Moreover, only 17 percent of those enrolled in IT studies are women<sup>97</sup>.

The conservative educational system remained resilient to numerous civil initiatives for the introduction of gender studies at higher levels of education. The reporting period brought only a setback in this respect, especially expressed through state's support for religious schools, manifested through the allocation of significant financial resources for their establishment<sup>98</sup>. The lack of gender-sensitive education, continued due to the failure of the line Ministry of Education to implement measures foreseen by the relevant strategy<sup>99</sup>

The courses in civic education were mandatory for ten years until 2017, when downgraded to optional subjects that fail to challenge traditional gender norms<sup>100</sup>. The sexual education is sporadically tackled mainly through optional subject "Healthy Lifestyles" and still represents tabu for many teachers<sup>101</sup>. On the other side, initiatives to impose religious education appear occasionally, mainly arriving from Serbian Orthodox Church<sup>102</sup>.

Three years into implementation of Gender Equality Strategy, the Ministry of Culture and Media declared not to be able to undertake any of the planned activities related to introduction of

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<sup>95</sup> Ibid.

<sup>96</sup> See statement of Minister of Science Biljana Šćepanović at link: <https://www.vijesti.me/vijesti/drustvo/642847/scepanovic-crna-gora-osma-u-evropi-po-procentu-zena-naucnica-kao-drustvo-da-im-pruzimo-podrsku>

<sup>97</sup> More on this at link: <https://www.britishcouncil.me/programi/obrazovanje/skole-za-21-vijek/zene-u-nauci/rodni-jaz>

<sup>98</sup> The fund of 1 800 000 euros, was allocated from the state budget to the religious gymnasium founded by the Serbian Orthodox Church, according to two Government's decisions. More at: <https://www.gov.me/clanak/saopstenje-sa-9-sjednice-vlade-crne-gore> ,<https://www.gov.me/clanak/saopstenje-sa-21-sjednice-vlade-crne-gore-2>

<sup>99</sup>The National Strategy for Gender Equality 2021-2025 stated that: "the patriarchal model of behaviour, understanding Montenegrin society and what is "acceptable" for female and male children, often makes violence an acceptable model of behaviour against women and persons of different gender identities. The consequences are devastating for the society and they take many forms, such as the drastic ones - selective abortions, gender-based violence, and discrimination at work.", See the document at link URL: <https://www.gov.me/dokumenta/33985332-d431-4c25-9643-e9a15d76e548>

<sup>100</sup> Many professionals agree that this subject should be returned to the regular educational process, as it includes topics that every citizen, member of a democratic society should master and adopt as a lifelong skill, regardless of their profession. There is an elective course "media literacy" in gymnasiums, which is vital for the development of critical thinking, so a combination of civic education and media literacy could bring generations that will nurture democratic values". See also National Strategy for Gender Equality 2021-2025.

<sup>101</sup> More on attitudes as regards sexual education see at link" <https://www.portalanalitika.me/clanak/259001--novovic-seksualnom-obrazovanju-u-skolama-pristupati-sistemski>

<sup>102</sup> More on issue at: <https://www.portalanalitika.me/clanak/uvodenje-vjeronauke-u-skolski-sistem-crne-gore-politicko-nadgornjavanje-koje-vodi-u-nove-tenzije-i-podjele>

*gender-responsive programs and the mandatory use of gender-sensitive language in the programs of cultural institutions (measure 2.4).*<sup>103</sup>

There were examples of teaching materials used in schools that deepen gender stereotypes of women and men of all ages. (See Case study #4 and #5)

## **32. – 33. CEDAW/C/MNE/CO/2 - EMPLOYMENT**

Montenegro has the third lowest employment rate among countries for which Eurostat provides comparable information and a relatively high gender gap (14.4 pp.) in favour of men's employment<sup>104</sup> Recent research showed that Gender pay gap in Montenegro has not shown any clear sign of improvement in the past decade<sup>105</sup>. It increases with age until it reaches a maximum among prime-age workers. This comes as evidence that women's employment trajectories encounter more frequent interruptions and obstacles than men's in making significant career progress, and may be due to disadvantages in employment and earnings related to motherhood status or other forms of discrimination (such as the fact that women do not get promoted as frequent as men to management positions)<sup>106</sup>. Average earnings are about the same among men and women under 25. However, men's earnings increase significantly with age, while women's earnings remain largely constant throughout their careers. Feminisation of profession is still omnipresent while data indicate that those professions where women made 80 percent of workforce, are on average paid 50 percent less than those professions where there is approximate the same number of men and women<sup>107</sup>.

In Montenegro women still face the burden of domestic work and care for children and elderly, impacting their Work-Life balance and negatively affecting their professional engagement. It is calculated that the number of working hours remains roughly the same with age for man<sup>108</sup>, while it decreases for women (from 0.1 hour for men to 1 hour for women). This in turn could result

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<sup>103</sup>The Ministry of Culture and Media officially informed about it the Department for Gender Equality. This Information was obtained during the work of the Working Group for drafting the 2023-2024 Action Plan for the implementation of NSGE 2021-2025, in which the representative of Women's Rights Center participated.

<sup>104</sup> According to the latest available data from 2023, out of the total number of the labour force (active population), there are 56% of men and 44% of women, while 52,8 % of persons outside the labour force are women and 47,1 % are men. Men made 57.2% out of total number of employed persons, while women made only 42.8% Source: MONSTAT Labor Force Survey, IV quarter, 2023, at: [https://www.monstat.org/uploads/files/ARS/2023/4/ARS%20saopstenje\\_2023\\_Q4.pdf](https://www.monstat.org/uploads/files/ARS/2023/4/ARS%20saopstenje_2023_Q4.pdf)

<sup>105</sup> It is 21 percent when calculated on the arithmetic mean of the earnings distribution, and about 11 percent when calculated on the median. Source: Gender Pay Gap in Montenegro, International Labour Organisation, 2023, page 65

<sup>106</sup> Ibid, page 32

<sup>107</sup> Ibid.

<sup>108</sup> Employed men between the ages of 17 and 25 work an average of 44.7 hours per week. This remains stable at 44.6 for employed men aged 26 to 45, before falling slightly to 44.1 for men aged 46 to 54. For working women between the ages of 17 and 25, instead, the number of working hours is 43.8. Op.Cit. Ibid.

in their employment in relatively less skilled positions and in non-management positions which could be associated with lower hourly wages.

Beside this, women are more likely to work in public administration than men<sup>109</sup>. These jobs may be attractive to women, also because they are generally associated with a higher degree of work-life balance. However, career progression and salary increases are generally lower in the public sector.

Figures showed a backsliding in traditional gender roles, reflecting decline in men who use their right to **parental leave**<sup>110</sup>. Amendments to the Labour Law introduced “right for fathers to exercise paid parental leave for the duration of ten working days from the day of the child’s birth. However, this article should be **mandatory**, to ensure its implementation.

There is a huge employment gap among **women and men with disabilities**, with women with disabilities reaching 59.2% of the total percentage of unemployed persons. Persons with disabilities, LGBTQIA+ persons, minority ethnic groups and older people, especially women, face multiple discrimination, though it has been difficult to document. According to the NGO Spektra’s research, the majority of surveyed TIGV individuals rate their socio-economic status as poor or very poor.<sup>111</sup> These findings unequivocally reflect both in terms of mobility within the labour market and in terms of access to housing and healthcare systems.

#### **34. – 35. CEDAW/C/MNE/CO/2 - HEALTH**

The 2022 CIN report<sup>112</sup> showed that women in maternity wards during the past five years regularly faced interventions and practices that the WHO<sup>113</sup> calls for to be reduced or abolished<sup>114</sup>

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<sup>109</sup> About 40 percent of employed women in Montenegro work in one of the following sectors: "Public administration", "Education", "Human health and social work", mainly related to the public sector, while less than 25 percent of employed men are employed in one of these three sectors.

<sup>110</sup>Data from the Tax Administration indicate that 453 fathers used the right to parental leave in 2020, 445 in 2021, while this number dropped sharply in 2022 -381 and 2023 - only 331 fathers used the right to parental leave, at: <https://mina.news/vijesti-iz-crne-gore/drzava-da-propise-obavezno-koriscenje-dijela-roditeljskog-odsustva-za-ocveve/>

<sup>111</sup> Research on socio-economic violence experienced by the TIRV community in Montenegro, Asocijacija Spektra, February 2024.

<sup>112</sup> The results of an anonymous online survey conducted by The Center of Investigative Journalism (CIN-CG) on a sample of 706 women who gave birth naturally in Montenegro during the 2017-2022, showed that as many as 97 percent of them had experience with at least one of the harmful practices - they gave birth lying on their backs, while about 70 percent had an episiotomy, about 55 percent experienced contractions induced by induction or stimulation with drugs, and 48 percent of them had stimulation by some other mechanical intervention. The report is available at: <https://www.cin-cg.me/porodilista-u-crnoj-gori-uglavnom-krse-preporuke-szo-nasilje-o-kom-secuti/#>

<sup>113</sup> World Health Organisation

<sup>114</sup> Interventions such as episiotomy, abdominal compression during childbirth, enemas, shaving and giving birth from the supine position.



These practices are often carried out in Montenegro without the consent of the woman giving birth, which is a type of obstetric violence, which is legally sanctioned in many countries, but not in Montenegro.

There is clear gender segregation in health professions reflecting traditional roles of women and men<sup>115</sup>.

**Women with disabilities** still have a limited access to sexual and reproductive health, as only five gynaecological chairs are available in the whole country, and some equipment is broken down and not repaired<sup>116</sup>. Insufficient education of **Roma and Egyptian** women on healthcare and premature and frequent pregnancies, leaves a toll on their reproductive, physical, and mental health.<sup>117</sup>

TIGV individuals reported discrimination in the field of healthcare<sup>118</sup> and faced a shortage of hormone therapy prescribed to trans women in transition (oestradiol).

The 2020 UNFPA report indicated that Montenegro had enacted only 37 percent of regulations necessary to provide for full and equal access to contraceptive services. Modern forms of contraception are still not available to all women and girls free of charge, and awareness of the prevention of unwanted pregnancies and sexually transmitted diseases, is not systematically provided by the public health institutions.

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<sup>115</sup> In health care system there are significantly more women (1102) doctors than men (624)#. However, stereotypes still persist regarding types of specialisation, so women make 83% of paediatricians, while there are also more women among general medicine doctors (80%), family medicine doctors (84%), or among hygiene specialists (86%). On the other hand, 92% of surgeons are men. Man, in addition, make 100% of neurosurgeons.( Information obtained from Institute for Public Health upon the WRC demand, on 12 April 2024.)

<sup>116</sup> At the beginning of 2022, vertical platform in the Health Center Nikšić was broken down and was not repaired. After the complaints by the Association of Youth with Disabilities of Montenegro, the platform was removed for repair, but it has not been installed again by the period in which this report was created. Media report at: <https://www.vijesti.me/vijesti/drustvo/583796/umhcg-dajemo-rok-od-tri-mjesec>

<sup>117</sup> REGIONAL REPORT on Discrimination of Roma Women, on compliance with UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) relating to discrimination of Roma women in the area of healthcare, child marriages and offering support and protection to Roma women in cases of domestic violence, Belgrade 2019, available at: <https://eca.unwomen.org/sites/default/files/Field%20Office%20ECA/Attachments/Publications/2019/10/Regional%20Report%20on%20discrimination%20of%20Roma%20women%20English.pdf>

<sup>118</sup> According to new data, by research conducted by Association Spektra in 2023, 49% of surveyed TIGV individuals reported experiencing discrimination in the field of healthcare. One of the examples of institutional discrimination of transgender women in the healthcare system is the case of ridicule of a trans woman in the Health Center Podgorica in 2019, and disclosure of her personal data, making this case the first reported but not isolated case. The Protector of Human Rights and Freedoms reacted with an opinion establishing the existence of discrimination based on gender identity, followed by cooperation agreement between NGO and public state institutions. However, no further actions were conducted, and issues in healthcare for transwomen still persist.



## 36. – 37. CEDAW/C/MNE/CO/2 - ECONOMIC AND SOCIAL BENEFITS

The Law on Compensation of Former Beneficiaries of Subsidies Based on the Birth of Three or More Children was adopted by Montenegrin Parliament in 2021<sup>119</sup>. The Law compensates all mothers who received benefits from the beginning of 2016 to the middle of 2017, when the benefits were abolished, as well as those who later continued to receive them. The payment of benefits in the amount of 192 and 336 euros, respectively, started from April 2022.

## 38. – 39. CEDAW/C/MNE/CO/2 - RURAL WOMEN

Though women make up approximately 40% of Montenegro's agricultural workforce, they account for only 8% and 13% of land and agricultural holding ownership, respectively<sup>120</sup>. In addition, time poverty is recognised as the key issue, with women being responsible for a significantly disproportionate share of unpaid work at home.

Recent project<sup>121</sup> brought some progress in the position of rural women<sup>122</sup>

Underdeveloped transport infrastructure still directly affects mobility of rural women to approach local health care and education institutions, or to achieve legal protections from courts where necessary. Their protection from violence and access to justice are of particular concern, with no mobile courts organised.

A national screening program for early detection of cervical cancer, scarcely covers women who live in **rural areas** and out of urban centres, as shown by the latest research<sup>123</sup>.

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<sup>119</sup> The Law on Compensation of Former Beneficiaries of Benefits Based on the Birth of Three or More Children was adopted on December 29th 2021, available here:

<https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/317/2676-15144-19-6-21-7.pdf>

<sup>120</sup> Policy brief "Women transforming rural areas in Northern Montenegro, International Fund for Agricultural Development, November 2023, at:

[https://www.ifad.org/documents/38714170/48027775/Montenegro\\_Policy\\_Brief\\_Gender.pdf/d493e650-cd3d-5fd3-640f-5ce743a9c98e?t=1700559825702](https://www.ifad.org/documents/38714170/48027775/Montenegro_Policy_Brief_Gender.pdf/d493e650-cd3d-5fd3-640f-5ce743a9c98e?t=1700559825702)

<sup>121</sup> The Rural Clustering and Transformation Project (RCTP) is implemented in Montenegro's northern mountainous area

and completed in 2023. The project was financed by IFAD, its Adaptation for Smallholder Agriculture Programme (ASAP) and the national private sector and government.

<sup>122</sup> Women became more engaged in the cluster, constituting 37% of cluster members. Women also made 20% of matching grant beneficiary household heads, and 18% of those who received technical and business skills training. Female farmers Moreover, the project has improved women's participation in decent work, such as in berry collection centres. more info at

[https://www.ifad.org/documents/38714170/48027775/Montenegro\\_Policy\\_Brief\\_Gender.pdf/d493e650-cd3d-5fd3-640f-5ce743a9c98e?t=1700559825702](https://www.ifad.org/documents/38714170/48027775/Montenegro_Policy_Brief_Gender.pdf/d493e650-cd3d-5fd3-640f-5ce743a9c98e?t=1700559825702)

<sup>123</sup> The FORS MNE research was conducted on a representative sample in 14 northern municipalities in Montenegro. The results of the research unequivocally indicate an extremely high risk to the overall health of this population, given that more than 35% of the respondents do not have a chosen gynaecologist, almost half (46%) have never had a preventive breast examination or a preventive gynaecological examination, 28% of them have had this type of examination done only once, over 50% have never performed an ultrasound breast examination, and 75% have never performed a mammographic examination. It is particularly alarming that 34% of the respondents have never

Women make 60% of all beneficiaries of agricultural old-age benefits<sup>124</sup>, in amount of 207 euros, which is significantly less compared to the minimum wage in the country ( 450 euros)<sup>125</sup>, therefore insufficient for families which often consist of several generations of household members. There is no data on how women spend this money, which opens up possible unexplored exposure to economic violence.

In addition, there is no data on the number of women who live on agricultural households and do not have any income, because their husbands already receive benefits on some other basis. Apart of unemployment of young women, the needs of rural women remain invisible and beyond the reach of any politics and measures<sup>126</sup>.

#### **46. – 47. CEDAW/C/MNE/CO/2 - LESBIAN, BISEXUAL, AND TRANSGENDER WOMEN**

**The Draft of the Law on Legal Gender Recognition Based on Self-Determination has been finalised** but still not put in the Parliamentary procedure, although, it should have been adopted by the end of 2023<sup>127</sup>. The open resistance to the Law was particularly directed from the religious institutions in the country, while media reported in a non-balanced way, favouring the negative opinion of the Church<sup>128</sup>. Certain media publications contained incorrect and biased reporting, and in television shows, one could hear different interpretations of "relevant" interlocutors, who, by their own admission, did not even read what was written in the Draft Law<sup>129</sup>. This created an overall hostile environment aiming to undermine years of struggle of transgender persons to gain autonomy over their bodies as a genuine human right.

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had a Pap test, only 27% of respondents go to regular annual gynaecological examinations, while most (57%) visit gynaecologists when they already have a health problem. More on this at link: <https://forsmontenegro.org>

<sup>124</sup> According to the Law on Agriculture and Rural Development, the condition for obtaining the old-age allowance for men is that they are older than 65 years, while for women the age limit is 60 years, as well as that they live in the countryside and engage in agriculture, and that the both, applicant and spouse do not receive income on another basis.

<sup>125</sup> More on this at: <https://bankar.me/2024/02/08/minimalna-bruto-plata-u-crnoj-gori-jedna-od-najmanjih-uevropi/>

<sup>126</sup>The Ministry of Economic Development adopted Regional Development Strategy 2023-2027 without any tailored measure addressing rural women's needs. Unemployment of young women was tackled through specific objective and the specific measures in the Strategy.

Strategy at link: <https://www.gov.me/dokumenta/4b0f63fd-e49d-4f0c-9f09-99426dc8d51b>

<sup>127</sup> The evaluation of the LGBTI Strategy for 2019-2023 by the Council of Europe, has shown that the Strategy did not fulfil its purpose, primarily when it comes to providing a contribution to social acceptance of LGBTI persons and access to work, services and support services.

<sup>128</sup><https://www.cdm.me/drustvo/reakciju-koalicije-ravnopravno-izvjestavanje-rtcg-o-zakonu-o-pravnom-prepoznavanju-rodnog-identiteta-na-osnovu-samoodredenja-diskriminatorsko/>

<sup>129</sup> More on disinformation spreading regarding the above Law find at: <https://www.cdtmn.org/2024/04/07/rodni-identitet-i-sta-se-sve-ne-ureduje-zakonom/>

Based on data from Association Spektra<sup>130</sup> 40% of trans women have experienced workplace discrimination, which is the highest percentage among all TIRV subgroups included in the study. In this regard, financial difficulties are experienced by 54% of trans women because, among other reasons, they are compelled to purchase their hormone therapy on the black market. Data from Association Spectra indicate that most transgender women are unemployed or employed on the black labour market, with a large number hiding their gender identity from employers. They often engage in sex work which made them further marginalized with scarce possibility of integration into society and exposed to additional stigma, physical, psychological, sexual, and economic violence, and various health risks. The impact of the economic crisis and inflation on the transgender community in Montenegro includes increasing economic and social challenges and difficulties that this community faces daily.

#### **58. CEDAW/C/MNE/CO/2 - CLIMATE CHANGE AND DISASTER RISK REDUCTION (SDG)**

The Institute for Public Health failed to conduct assessment on how climate changes affect women's health within the planned timeframe<sup>131</sup>. National gender expertise is not included in the most important political processes concerning green transition<sup>132</sup> Report on the implementation of the *Roadmap for the 2023 Energy Support Package Action Plan*, that should provide precise information on the allocations of the 30 million EUR granted to Montenegro by the EU to fight the energy crisis, is not available yet. In addition, preparation and publication of the Energy Transition Study foreseen in the Roadmap, is not finished.

#### **48. – 49. CEDAW/C/MNE/CO/2 - MARRIAGE AND FAMILY RELATIONS**

Data on the number of times custody decisions have resulted in the restriction and withdrawal of parental rights because of violence perpetrated by one parent against the other, was not collected at all. The last research conducted in 2018, by the WRC, supported by UNICEF, showed that violence was registered in only 29 cases (7.34% of the sample), meaning that

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<sup>130</sup> Research on socio-economic violence experienced by the TIRV community in Montenegro, Asocijacija Spektra, February 2024.

<sup>131</sup> Action Plan 2021-2022 of the National Strategy for Gender Equality 2021-2025 foresees that the Institute for Public Health will conduct assessment on how climate changes affect women's health, in order to prevent their negative consequences. The Ministry of Ecology, Spatial Planning and Urbanism launched a project aiming to assess both capacities of national institutions in charge for climate change to gender mainstream its policies and capacities of women NGO's to incorporate climate change perspectives in their work. The above measure should be realised within the framework of this project, in partnership with the Institute for Public Health.

<sup>132</sup> Such as the work of the Working group for Chapter 27 (in the EU integration process), or the National Council for Sustainable Development.

violence in partner relationships remains invisible in divorce processes<sup>133</sup>. The exchange of information between the competent misdemeanour courts and family courts on existing or past protection measures in family law cases has not been established.

According to the WRC research conducted in 2022,<sup>134</sup> the Center for Social Work initiated proceedings for the partial deprivation of parental rights of the perpetrator of violence in one case, and in 2 cases for the complete deprivation of these rights. However, follow-up on these cases is not known to us.

## **ALIMONY FUND**

The long-awaited Law on Temporary Child Support<sup>135</sup> entered into force on November 1, 2022. The Law established a state Alimony Fund, that operates within the Ministry of Finance, providing necessary funds to eliminate harmful consequences in cases where the parent or debtor does not provide timely child support. However, there are many obstacles in implementation<sup>136</sup>, so only a small number of requests was paid from the Fund<sup>137</sup>. Our beneficiaries<sup>138</sup> indicated that they were asked for proofs and documents that were not predicted by the Law, showing uneven practice of centres for social welfare and their inability to overcome bureaucratic obstacles in assuring law implementation. Retroactive payment of alimony, as prescribed by the Law, was another obstacle raised by the Protector of Property and Legal Interests, which finally caused the suspensions of further payments from the Fund.

The continuation of the work of the Alimony Fund, i.e. the adoption of the new version of the Law, took nine months<sup>139</sup>, leaving mothers with children already facing the risk of poverty again without any protection and economic assistance.

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<sup>133</sup> The research sample consisted of final judgments in proceedings for divorce and custody of children, which included partners who have common minor children. In the period from 01.01.2017. until July 1, 2018. years (18 months), at the level of all basic courts in Montenegro, there were 395 judgments for divorce, of which violence in an intimate partner relationship was registered in only 29 cases (7.34% of the sample), meaning that violence in partner relationships remains invisible in divorce processes. Marital/partner relationships are most often described as "seriously and permanently disturbed" in the reports of centers for social work and in judgments, and not as violence.

<sup>134</sup> WRC research Satisfaction of women experiencing gender-based violence with the services of the Center for social work and specialized non-governmental organizations

<sup>135</sup> Women's Rights Center initiated the Draft Law on Temporary Child Support that determines the conditions and regulates the procedure for exercising the right to temporary child support, competence, records, financing, as well as the establishment of the Alimony Fund and other issues of importance for exercising temporary child support.

<sup>136</sup> Based on the information obtained by WRC beneficiaries, who applied to receive the funds

<sup>137</sup> Approximately thirty alimony requests were paid for the period from November 1 2022 to March 20 2023.

<sup>138</sup> In the period from November 2022 to March 2023, the number of beneficiaries who turned to the Center for Women's Rights for help in exercising the right to temporary child support is 41.

<sup>139</sup> The Law was finally adopted at the parliamentary session held on December 26, 2023