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Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)

AYDM Contribution to GREVIO

Below is the contribution of the **Association of Youth with Disabilities of Montenegro (AYDM)** regarding the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)*.

Part I: Changes in comprehensive and co-ordinated policies, funding and data collection in the area of violence against women and domestic violence

Article 7: Comprehensive and co-ordinated policies

1. There is **limited new policy development** since the adoption of GREVIO's baseline evaluation report in Montenegro, ensuring comprehensive policies **covering the areas of prevention, protection, and prosecution in relation to stalking, sexual harassment, and domestic violence, including their digital dimension, rape, and sexual violence, female genital mutilation, forced marriage, forced abortion and forced sterilization, thereby demonstrating further implementation of the Convention, regarding the women with disabilities.** Namely, to a certain extent, the *Law on the Protection of Domestic Violence* more precisely defined the forms of violence against women with disabilities, but not completely.

The **Ministry of Justice**, during the preparation of the *Draft Law on Amendments to the Law on Protection from Domestic Violence*, **accepted the significant suggestions of the AYDM, submitted earlier, while during the Public Debate we submitted two new suggestions for defining the forms of violence suffered by persons with disabilities, especially women, as a specific type of manifestation: denial and/or restriction of freedom of movement and forced medical treatment, by restricting or giving medication, medicines and other medical devices. The second suggestion was referred to the definition of the prohibition of forced sterilization and**



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abortion. The first proposal was accepted, while the second was not, with the explanation that it was not "elaborated enough because certain situations can be brought under Article 222 (Breach of family obligations) of the Criminal Code of Montenegro". However, this is not the case because it is not only about forms of violence that occur in the family environment but also in the institutions of the system, which is why it is not only Article 222 (Breach of family obligations) of the Criminal Code of Montenegro. This means that women with disabilities can suffer this form of violence from family members and/or guardians, as well as in health or residential social care institutions.

2. It is answered within paragraf 1.

3. Our authorities have not ensured that policies on violence against women and domestic violence put women's rights and their empowerment at the center, especially in the implementation of laws and policies. Also, there are no adequate measures taken to improve the intersectionality of such policies, in accordance with Article 4, paragraph 3 of the Convention. Namely, women with disabilities are not sufficiently recognized in national legislation and the legislation is either missing or incomplete, in the area of recognition and protection of the rights of women with disabilities, including especially in the area of violence and other specific forms of discrimination.

Article 8: Funding

4. The **Ministry of Labor and Social Welfare** established the **Directorate for Protection from Gender-Based Violence and Domestic Violence**, however, the **results of the work are not sufficiently visible and transparent, and no cooperation has been established with organizations of persons with disabilities that deal with protection from violence against women and girls with disabilities and violence. in the family.**

5. If there are funds allocated to women's rights organizations at all, **they are not allocated to organizations that specifically deal with the protection of women with disabilities from violence.**

Article 11: Data collection and research

6. Existing data and data collection did not include detailed data in relation to women with disabilities on the type of violence, gender and age of



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the victim and the perpetrator, the relationship between them and where it happened, for administrative data of importance in the area of violence against women and domestic violence that it comes from law enforcement agencies, the justice sector, social services and the public health sector.

Part II: Information on the implementation of selected provisions in priority areas in the field of prevention, protection and prosecution

Article 12: General obligations

9. Primary preventive measures, which aim to change mentality and attitudes regarding violence against women and to reduce women's exposure to gender-based violence, are not implemented systematically, planned and continuously. The prevention of violence is generally not systematically organized and is not implemented by the institutions of the system.

The above refers to harmful gender stereotypes and prejudices, customs and traditions based on the idea of the inferiority of women, especially women with disabilities, Roma and Egyptian women, women from rural areas and other marginalized and disadvantaged women.

Increased exposure to gender-based violence by women and girls who are at risk of intersectional discrimination is not treated through preventive mechanisms, nor is this category of girls and women directly supported by institutions involved in or responsible for protection from violence. All activities are carried out only on a project basis by domestic or international non-governmental organizations and agencies.

Also, there are no campaigns, awareness-raising activities and other educations that target boys and girls and other members of society, to actively contribute to the prevention of all forms of violence against women covered by the *Istanbul Convention*, and the promotion of the empowerment of women and girls in all areas of life, especially their participation in politics at all levels and on the labor market.

Article 14: Education and Article 16: Preventive intervention and treatment programmes

Curriculum or preventive programs, materials or initiatives for use in formal education (from preschool to higher education) according to our knowledge, are not encouraging and positive, but on the contrary, they are either completely absent or are often defined and implemented in a



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discriminatory manner, i.e. they are full of prejudices and stereotypes in relation to gender roles.

Recently, parts of the curriculum and teaching methods in the formal education system, defined for example through various student tests, which include discrimination against women and their roles, have appeared in the media.

In these methods, a woman is portrayed as inferior, her role is reduced to that of a partner, wife and mother, while a man is portrayed as the one who is in charge, makes decisions and he questions everything in the family and community, even in society and the state.

In this sense, the teaching material used in school conveys negative gender stereotypes of women and men of all ages, while not offering and promoting behaviors and interventions aimed at preventing gender-based violence and empowering all girls, including those in dangers of intersectional discrimination.

When it comes to informal programs of training and work with boys and men that are supported by competent professional institutions, it is not known that they exist as such and that they are maintained continuously and with prior adequate and systematic planning, as well as that they are carried out with expert organizations which deal with the protection of girls and women with experience of violence.

Article 15: Training of professionals

12. Civil society organizations, including specialized women's organizations or other organizations that deal with specific groups of women, such as women with disabilities, that have accredited training programs or a license to provide services in the field of social and child protection¹ do not receive regular funds from the budget. all the services they provide to women who have experienced violence.

In 2023, the **AYDM** had to stop providing services of individual psychological support and self-support groups for women with disabilities because projects in the field of protection from violence and domestic violence and support for children and youth (families in crisis) were not approved by the **Ministry of Labor and Social Welfare**, i.e. we did not receive financial

¹ According the Law on Social and Child Protection



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support, unlike the previous years: 2022 and 2021.

Also, unlike the two mentioned years, when we also had projects in the field of gender equality and conducted training and education for different target groups, as well as launched an informal network of experiential support for women with disabilities, in 2023 we also had to stop these activities due to lack of financial support from the **Ministry of Human and Minority Rights**.

The contribution regarding this article can be connected also with the **Article 18: General obligations and Article 22: Specialist support services**.

Article 20: General support services

Questions specific to the public health sector:

22. Women with disabilities are not able to equally benefit from existing health services because of the obstacles they face. Those obstacles relate to the inaccessibility of health institutions and services, as well as other providers of health care services (infrastructure and architectural inaccessibility), then obstacles in understanding and communication, inaccessibility and lack of specialized equipment, lack of protocols for dealing with them.

23. We remind you that during the **Constructive Dialogue with the Committee on the Rights of Persons with Disabilities**, in August 2017, the state delegation did not answer the question about sterilization and forced abortion of women with disabilities, especially those placed in residential institutions. The **AYDM** asked this question to the Montenegrin institutions several times, but it never received a positive answer. nor denied, so there is a serious suspicion that forced sterilization and/or abortion is taking place.

24. Women with disabilities are not fully informed, the means of communication with some groups of these women (women with visual, hearing or intellectual disabilities and rare disabilities) are not accessible, so they are not able to understand and freely give their consent to procedures such as are sterilization and abortion or their right to privacy and protection of personal data is constantly violated due to the necessary assistance of another person due to this type of inaccessibility.

In addition, there are examples of violations of the right to informed consent and there are some court proceedings for malpractice or violation of the right to informed consent.



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Articles 49 and 50: General obligations and immediate response, prevention and protection.

41. Most security checkpoints and police stations/prosecutor offices throughout the country are largely or completely inaccessible to women with disabilities, contrary to the legal obligation from 2008 that all public facilities and facilities in public use must be accessible to persons with reduced mobility and persons with disabilities.

44. Procedures for reporting violence and communication with some categories of women with disabilities who are victims of violence are not accessible. Procedural adaptations in the procedure are not always applied, and in some cases almost not at all. Due to the lack of training of police officers and prosecutors in the use of sign language, the privacy of women with hearing impairments is violated because a third person who is an interpreter is engaged.

45. There is no protocol for dealing with girls and women with disabilities who are victims of violence, nor regular training and education of police officers on how to communicate with victims who come from the group of women with disabilities.

Part IV: Administrative data and statistics

There are no precise and segregated statistical data on women with disabilities who report violence. existing mechanisms and types of records do not include data on specific characteristics of victims and their personal characteristics. This issue is a consequence of overall poor and inadequate statistics and data collection on persons with disabilities and the fact that there is no unified system of such records.

Addendum that may also refer to part of Articles 25, 31 and 48

Within the framework of providing free legal assistance to girls and women with disabilities who have experienced violence, on an annual basis, the **AYDM** had over 120 reports of the violence.

However, women with disabilities rarely report violence to institutions. The reasons for nonreporting are numerous: from the obstacles they face, many of which are insurmountable and systemic, to personal reasons: a sense of fear



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of the outcome and of repeating the violence when the abuser finds out about the report. Also, they often do not report the violence because they depend on the abuser: physically or materially, and they do not have support from the system and institutions that would allow them to get out of the violence.

All forms of violence have been reported to our organization: physical, psychological and/or verbal, economic and sexual.

These forms often intertwine, so there are two or more types of nasik.

In one of the cases of sexual violence against a girl with an intellectual disability, the court and the prosecution did not apply procedural adaptations. Unfortunately, the procedure ended with the dismissal of the criminal charges and the acquittal of the abuser. In addition to all that, the victim did not receive psychological support to recover from the violence. Also, the family did not receive any support from the institutions in the recovery process, but also support during the procedure.

From the moment the violence happened (2020) until the end of the proceedings, the family changed their lawyer/representative, and since the deadlines for the appeal to the European Court of Human Rights in Strasburg were missed because the family later reported to the **AYDM**. The **AYDM** initiated proceedings before the Prosecutor's Council to examine the actions of the acting prosecutor in in this case.

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