



**Comments submitted by Montenegro
on GREVIO's first thematic evaluation:**

**Building trust by delivering support, protection and
justice**

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GREVIO's First thematic evaluation report

**Building trust by delivering
support, protection and justice**

MONTENEGRO

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on GREVIO's first thematic evaluation report**



Government of Montenegro
Ministry of Social Welfare, Family care and Demography
Podgorica, 2024.

Introduction:

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210; the Istanbul Convention) is the most far-reaching international treaty to tackle violence against women and domestic violence.

It sets up a two-pillar monitoring mechanism to assess the level of implementation by its parties: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention. In line with Article 68 of the convention, GREVIO has been providing country-based monitoring reports under its baseline evaluation procedure since 2017. Its baseline evaluation report on Montenegro, offering a comprehensive assessment of the convention's implementation in its entirety, was published on 15 October 2018, following Montenegro's ratification of the Istanbul Convention on 22 April 2013.

This report was drawn up under GREVIO's first thematic evaluation round launched in 2023 focusing on the theme of building trust by delivering support, protection and justice. To address this overarching theme it describes emerging trends in the areas of preventing and combating violence against women and domestic violence in the country. Section two aims to identify developments in key areas such as comprehensive and co-ordinated policies, funding, and data collection, that have ensued following the completion of the baseline evaluation procedure. Section three presents more in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution, in light of significant challenges and need for further action revealed by the baseline evaluation procedures and the conclusions on the implementation of recommendations from the Committee of the Parties to the Istanbul Convention.

In respect of Montenegro, the first thematic evaluation procedure was initiated in accordance with Article 68 of the convention by letter and transmission of GREVIO's first thematic questionnaire on 31 May 2023. The Montenegrin authorities subsequently submitted their state report on 24 October 2023 – one week before the deadline set by GREVIO. Following a preliminary examination of Montenegro's state report, GREVIO carried out an evaluation visit to Montenegro, which took place from 4-8 March 2024. The delegation was composed of:

- Guillaume BARBE, Member of GREVIO
- Olena KHARYTONOVA, Member of GREVIO
- Kerstin SCHINNERL, Senior Project Officer at the Secretariat of the monitoring mechanism of the Istanbul Convention

The assessment made by the GREVIO was drawn up under the exclusive responsibility of GREVIO and is based on the information collected during the various steps of the evaluation procedure. Resulting from a process of confidential dialogue with the aim of offering country specific proposals and suggestions for improvement within the national context of the party under review, the GREVIO made a report which describes the situation as observed by GREVIO up until 21 June 2024.

The Montenegrin authorities had the opportunity to comment on the submitted report twice. The main focus was on the submission of incomplete information and new activities that had changed since June 2024. The Montenegrin authorities did not comment on opinions and

recommendations of the GREVIO Committee.

Of all the institutions, only the Supreme State Prosecutor's Office had additional comments after the GREVIO Committee report was submitted.

General information: The Government of Montenegro was restructured in July 2024. This restructuring created two ministries from the Ministry of Labor and Social Welfare: The Ministry of Labor, Employment and Social Dialogue and the Ministry of Social Welfare, Family Care and Demography. As the Division for Protection from Gender-Based Violence falls under the jurisdiction of the Ministry of Social Welfare, Family Care and Demography, this ministry will continue to monitor the implementation of the recommendations and the Istanbul Convention at the state level.

COMMENTS

1. General obligations, immediate response, prevention and protection (Articles 49 and 50)

b. Effective investigation and prosecution

Points 162 and 163 - The new Instruction for the Conduct of State Prosecutor's Offices in Cases of Domestic Violence or Violence in the Family Community stipulate the obligation to open a case in each instance. This will enable the state prosecutor to directly review the evidence and information gathered by the police up to that point, as well as to conduct further inquiries/investigations to fully clarify the criminal and legal matter. The Instruction also impose an obligation on state prosecutors to effectively and comprehensively gather all evidence to fully clarify the criminal and legal matter, particularly in cases where the victim exercises the right under Article 109 of the Criminal Procedure Code (the right not to testify). This approach will enable actions in accordance with Article 55, Paragraph 1 of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, as emphasized in Point 163.

Point 164 - Due to the obligation to initiate a case in every instance, including when it is assessed as a misdemeanor, the role of the state prosecutor changes. According to the, the state prosecutor is the one who submits a request to initiate misdemeanor proceedings, represents the case before the court, and decides whether to propose to the court the imposition of protective measures.

Point 165 – The Supreme State Prosecutor's office emphasize that the NGO Women's Rights Center participated in the creation of the by providing comments and suggestions. Here, we wish to emphasize that the UNDP office in Montenegro also played a significant role in drafting the Instruction, which was adopted by the Supreme State Prosecutor in October 2024. In addition to the mentioned NGO, the UNDP office also contributed certain comments and suggestions.

Point 166 - the Instruction also modify previous practices by predicting that the state prosecutor should interview the victim immediately and, if it is possible before interrogation by the police. It is anticipated that hearings may also be conducted using audio-visual technology, with the aim of ensuring that, in as many cases as possible, the victim is interviewed only once and is not subjected to further victimization.

Points 167 and 168 - Recommendations which are mentioned here are recognized by the Supreme State Prosecutor and with the aim of improving practices, this comprehensive Guideline has been adopted, which, we hope, will yield visible results.