

*Building trust  
by delivering support,  
protection and justice*

# Montenegro

First thematic  
evaluation report

## GREVIO

Group of Experts  
on Action against Violence  
against Women and  
Domestic Violence



Council of Europe Convention  
on preventing and combating  
violence against women  
and domestic violence  
(Istanbul Convention)

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on Action against Violence against Women  
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## Contents

<b>Executive summary .....</b>	<b>4</b>
<b>Introduction.....</b>	<b>6</b>
<b>I. Emerging trends in the areas of violence against women and domestic violence .....</b>	<b>8</b>
<b>II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence .....</b>	<b>10</b>
A. Definitions (Article 3) .....	10
B. Comprehensive and co-ordinated policies (Article 7).....	11
C. Financial resources (Article 8) .....	13
D. Data collection (Article 11).....	14
<b>III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution.....</b>	<b>18</b>
A. Prevention.....	18
1. General obligations (Article 12).....	18
2. Education (Article 14).....	20
3. Training of professionals (Article 15).....	22
4. Preventive intervention and treatment programmes (Article 16).....	24
B. Protection and support .....	26
1. General obligations (Article 18).....	26
2. General support services (Article 20) .....	28
3. Specialist support services (Article 22).....	32
4. Support for victims of sexual violence (Article 25) .....	34
C. Substantive law .....	35
1. Custody, visitation rights and safety (Article 31).....	35
2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48) .....	38
D. Investigation, prosecution, procedural law and protective measures .....	39
1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50) .....	40
2. Risk assessment and risk management (Article 51).....	45
3. Emergency barring orders (Article 52).....	47
4. Restraining or protection orders (Article 53).....	48
5. Measures of protection (Article 56) .....	50
<b>Appendix I List of proposals and suggestions by GREVIO .....</b>	<b>52</b>
<b>Appendix II List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations .</b>	<b>59</b>

## Executive summary

This evaluation report addresses progress made in bringing support, protection and justice to victims of violence against women and domestic violence under selected provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). It offers an assessment made by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO's findings identify developments that have taken place since the publication of its baseline evaluation report on Montenegro on 25 October 2018 and are based on the information obtained during its first thematic evaluation procedure as set out in Article 68 of the convention. These include written reports (a state report submitted by the country authorities and additional information submitted by Women's Rights Centre, Association of Youth with Disabilities of Montenegro, and NGO Parents) as well as five-day evaluation visit to Montenegro. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report assesses the wide variety of measures taken by the Montenegrin authorities to prevent violence against women and domestic violence and to deliver protection, support and justice for victims – the theme chosen by GREVIO for its first thematic evaluation report. In identifying emerging trends in preventing and combating violence against women and domestic violence, GREVIO shines a light on laudable efforts made for the implementation of this convention. Moreover, it provides in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution as building blocks for a comprehensive response to the different forms of violence against women that instils trust in victims.

In this regard, GREVIO welcomes that since the adoption of its baseline evaluation report on Montenegro, the authorities have taken important steps to further align their legal and policy framework with the requirements of the Istanbul Convention, some of which corresponded directly to findings made in GREVIO's baseline evaluation report. Most notably, following GREVIO's suggestion to put in place a long-term co-ordinated plan/strategy, Montenegro adopted a National Plan for the Implementation of the Istanbul Convention as a comprehensive document directly based on the convention. Further, legal amendments were introduced to better delineate the misdemeanour and the criminal offence of domestic violence, and the criminal law definition of domestic violence was aligned with the definition of the convention. Another example of such positive developments is the improvement of data collection by introducing a new unified database shared by Centres for Social Work and the police, although significant challenges persist regarding data collection in law-enforcement agencies, the judiciary, and the healthcare sector. Progress has also been made in relation to specialist support services with the recent establishment of two new shelters for victims of domestic violence, which had been envisaged in the National Plan.

Beyond the progress made in Montenegro to implement the convention, GREVIO has identified areas which require urgent action by the authorities to comply fully with the convention's provisions. Among these are the harmful gender stereotypes and patriarchal attitudes that persist in all sectors of Montenegrin society, including in the media and politics, and that also shape the attitudes of professionals dealing with victims or perpetrators of violence against women and domestic violence, such as law-enforcement officers, prosecutors, judges, staff of Centres for Social Work, and healthcare professionals. Action is therefore urgently required in relation to general preventive measures and training of professionals. Further, psycho-social treatment programmes for perpetrators of violence that focus on behavioural change, not only medical treatment, are needed. Closely related to these findings is the identified urgent need to improve the handling of cases of violence against women by entities across all sectors. Concerning law-enforcement agencies and the judiciary, GREVIO has found serious shortcomings in the swift and impartial response to cases of such violence by law-enforcement officials, the collection and transmission of relevant evidence, and the consideration of incidents of violence against women by courts in decisions on custody and visitation rights. GREVIO has further expressed concern about the effective protection of victims by emergency barring orders and protection orders due to the limited availability and/or use of such orders. Regarding social services, GREVIO has noted the urgent need to provide adequate

resources to Centres for Social Work to enable them to fulfil their mandate and adequately support victims of violence against women and domestic violence. For healthcare services, GREVIO has underlined the need to provide privacy to victims when disclosing their experience of violence and to ensure the application of existing guidelines, including the priority treatment of victims of violence against women. Further, co-operation between relevant agencies needs urgent improvement, including by ensuring that multi-agency teams are operational in practice and that all relevant stakeholders are familiar with existing guidelines, as well as by institutionalising the Operational Team for Combating Domestic Violence.

GREVIO also has identified a number of additional issues that require sustained action in order to effectively build trust by delivering protection, support and justice for acts of violence against women. These relate to the need to:

- ensure appropriate resources for the implementation of policies, measures and legislation aimed at preventing and combating violence against women, including those envisaged in the new National Plan, and sustainable funding for women's rights NGOs that run specialist support services for women victims of all forms of violence;
- improve data collection on all forms of violence covered by the Istanbul Convention, by ensuring appropriate data disaggregation and harmonisation enabling the assessment of, *inter alia*, conviction rates, as well as by introducing systematic data collection in the healthcare sector;
- adapt teaching material in formal education to promote gender equality and non-stereotyped gender roles and equip teachers with the necessary awareness and skills to convey these principles, as well as to include in formal curriculums age-appropriate teaching on, *inter alia*, the notion of freely given consent in sexual relations, and the issue of violence against women;
- improve the access of women victims of gender-based violence to longer-term financial assistance, social housing and support to find employment in order to enable them to recover from the violence and live independently;
- implement standardised care paths in the public and private healthcare sectors in order to ensure the identification of victims and their referral to appropriate specialist support;
- enhance the availability of specialist support services for all victims of violence against women throughout the country, including counselling and support services, ensuring that the provision of services is based on a gendered understanding of such violence;
- prioritise efforts to set up rape crisis and/or sexual violence referral centres as envisaged in the National Plan, as specialist support for victims of sexual violence in Montenegro is currently extremely limited;
- ensure that mediation procedures in family law cases with a history of domestic violence do not constitute quasi-mandatory mediation, including by introducing screening procedures to systematically detect cases of violence in family law proceedings and by requiring judges to proactively inform parties of the voluntary nature of mediation;
- take measures to avoid repeat questioning of victims by different entities in criminal procedures and to discontinue the practice of conducting "confrontations" between victims and perpetrators in judicial proceedings on all forms of violence against women, and instead ensure that victims effectively benefit from victim-protection measures such as the possibility to testify without the presence of the perpetrator;
- ensure that the recently introduced mandatory and standardised risk assessment is consistently carried out in all cases of domestic violence throughout the country and that law-enforcement officials obtain additional information on potential risk factors from, *inter alia*, specialist women's support organisations, and share the conducted risk assessments with all other relevant agencies.

Lastly, GREVIO has identified the introduction of a licensing system for service providers as an emerging trend that might hamper the high-quality provision of services to victims of violence against women and domestic violence.

## 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 to 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

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. GREVIO wishes to highlight its constructive exchanges with the Montenegrin authorities, in particular Aleksandar Bakrač, Secretary of State at the Ministry of Justice; Snežana Vujović, Chief of Cabinet at the Ministry of Internal Affairs; and Gorica Đalović, President of the Basic Court in Bijelo Polje. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them. For the co-operation and support provided throughout the entire evaluation procedure, it wishes to extend its gratitude to Jovana Radifković, Head of the Division for the Protection from Gender-based Violence and Domestic Violence at the Ministry of Labour and Social Welfare, who was appointed as contact person. The state report and the written contributions submitted by civil society are available on the country monitoring website of the Istanbul Convention.<sup>1</sup>

The present assessment was drawn up under the exclusive responsibility of GREVIO and is based on the information collected during the various steps of the evaluation procedure. In keeping with the approach adopted in its baseline evaluation reports, the findings reflect different levels of

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1. See [www.coe.int/en/web/istanbul-convention/montenegro](http://www.coe.int/en/web/istanbul-convention/montenegro).

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urgency, indicated in order of priority by the following verbs: “urges”, “strongly encourages”, “encourages” and “invites”.

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, this report describes the situation as observed by GREVIO up until 21 June 2024. Where applicable, relevant developments up until 18 October 2024 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations that work in the field of violence against women.

## I. Emerging trends in the areas of violence against women and domestic violence

1. In the period following the adoption of GREVIO's baseline evaluation report, GREVIO identified several trends in Montenegro in the area of preventing and combating violence against women. Some of these trends were related to legislative developments prompted by broader societal movements, while others pertained to shifts in attitudes and approaches to addressing violence against women.

### **Closing gaps, addressing new threats: legislative changes to further align Montenegrin criminal law with the Istanbul Convention**

2. GREVIO notes with satisfaction that the Montenegrin authorities have made several amendments to the Criminal Code in the period following the adoption of the baseline evaluation report, which respond to newly emerging forms of violence against women or close existing gaps in criminalisation. In addition to those changes directly related to the definition of domestic violence, which are discussed in detail in the relevant parts of this report, GREVIO notes the following reforms: the introduction of the criminal offence of sexual harassment (Article 211c of the Criminal Code) and the abuse of someone else's recording, photograph, portrait, audio recording or file with sexually explicit content (Article 175a); the formulation of a separate offence of forced conclusion of marriage (Article 214a) in order to remove hitherto existing procedural obstacles and to clarify the scope of the prohibition that had previously been contained in three overlapping articles; and the alignment of the offence of rape (Article 204) with Article 36, paragraph 1c, of the Istanbul Convention (causing another person to engage in non-consensual acts of a sexual nature with a third person).

3. The legislative changes regarding sexual harassment, forced marriage and rape directly correspond to GREVIO's findings issued in its baseline evaluation report, which GREVIO commends. The need for the newly introduced offence of the abuse of photos and recordings of sexual content has been emphatically demonstrated by recently exposed Telegram channels from the Western Balkans region that were used by tens of thousands of individuals to exchange explicit photos and videos of women and girls without their consent.<sup>2</sup> GREVIO expresses its hope that the newly introduced or amended criminal provisions will be effectively used to widen the scope of protection for victims of different manifestations of violence against women and hold perpetrators accountable.

### **Quality control or obstacle? Introduction of a licensing system for service providers**

4. In 2018, a system for licensing organisations that provide services to victims of violence against women and domestic violence was introduced in Montenegro, ostensibly with the goal of ensuring the quality of services. In its baseline evaluation, GREVIO had noted that the criteria for obtaining a licence were difficult to fulfil for small NGOs and had expressed concern that the new system might result in more control of civil society organisations while at the same time lowering the quality of available services, as the gendered understanding of violence against women had not been made a precondition for NGOs to acquire a licence.

5. These concerns seem to have materialised in the period following the baseline evaluation procedure. Civil society organisations and public institutions alike have drawn GREVIO's attention to the fact that the high threshold for obtaining a licence and the adjustments and investments that were necessary to obtain a licence have hampered their provision of services to victims of violence against women and domestic violence.<sup>3</sup>

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2. The largest channel included over 36 000 members and served as a platform for the distribution of images and videos that men had obtained through different means of (former) sexual partners, sometimes combined with personal information such as phone numbers or addresses of victims. See the NGO submission by the Women's Rights Centre, p. 5, and Radio Slobodna Evropa, "Policija Srbije istražuje zloupotrebe fotografija žena na Telegramu", 9 March 2021, available at <https://tinyurl.com/5n8hs5kf> (last accessed on 3 May 2024).

3. Information obtained during the evaluation visit.

6. This is due to several different factors. On the one hand, acquiring a licence is now a precondition – yet not a guarantee – for organisations providing services to obtain any type of state funding, both project based and longer-term funding based on yearly contracts. NGOs that are not in a position to comply with the licensing criteria are therefore left with the only option of applying for funds from international donors, and risk a fine if they continue providing their services without a licence, which has led to several small civil society organisations ceasing to provide or significantly scaling down their services to victims.<sup>4</sup> The reason why many NGOs are struggling to obtain a licence is that the requirements include a high ratio of staff to clients and premises of a certain size and constitution, which would incur costs that small organisations simply cannot cover, especially in view of the fact that state funding is unavailable before being licensed. Another challenge is the requirement to employ a certain number of individually licensed professionals, who are apparently still scarce throughout the country. On the other hand, complying with some of the licensing criteria can in itself result in limiting the provision of services as the staff ratio and the required space per client affect the number of beneficiaries that an organisation is allowed to provide services to, especially in shelters.<sup>5</sup> Last, the fact that the licensing criteria do not include a requirement to base the provision of services on a gendered understanding of violence against women means that organisations with little experience in the field or that are applying an approach focused on family unity can be selected to be providers of these crucial services, which can further negatively impact the overall quality of available services. Considering the already limited availability of specialist support services throughout the country, this points to the need to design the licensing system in a way that enables the gender-sensitive provision of services for victims of violence against women and their children, including by grass-roots organisations with ample experience in the field.

#### **Limited institutionalisation of processes for case management and multi-agency co-operation**

7. Despite the existence of comprehensive guidelines for the handling of cases of violence against women, in practice co-operation with other agencies is mostly based on close working relationships among individual professionals, rather than grounded in the systematic application of protocols. GREVIO notes that this has far-reaching implications for the quality of case management and, ultimately, the outcome of cases.

8. For example, in smaller towns, case conferences take place “because professionals know each other” and referrals to and from a certain sector work well in some municipalities because of one particular person heading the relevant local institution. This is corroborated by the limited or lack of knowledge of applicable protocols that GREVIO has observed among professionals, as discussed in various parts of this report. While this knowledge gap might be remediable by training initiatives, GREVIO notes that the described situation might also point to another issue, namely the lack of institutional commitment to ensure the implementation of guidelines developed by the national authorities. While GREVIO recognises the efforts of individual professionals throughout all sectors to protect and support victims, motivated by personal dedication, it underlines the potential that lies in ensuring the application of existing protocols in order to create a more reliable system, which victims of violence against women can trust to deliver support, protection and justice irrespective of single individuals.

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4. Information obtained during the evaluation visit.

5. For example, this has affected the number of shelter places in the state-run shelter in Bijelo Polje (Public Institution Centre for Support of Children and Families); see Article 22, Specialist support services.

## **II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence**

9. Chapter I of the Istanbul Convention sets out general principles that apply to all the substantive articles contained in Chapters II to VII and therefore lay the foundation for a comprehensive and adequate response that ensures the delivery of support, protection and justice for all women and girls at risk of or who have experienced gender-based violence. These include, among other things, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies, sustained by the necessary institutional, financial and organisational structures.

### **A. Definitions (Article 3)**

10. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. “Violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” provided in paragraph *d* of Article 3 seeks to ensure more clarity about the nature of the violence covered, by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

11. In its baseline evaluation report, GREVIO had observed that a definition of “violence against women” had been missing in the Montenegrin legal framework and that the definition of “gender-based violence” contained in the Law on Gender Equality (Article 7, paragraph 7) was not in line with Article 3*a* and *d* of the Istanbul Convention. Most importantly, GREVIO had emphasised that more operational clarity was needed between the misdemeanour offence and the criminal offence of domestic violence as defined in Article 36 of the Law on Domestic Violence Protection (LDVP) and Article 220 of the Criminal Code, respectively. GREVIO had further noted that the definition of “family member” in the criminal offence of domestic violence was too narrow.

12. GREVIO notes with satisfaction that legal amendments have been introduced to better delineate the misdemeanour and the criminal offence of domestic violence. Article 220 of the Criminal Code now sets out the following conduct as constituting a criminal offence: (1) inflicting light bodily injury on a member of the family or endangering their safety by threatening to attack their life or limb or that of a close person; (2) ill-treatment of a member of a family or treatment in a manner offensive to human dignity; (3) violence used more than once, including threats or insolent or ruthless behaviour that endanger or violate the physical or mental integrity of a family member.<sup>6</sup> Amendments to Article 36 of the LDVP are still pending and aim to cover acts of physical violence that do not cause physical injuries, as opposed to the provision in the Criminal Code. Similarly, the LDVP would cover threats other than those against life or limb. Noting the planned harmonisation of Article 36 of the LDVP with Article 220 of the Criminal Code, GREVIO underlines the importance of ensuring a clear distinction between the two offences in practice and preventing non-uniform charging practices. Bearing in mind that the qualification of conduct as either a criminal or a misdemeanour offence will still largely depend on the interpretation

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6. Please note that this is an unofficial translation of the provision provided by the Government of Montenegro.

of public prosecutors and courts, the legal reform should ideally be accompanied by guidelines or instructions for the judiciary that aim to ensure a consistent interpretation of the two offences.

13. Regarding the previously narrow definition of “family members”, GREVIO commends the expansion of the term through the above-mentioned amendments to the Criminal Code, which brings the criminal law definition of domestic violence in line with Article 3*b* of the convention. The term now also encompasses current and former non-married partners, irrespective of whether they share or have previously shared a residence, as well as same-sex partners. In this regard, GREVIO underlines the importance of ensuring a corresponding expansion of the term in the amendment of the LDVP in order to harmonise the scope of victims to which the two domestic violence offences apply.

14. With regard to other definitions included in Article 3 of the Istanbul Convention, GREVIO regrets that no steps have been taken so far to align the definition of gender-based violence contained in the Law on Gender Equality with the relevant definitions of the convention. It welcomes, however, the fact that the newly adopted National Plan for the Implementation of the Council of Europe Convention on Combating and Preventing Violence against Women and Domestic Violence (National Plan) is explicitly based on the definitions contained in Article 3 of the convention and that this policy document further foresees, as one of the planned activities, the harmonisation of the relevant definitions in national legislation with the definitions set out in the Istanbul Convention.<sup>7</sup>

**15. GREVIO encourages the Montenegrin authorities to align the definition of gender-based violence in the Law on Gender Equality with the definitions set out in Article 3*a* and *d* of the Istanbul Convention.**

## **B. Comprehensive and co-ordinated policies (Article 7)**

16. Article 7 of the Istanbul Convention requires parties to take co-ordinated and comprehensive measures to prevent and combat *all* forms of violence against women. Policies must ensure effective co-operation and place the rights of victims at their centre. This includes taking into account and addressing the specific circumstances and barriers experienced by women exposed to or at risk of multiple forms of discrimination,<sup>8</sup> in line with Article 4, paragraph 3, of the convention. Ensuring service delivery, effective protection and justice with a comprehensive understanding of intersecting forms of discrimination is a fundamental element in building trust among *all* women and girls.

17. In its baseline evaluation report, GREVIO had observed that a comprehensive and co-ordinated policy addressing all forms of violence against women had been missing in Montenegro, as the then applicable 2016-2020 Strategy for Protection from Domestic Violence had only captured violence perpetrated within a family context.

18. Following GREVIO’s suggestion to put in place a long-term co-ordinated plan/strategy, Montenegro developed the National Plan, which was adopted in June 2023. While regretting that this step was preceded by a three-year period without any policy document on violence against women, GREVIO commends the development and adoption of the new National Plan as a comprehensive document directly based on the Istanbul Convention, which was also praised by the Committee of the Parties to the Istanbul Convention in its conclusions on the implementation of recommendations adopted in respect of Montenegro.<sup>9</sup> In addition to containing all relevant definitions stipulated in Article 3 of the convention, it captures different forms of violence against women beyond domestic violence, and includes the determination of competent authorities, time frames, budget lines and indicators for the implementation of each measure. The National Plan also

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7. Measure 1.1 of the National Plan.

8. These include, but are not limited to, women from national and/or ethnic minorities, Roma women, migrant, asylum-seeking and refugee women, women with disabilities, women without a residence permit, LGBTI women, women from rural areas, women in prostitution and women with addiction issues.

9. Conclusions on the implementation of recommendations in respect of Montenegro adopted by the Committee of the Parties to the Istanbul Convention, IC-CP/Inf(2022)3, adopted on 8 June 2022.

takes into account the situation of women with disabilities, Roma and Egyptian women, women living in rural areas and LGBTI women.

19. Having in mind, however, the low level of implementation of previous strategies on domestic violence, GREVIO emphasises the need for political commitment and government buy-in across all relevant ministries and government entities to achieve the aims of this new strategic document developed specifically for the practical implementation of the Istanbul Convention in Montenegro.<sup>10</sup> This is particularly relevant against the backdrop of insufficient political will, as identified also by the European Commission's 2023 Report on Montenegro, to prioritise gender equality in the overall governmental accountability mechanisms.<sup>11</sup> The implementation of the new National Plan must be ensured irrespective of staff turnover within ministries and/or potential changes in government. In this regard, GREVIO welcomes the fact that yearly reporting on the implementation of the National Plan is envisaged on a rotational basis involving all competent ministries, which has the potential to increase ownership and improve monitoring by all relevant ministries beyond the Ministry of Labour and Social Welfare.

20. Specific targets and fully funded budget lines significantly enhance implementation of national action plans and policies. In this regard, GREVIO is concerned that some of the measures set out in the new National Plan are costed but not yet funded, and that the overall costing may be too low in some cases to achieve the defined targets.<sup>12</sup> As for the indicators used throughout the document, it is unclear how some of them can be used to monitor the implementation, as they do not consistently set concrete benchmarks, for example mentioning only "number of information campaigns" as an indicator, without defining the target value. In addition, GREVIO notes that while the National Plan aims to address all forms of violence against women covered by the convention, it does not contain any specific measures related to stalking, sexual harassment, female genital mutilation, and forced abortion or sterilisation.

21. Last, GREVIO notes with regret that the "Co-ordinating Board for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the Istanbul Convention", established in 2017 to serve as the co-ordinating body required by Article 10 of the convention, ceased to exist as its mandate was tied to the government's term of office. According to the authorities, the Directorate for Protection against Gender-based Violence and Domestic Violence in the Ministry of Labour and Social Welfare has assumed the basic tasks of co-ordination related to these topics. GREVIO recalls, however, the need to officially designate or establish one or more bodies for the co-ordination and implementation as well as for the monitoring and evaluation of measures related to violence against women covered by the convention, which should transcend political mandates.

**22. Welcoming the plan to monitor the implementation of the measures set out in the newly adopted National Plan for the Implementation of the Istanbul Convention, GREVIO encourages the Montenegrin authorities to also evaluate, on a regular basis, the impact of this policy document that aims to achieve the comprehensive and co-ordinated policy approach required by the Istanbul Convention. Such evaluations should be carried out on the basis of predefined indicators in order to assess its impact and to ensure that further policy making is based on reliable data. In this context, GREVIO also encourages the Montenegrin authorities to re-establish one or more official bodies responsible for the co-ordination, monitoring and evaluation of policies and measures on all forms of violence covered by the convention and ensure their institutional and administrative sustainability.**

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10. According to a report prepared by civil society organisations in 2015, only three out of 14 measures envisaged in the 2011-2015 Strategy for Protection from Domestic Violence had been fully implemented (see GREVIO Baseline Evaluation Report on Montenegro, footnote 7). According to an internal evaluation by the Ministry of Labour and Social Welfare, the implementation rate of the following 2016-2020 strategy was generally low (see SOS Nikšić, "Study on the Implementation of the Istanbul Convention", p. 72, available at: <https://sosnk.org/studija-o-sprovodenju-istanbulske-konvencije-u-crnoj-gori/>).

11. European Commission, Montenegro Report 2023, p. 46, available at: [https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2023\\_en](https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2023_en).

12. See Article 8, Financial resources.

### C. Financial resources (Article 8)

23. Article 8 of the Istanbul Convention aims to ensure the allocation of appropriate financial and human resources for activities carried out by public authorities and by relevant non-governmental and civil society organisations.<sup>13</sup>

24. Following the identified lack of state funds committed to the implementation of the previous national strategy and the dependency on international donors to fund envisaged activities, GREVIO welcomes the inclusion in the new National Plan of dedicated budget lines for each envisaged measure. As noted above, the concrete budget lines from the National Plan might need further clarification regarding the amount as well as the source of funding;<sup>14</sup> each of the ministries listed in the National Plan will further have to earmark a certain amount from their individual budgets to be dedicated to the implementation of measures assigned to them. In general, specialised civil society organisations have expressed concerns that the amounts envisaged in the National Plan are insufficient to implement the relevant measures.<sup>15</sup> For example, measure 4.8 foresees the establishment of rape crisis centres for services for victims of sexual violence and requires donations of €150 000 for implementation. This figure seems low in order to achieve the stated aim of setting up three such completely new services by 2027. Moreover, international donors are still foreseen as the funding source for many measures, making implementation of these activities uncertain.

25. Regarding the funding of relevant civil society organisations, GREVIO notes with regret that despite their crucial role, state funding for these organisations is limited and above all fragmented and unreliable, as it is mostly awarded on a project basis. For the period of 2021-2022, €440 000 was made available for project-based funding in the field of violence against women and domestic violence, supporting 22 NGO projects. In addition, funding was available through a second funding track, in which service providers could be selected for the award of yearly contracts following public calls. According to the authorities, €200 000 was dedicated in 2022 and €300 000 in 2023 for this track in the area of domestic violence. Shelters were further supported with a monthly payment per person they accommodated.<sup>16</sup>

26. However, GREVIO understands that in practice dedicated funds are not always allocated to the full extent, and already awarded funds are frequently paid with significant delays. For example, in 2022, only half of the announced €200 000 for yearly contracts was actually allocated, and only on the basis of five-month contracts, and the two successful service providers only received the payment in May of that year.<sup>17</sup> Similarly, NGOs who had been awarded funds on the basis of project calls in 2021 received the payments after a four-month delay and only after filing a lawsuit against the competent ministry.<sup>18</sup> GREVIO notes with concern that this situation jeopardises the continuity and effectiveness of service provision by NGOs, even by those NGOs that benefit from the ostensibly more stable funding track of being awarded yearly contracts, as funding becomes inconsistent and unreliable.

27. Further, the possibility to obtain funds through either of the funding tracks seems to be hampered by two additional factors: first, that the licensing system introduced since the baseline evaluation procedure prescribes a set of formal criteria that require NGOs to make significant investments in order to acquire a licence, which is now a precondition for funding of service providers;<sup>19</sup> second, that the selection criteria for both obtaining a licence and being awarded funding do not seem to require a gender-sensitive approach to violence against women and

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13. Explanatory Report to the Istanbul Convention, paragraph 66.

14. See Article 7, Comprehensive and co-ordinated policies.

15. Information obtained during the evaluation visit.

16. In 2023, shelters received a monthly amount of €350 per person they accommodated, marking an increase in this amount from €250 in 2022.

17. Written information received from civil society organisations.

18. NGO submission by the Women's Rights Centre, p. 13.

19. See section I, Emerging trends in the areas of violence against women and domestic violence.

domestic violence, with evaluators in selection committees also often lacking the necessary awareness and sensitivity.<sup>20</sup> Concern about the lack of appropriate selection criteria for the funding of NGOs in different fields has also been raised in the most recent European Commission report on Montenegro, which found that this situation had in some cases “resulted in the selection of CSOs with no experience in the area, or the selection of CSOs unfit for the work with a specific target group”.<sup>21</sup>

28. Last, GREVIO notes with regret that the overall amount of state funding available to NGOs working in the field of violence against women seems to not meet their needs. Virtually all specialised NGOs, including those that receive funding based on awarded contracts, have to rely on additional support from foreign donors to be able to stay operational. An NGO working with women with disabilities further noted that organisations specifically dealing with the protection of women with disabilities from violence do not receive any state funding in Montenegro.<sup>22</sup> A 2020 study by a Swedish NGO found that 38% of women’s civil society organisations reported not being able to secure enough funds to meet their needs in 2018, with some of them struggling to cover overhead costs such as electricity, phone and internet.<sup>23</sup> As a result, 63% of the interviewed organisations said they had been at risk of closing, with several of them continuing their work throughout periods without funding on a voluntary basis.<sup>24</sup> GREVIO underlines that NGOs in Montenegro provide vital support services for victims of violence against women and domestic violence, including shelter, psycho-social support and specialised legal aid, without which the services available to victims would be extremely limited.

**29. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Montenegrin authorities to ensure appropriate human and financial resources for the implementation of the measures envisaged in the National Plan as well as any other policies, measures or legislation aimed at preventing and combating violence against women.**

**30. GREVIO further strongly encourages the Montenegrin authorities to ensure appropriate and sustainable funding for women’s rights NGOs that run specialist support services for women victims of all forms of violence, through funding opportunities that allow for continuous service provision, such as long-term grants. Procurement procedures for such services should include, as selection criteria, the requirement of a gender-sensitive approach to violence against women and domestic violence as well as experience in the provision of services to women victims.**

#### **D. Data collection (Article 11)**

31. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.

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20. NGO submission by the Women’s Rights Centre, p. 13.

21. European Commission, Montenegro Report 2023, p. 17. As an example, the report points to a case in which an NGO working in the field of violence against women received state funding despite reports against the manager for allegedly perpetrating violence against minor victims of trafficking who were accommodated in a shelter run by him. During GREVIO’s evaluation procedure, this case was also repeatedly raised by women’s rights organisations, criticising the fact that the legal successor to the original organisation, which had changed its name but inherited all the previously existing licences, had again received a significant amount of funds from the state budget for projects addressing violence against women.

22. NGO Submission by the Association of Youth with Disabilities of Montenegro (AYDM), p. 2.

23. Kvinna till Kvinna Foundation, “Where’s the Money for Women’s Rights? Funding Trends in the Western Balkans”, 2020, p. 75, available at: <https://kvinna.tillkvinna.org/publications/wheres-the-money-for-womens-rights-2020/>.

24. Ibid., p. 76.

## 1. Law-enforcement agencies and the justice sector

32. In its baseline evaluation report, GREVIO had observed that none of the data collected by law-enforcement agencies and the justice sector had been disaggregated by the categories required by the convention and that the available data had lacked harmonisation as the police, State Prosecutor's Offices, misdemeanour courts and regular courts had all used different databases or systems. GREVIO notes with regret that the situation remains largely unchanged to date, including the fact that misdemeanour courts still collect data manually.

33. Regarding data related to criminal and misdemeanour procedures, prosecutors and courts collect data electronically, structured by criminal offence, in two different databases. The Judicial Information System (PRIS) used by courts captures how many cases charged by the State Prosecutor's Offices led to convictions as well as the severity of sanctions. Misdemeanour courts are not part of PRIS and collect data through manual records, which also capture the number of convictions out of the charged offences. All of these institutions publish the collected data in their respective annual reports, and a consolidated statistical overview for all courts is published by the Judicial Council in its annual reports, but none of the data are disaggregated by sex of or relationship between the perpetrator and the victim. The fact that reported domestic violence can be qualified either as a criminal offence or a misdemeanour, yet the databases for these two court systems are not connected or harmonised, masks the actual extent of this form of violence.

34. Law-enforcement agencies, in turn, use their own systems of data collection: one for their internal purposes, in which every reported case or police intervention of any kind is recorded as an event; and another, recently introduced, which is a separate database shared with the Centres for Social Work (CSWs) in an effort to improve case management and data collection (see below). The latter can only be accessed, however, by selected police officers, who are designated to enter data into this shared database. In theory, the Police Directorate is obliged to submit data on cases related to discrimination, including domestic violence and other forms of violence against women, to the ombudsperson on an annual basis, to be published in the ombudsperson's reports. In practice, however, no systemised data have been submitted by the police since 2021.

35. Data related to protection orders can be extracted from the manual records of the misdemeanour courts, which is the entity that issues the vast majority of protective measures.<sup>25</sup> Consolidated data for all misdemeanour courts have sometimes been published in the ombudsperson's annual report; however, it is also not disaggregated by any of the criteria required by the convention. Data regarding protective measures ordered by criminal courts could, in theory, be obtained from PRIS, but according to information received from the Ministry of Justice during the evaluation visit, it is unclear whether judges actually enter this information into the system. As for emergency protective measures ordered by the police according to the Law on Domestic Violence Protection, no data are available. Even for those years when the police discharged their obligation to submit systemised data to the ombudsperson, they did not include any information on protective measures.

36. GREVIO is aware of the efforts made by the Montenegrin authorities to improve data collection, including a previous attempt to procure the technical development of a unified database, which did not yield the expected result. GREVIO understands that the authorities' current short-term goal is to establish a unified database for all courts by integrating misdemeanour offences into the PRIS database by 2027, with the long-term aim being to also include the State Prosecutor's Offices and to ultimately connect PRIS with the shared database of the police and the Centres for Social Work. The time frame for the latter, however, is left undetermined.

37. GREVIO notes that even for the data that are currently being collected in different databases, little effort is made to extract, compile and interpret them in a meaningful way. For example, the number of reported cases of violence against women (recorded as "events") and the proportion that led to either misdemeanour or criminal charges would be available from the police database(s) but are not extracted or published. Similarly, the number of protective orders issued by the police or

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25. See Article 52, Emergency barring orders, and Article 53, Protection orders.

requested by the police from misdemeanour courts is not extracted from the available data. Further, no entity compiles data on the combined number of convictions by misdemeanour courts and criminal courts in order to have an overview of the entirety of domestic violence cases adjudicated by courts, irrespective of whether they were qualified as a misdemeanour or a criminal act. GREVIO understands that this task was partly assumed by the Ministry of Human and Minority Rights in the past, which used to collect and publish available data from various sources on cases of domestic violence on a yearly basis, albeit without any analysis. GREVIO regrets that since 2019 no such report has been published by the ministry.

38. GREVIO recalls the importance of harmonised data collection by law-enforcement agencies and the judiciary and the analysis of available data to understand general trends related to different forms of violence covered by the convention and the authorities' response thereto. The aim of such data collection and interpretation is to provide the authorities with the means to identify conviction and attrition rates, ascertain the gaps in the response of institutions and, ultimately, to develop evidence-based measures addressing these gaps.

39. With the currently available data, the tracking of a case's progression, from its initial report to the police to the final decision rendered by the courts, is not possible and conviction rates for offences covered by the convention cannot be determined. GREVIO notes with concern that, as a result of this, an analysis of potential systemic gaps in the institutional and judicial response to violence is not possible and a sound basis for evidence-based policy making is lacking.

## **2. Healthcare sector**

40. In the health sector, data on violence against women are not systematically collected. All cases of patients seeking healthcare in public health institutions are manually recorded based on the nature of injuries but not categorised by the cause of the injury. Violence is only mentioned in medical reports. During the evaluation visit, the authorities informed GREVIO that work on a database in which data can be entered by type of violence is currently in progress. As of now, no data are available on the number of women and girls who seek help or contact the public healthcare sector as a result of their experiences of violence against women, including domestic violence.

## **3. Social services**

41. In 2019, the National Database, shared by the Centres for Social Work and the police, was introduced as a unified, standardised way of recording cases of domestic violence, which GREVIO commends. This step came in response to the findings GREVIO had made in its baseline evaluation report, which had strongly encouraged the Montenegrin authorities to improve data collection, including by relevant social services.

42. The database enables automatic data exchange between the Ministry of Labour and Social Welfare/Centres for Social Work and the Ministry of the Interior/police departments and is mostly intended to ensure and expedite the exchange of information for case-management purposes. However, GREVIO understands that the database does not function in all municipalities and that the police occasionally fail to enter data into the system, resulting in cases in which Centres for Social Work only learn about cases of violence if and when the victim proactively seeks assistance or when the centre receives a court request to issue a report in divorce proceedings.<sup>26</sup> Further, women's rights NGOs have pointed out that the introduction of the database has not led to a more proactive approach from the involved institutions to monitoring cases and preventing further violence.<sup>27</sup>

43. In addition to these practical challenges in using the database for case-management purposes, GREVIO notes with regret that the authorities do not seem to make use of the potential of this unified database to generate data, for example to extract information on how many cases of

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26. Written information received from civil society organisations.

27. NGO submission by the Women's Rights Centre, p. 17.

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(suspected) violence against women were recorded by the Centres for Social Work and reported through the database to the police, and how the police dealt with these reports.

**44. Recalling the findings issued in the GREVIO baseline evaluation report, and bearing in mind the need for data-collection endeavours to extend to all forms of violence covered by the Istanbul Convention, GREVIO strongly encourages the Montenegrin authorities to pursue their efforts to:**

- a. ensure that data collected by all relevant stakeholders (namely law-enforcement agencies, judicial authorities, Centres for Social Work and health services) are disaggregated with regard to the sex and age of victim and perpetrator, type of violence, the relation of the perpetrator to the victim and geographical location as well as other factors deemed relevant;**
- b. harmonise data collection between law-enforcement agencies and the judiciary, with the aim of allowing for the tracking of a case across the different stages of the criminal justice system and thus enabling an assessment of, *inter alia*, conviction, attrition and recidivism rates;**
- c. introduce data collection in the healthcare sector, for both public and private providers, in relation to all forms of violence against women, including female genital mutilation, forced abortion and forced sterilisation.**

### **III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution**

#### **A. Prevention**

45. Chapter III of the Istanbul Convention contains a number of general and more specific obligations in the area of prevention. This section analyses the progress made since the baseline evaluation monitoring procedure towards the implementation of early preventive measures. It also covers progress made towards the implementation of the more specific preventive measures provided under this chapter in the areas of education, training of all relevant professionals and perpetrator programmes. Ensuring the effective prevention of all forms of violence against women and domestic violence is an important step in rendering it unacceptable and reducing levels of perpetration.<sup>28</sup> In turn, effective prevention empowers women and girls to speak out about their experiences and seek support and protection.

#### **1. General obligations (Article 12)**

46. Article 12 sets out a number of general preventive measures that represent the overarching principles of the parties' duty to prevent violence against women. These include the requirement to promote changes in the social and cultural patterns of behaviour of women and men, with a view to eradicating prejudices, customs, traditions and all other practices based on the idea of the inferiority of women or on stereotyped roles for women and men. A positive contribution to achieving such change can be made by men and boys acting as role models and advocating equality between women and men and mutual respect, including by speaking out against violence, engaging other men in ending violence against women or actively taking on caring responsibilities. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 further requires that parties adopt specific measures to empower women in order to enable them to recognise and reject discrimination, unequal power relations and, ultimately, reduce women's vulnerability to violence and achieve greater gender equality.

47. Since the baseline evaluation report, little progress has been made in scaling up preventive measures that aim to change social norms and gender stereotypes. In the absence of any long-term campaigns related to violence against women, preventive measures in Montenegro are carried out on the basis of projects that are usually initiated and/or funded by international donors and are limited in time and scope. For example, the OSCE Mission to Montenegro supported the Ministry of Human and Minority Rights in conducting a campaign in the framework of the 16 Days of Activism against Gender-based Violence, which saw the broadcasting of a TV spot. Apart from awareness-raising projects involving ministries, NGOs have carried out awareness-raising activities on various topics related to gender-based violence and non-discrimination, which have mostly been funded by international donors. Examples include campaigns promoting free legal aid for victims of domestic violence ("Tell the story until the end") and disseminating information on electronic surveillance of restraining orders ("Improving women's safety"), which were supported by the Council of Europe and UN Women, respectively. GREVIO regrets that, following the persistence of strong taboos around rape as identified by the baseline evaluation, none of the awareness-raising activities conducted since then seem to have focused on sexual violence.

48. Against this backdrop, GREVIO welcomes the fact that the lack of regular awareness raising about violence against women is now addressed in the new National Plan, which envisages in its measure 3.1 efforts to "regularly and at all levels conduct campaigns or programmes ... in order to raise awareness and understanding of the general public of various manifestations of all forms of violence covered by the convention, their consequences for children and the need to prevent such violence". GREVIO further welcomes that the indicators for this measure explicitly refer to campaigns targeting specific groups of women, such as Roma and Egyptian women or women with disabilities,

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28. The importance of this endeavour has been reiterated and strengthened through the Dublin Declaration on the Prevention of Domestic, Sexual and Gender-Based Violence, adopted in Dublin, Ireland, on 30 September 2022, by 38 member states of the Council of Europe.

and focusing on forms of violence other than domestic violence, including sexual violence. However, the budget line for this measure refers to donor funds exclusively, which makes the implementation uncertain and will make the focus of any campaign dependent on donor preferences instead of allowing for a comprehensive approach. GREVIO takes this opportunity to note the importance of preventive measures also addressing the root causes of violence against women, that is, the prevailing patriarchal attitudes on the role of men and women in family and society. This could contribute to challenging harmful beliefs that cause men to perpetrate violence, including through digital means and online, and prevent victims from seeking and receiving help.

49. The need for increased preventive measures is evidenced by the fact that, according to a 2019 OSCE survey, 42% of women in Montenegro have experienced some form of intimate-partner or non-partner violence in their adult life, while the same percentage of women believe that domestic violence is a private matter and should be handled within the family.<sup>29</sup> Further, almost a quarter of women think that violence against women is often provoked by the victim and 27% of women are convinced that claims of abuse and rape are often exaggerated.<sup>30</sup> The survey further found that traditional expectations for women's behaviour were still prevalent in the country, such as marrying young, not having multiple sexual partners and making sure to always look good, while being the primary carers and the ones responsible for household maintenance.<sup>31</sup> These findings on patriarchal attitudes and perceptions of men and women are also in line with information GREVIO gathered from women's rights NGOs during the evaluation procedure.<sup>32</sup>

50. Harmful prejudices and stereotypes are also prevalent among the media sector, as one in three male journalists believes that violence against women is not as widespread as claimed, half of male journalists think that both the victim and the perpetrator are most often to blame for domestic violence and that women report their husbands "for nonsense", and around 80% of male journalists and half of female journalists consider motherhood to be the most important role for women.<sup>33</sup> These attitudes and perceptions among journalists are highly likely to be reflected in the portrayal of men and women, as well as of gender-based violence, in the media, contributing, in turn, to the perpetuation of such attitudes among the general population.

51. Women's rights advocates also highlighted that the political discourse in Montenegro has been shaped by conservative, traditional and religious values and that female politicians have regularly been subjected to sexist hate speech by fellow politicians in news coverage and on social media.<sup>34</sup> Similarly, a recent European Commission country report observed that there has been an increase in smear campaigns, hate speech and use of gender-based violence against women in politics and public life in Montenegro.<sup>35</sup> GREVIO notes that misogynist rhetoric in political discourse and violence against women in politics are likely to have a chilling effect on women's participation in political processes, and that it normalises and reinforces hate and violence against women in general. In this context, GREVIO further notes the importance of addressing digital manifestations of violence against women, such as the digital dimension of psychological violence and online sexual harassment, on the basis of its General Recommendation No. 1, which provides guidance for the prevention of such violence.<sup>36</sup>

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29. Organization for Security and Co-operation in Europe (OSCE), Well-being and safety of women – Montenegro Results Report (OSCE-led survey on violence against women in Montenegro), pp. 82-83.

30. Ibid., p. 22.

31. Ibid., p. 67.

32. Information obtained during the evaluation visit and from written information received from civil society organisations.

33. Ministry of Human and Minority Rights and SOS Centre for Women and Children Victims of Violence in Nikšić, Research on Attitudes and Understanding of Gender Equality Principles, Gender Balance, Misogyny, and Hate Speech Against Women Among Employees in Local Media (Ministry of Human Rights and SOS Nikšić, Women in the Media), 2022, pp. 5-6.

34. NGO Submission by the Women's Rights Centre, pp. 19-20. See also UNDP Montenegro, *Nasilje nad Ženama u Politici u Crnoj Gori* [Violence against women in politics in Montenegro], 2021, available at: [www.undp.org/cnr/montenegro/publications/istrazivanje-o-nasilju-nad-zenama-u-politici](http://www.undp.org/cnr/montenegro/publications/istrazivanje-o-nasilju-nad-zenama-u-politici).

35. European Commission, Montenegro Report 2022, p. 40.

36. GREVIO General Recommendation No. 1 on the digital dimension of violence against women, adopted on 20 October 2021, Council of Europe, 2021, available at: <https://rm.coe.int/grevio-rec-no-on-digital-violence-againstwomen/1680a49147>.

52. **GREVIO urges the Montenegrin authorities to step up their efforts to counter patriarchal attitudes that persist in all sectors of society by developing and implementing regular preventive measures. Such preventive measures should be aimed at eradicating prejudice and gender stereotypes and should address gender inequality as a root cause of violence against women. Guidance on specific measures and tools for preventing and combating sexism, including in the media and the public sector, can be drawn from Recommendation CM/Rec(2019)1 of the Committee of Ministers of the Council of Europe.**

53. **GREVIO strongly encourages the Montenegrin authorities to pursue their efforts to conduct regular awareness-raising campaigns or programmes at all levels, as set out in the new National Plan, addressing:**

- a. **different manifestations of violence against women and girls as covered by the Istanbul Convention, including in their digital dimension, not only focusing on domestic violence but also targeting other forms of violence, in particular sexual violence and rape;**
- b. **the heightened exposure to gender-based violence of women and girls at risk of intersectional discrimination, for example Roma and Egyptian women and women with disabilities.**

54. **GREVIO further encourages the Montenegrin authorities to regularly evaluate the impact of awareness-raising campaigns and other preventive measures.**

## **2. Education (Article 14)**

55. The drafters of the convention recognised the important role that formal and informal educational settings play in addressing the root causes of violence against women and girls. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity and informs learners of the different forms of gender-based violence against women, adapted to the age and capacity of learners and where parties deem appropriate. The obligation to promote these principles extends to informal educational facilities as well as any sports, cultural and leisure facilities. In this context, GREVIO underlines the importance of informing parents on the content of related courses, the qualifications of the persons providing the courses; and to whom any questions can be directed.

56. In its baseline evaluation report, GREVIO had welcomed an awareness-raising programme for teachers entitled “Gender equality in education with special emphasis on gender-based violence, non-violent forms of behaviour and conflict resolution”. It had further observed that the then elective cross-curricular subject “civic education” taught at both primary and high-school level contained modules on gender equality, domestic violence, sexual and reproductive health and the prevention of sexual violence.

57. The period since the baseline evaluation procedure has been marked by mixed developments, with progress in some areas and regression in others, as well as waves of progress followed by regression.

58. For example, civic education was introduced as a mandatory subject for a couple of years but has recently been relegated to the pool of elective subjects again. As a reason for this latest development, the Ministry of Education cited its decision to reduce the overall number of mandatory classes by 10%, as the workload for students was perceived as being too heavy. According to the Montenegrin authorities, they are currently planning a reform of the curriculum that would see the return of civic education to the list of mandatory subjects. Regarding the content of the subject, GREVIO notes that it should ideally cover all forms of violence covered by the convention, including psychological violence, sexual harassment, stalking and forced marriage, as well as the digital dimension of violence against women.

59. Similarly, the above-mentioned awareness programme for teachers on gender equality and gender-based violence is no longer offered. According to the authorities, participation in the programme had been a requirement to teach civic education as a mandatory subject until 2017 but the programme has since not been accredited and is currently not available in the 2022-2024 catalogue of training. GREVIO was informed that “gender literacy” is now accredited as an ostensibly similar programme, but it remains unclear if all or any teachers are obliged to attend the training and what topics the programme covers.

60. On the other hand, progress was made with regard to ensuring that the teaching material used in school does not convey negative gender stereotypes of women and men. According to information received from the authorities during the evaluation visit, the Ministry of Education has recently established a working group, including representatives from UNICEF, which is tasked with preparing a methodology for the analysis of textbooks and curriculums. GREVIO welcomes this initiative, noting that this would be the first time that such a screening of teaching material is carried out in Montenegro. The need for this exercise is demonstrated by examples of harmful gender norms being reproduced in teaching materials, which were shared by women’s rights NGOs.<sup>37</sup> GREVIO regrets, however, that this analysis will not extend to teaching material used in religious schools, although some of them have received significant financial support from the state that apparently has not been tied to any requirements regarding their teaching on gender issues.<sup>38</sup>

61. GREVIO notes with interest that the initiative to screen teaching material seems to be part of several education-related activities envisaged in the Gender Equality Strategy 2021-2025, which explicitly recognised the need for more gender-sensitive education and the current lack thereof in its background analysis. GREVIO welcomes the objective of the relevant measure in the strategy to not only delete content that encourages gender stereotypes but also to introduce new content into curriculums that promotes the value of gender equality, addresses the diversity of women and intersectional discrimination, includes history lessons on women’s struggle for fundamental rights and includes more literary works by female authors in literature classes. It is unclear, however, if any of the other measures in the area of education that were foreseen in the Gender Equality Strategy have been or will still be implemented by the end of its time frame.

62. In this context, GREVIO has received indications that the strategy’s measure related to introducing gender-responsive programmes and the mandatory use of gender-sensitive language in the programmes of cultural institutions will not be implemented as envisaged, as the Ministry of Culture and Media has already officially stated that it is not able to undertake any of the planned activities.<sup>39</sup>

63. Regarding the detection of violence in educational settings, GREVIO notes with satisfaction that progress has been made since the baseline evaluation procedure by updating an instruction on “sharing responsibility and actions aimed at prevention in cases of violence”, which outlines the steps to take for teaching personnel when dealing with cases of violence in schools. The instruction was disseminated to all schools and published on school web portals, and consultations with principals were held upon its launch. Further, the Education Information System of Montenegro (MEIS) was updated to include a facility for recording cases of peer violence. While GREVIO welcomes the action taken to counter peer violence in educational settings, it underlines the importance of a gendered approach in dealing with this type of violence and of building the capacity of teachers to also recognise and act upon indications of violence students may be exposed to outside of the school environment, in particular domestic violence.

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37. NGO submission by the Women’s Rights Centre, p. 25.

38. In 2022-2023, a total of €1 800 000 was allocated from the state budget to two religious schools founded by the Serbian Orthodox Church, according to information available on the government portal: [www.gov.me/clanak/saopstenje-sa-9-sjednice-vlade-crne-gore](http://www.gov.me/clanak/saopstenje-sa-9-sjednice-vlade-crne-gore); [www.gov.me/clanak/saopstenje-sa-21-sjednice-vlade-crne-gore-2](http://www.gov.me/clanak/saopstenje-sa-21-sjednice-vlade-crne-gore-2).

39. NGO submission by the Women’s Rights Centre, p. 24.

64. **GREVIO strongly encourages the Montenegrin authorities to pursue their efforts to address stereotypes and prejudices towards women, including by implementing the measures envisaged in its Gender Equality Strategy 2021-2025 in the areas of formal education, culture and media. In particular, it should be ensured that:**

- a. **teaching material in formal education is adapted to promote the principles of equality between women and men and non-stereotyped gender roles;**
- b. **teachers are equipped with the necessary awareness and skills to convey these principles.**

65. **GREVIO encourages the Montenegrin authorities to increase their efforts to include in formal curriculums teaching, in an age-appropriate manner, on the right to personal integrity and the notion of freely given consent in sexual relations, as well as all forms of gender-based violence against women, including in their digital dimension, without stigmatisation of and discrimination against those women and girls exposed to such violence.**

### **3. Training of professionals (Article 15)**

66. Building society's trust by delivering support, protection and justice to women and girls with experiences of gender-based violence requires well-trained professionals across a wide spectrum of fields. The standard set by the Istanbul Convention in its Article 15 is that of systematic initial and in-service training of all those who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

67. In its baseline evaluation report, GREVIO had observed a need for systematic and compulsory initial training and more regular in-service mandatory training for all professional groups that come into contact with victims, as it had found a widespread tendency to downplay violence and encourage women to reconcile with abusive partners across all professions.

68. Since then, a two-day training programme (totalling 12 hours) on violence against women seems to have been included in the curriculum for mandatory initial training of candidates for the positions of judges and prosecutors, which covers the Istanbul Convention, UN and EU international documents, relevant judgments of the European Court for Human Rights and the LDVP.<sup>40</sup> The training is organised by the Centre for Training in Judiciary and State Prosecution and carried out with the support of the NGO Women's Rights Centre, with its funding coming mostly from international sources.<sup>41</sup> GREVIO considers the involvement of specialised NGOs in such training a positive practice that should ideally be replicated in training for other professional groups.

69. On the other hand, no progress has been made on systematic and compulsory initial training on gender-based violence for law-enforcement officials, social workers, health professionals and teachers.<sup>42</sup> Similarly, no mandatory in-service training on the topics referred to in Article 15 of the Istanbul Convention exist for any relevant professional groups. The previous compulsory training programme for judges after four years of work experience, which contained a six-day module

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40. Information provided in the Montenegrin state report, Appendix, Table 1, p. 46.

41. NGO submission by the Women's Rights Centre, p. 27.

42. For law-enforcement officers, the curriculum of the Police Academy contains classes on domestic violence, but these seem to only cover theoretical aspects. The Montenegrin authorities acknowledged in their 2022 report to the Committee of the Parties on the measures taken to improve the implementation of the Istanbul Convention that no systematic and mandatory training, as recommended by the Committee of the Parties, had been introduced at the Police Academy.

on domestic violence, seems to have been discontinued.<sup>43</sup> The completion of specific thematic training is not even a requirement to become a police officer specialising in domestic violence.<sup>44</sup>

70. A variety of elective training is offered by the Centre for Training in Judiciary and State Prosecution and the Institute for Social and Child Protection, covering one or more of the relevant aspects and intended mainly for judges and prosecutors or social workers, respectively. Additional training is organised and carried out by women's rights NGOs and funded by international donors. At times, such training seems to also target other professional groups, in particular law-enforcement officials, for whom the provision of regular in-service training, even on a voluntary basis, is otherwise missing. In this regard, GREVIO stresses the importance of keeping police officers up to date and reactive through targeted training initiatives, in particular on the growing digital dimension of violence against women<sup>45</sup> and on the risk posed by non-fatal strangulation and its detection in domestic violence cases.<sup>46</sup>

71. GREVIO further notes the need for training on already existing guidelines and protocols, in particular the Protocol on Action in Cases of Gender-based Violence, in effect since 2011 and amended in 2018. The protocol contains detailed guidelines on what steps to take when dealing with cases of violence against women for a multitude of professional groups, including police, prosecutors, judges, staff at the Centres for Social Work, healthcare professionals and teachers of all educational levels.<sup>47</sup> GREVIO notes, however, that relevant professional groups do not always consistently follow the protocol and in many cases were not even aware of its existence.<sup>48</sup>

72. Against this backdrop, GREVIO notes with concern that there appears to be a strong need for more training of relevant professionals mandated to intervene in cases of gender-based violence in order to address their lack of awareness of existing guidelines, their perception of such violence and their response thereto. Regarding the perception of gender-based violence, recent research has shown that attitudes among professionals from a multitude of sectors have not significantly improved since the baseline evaluation report. A 2022 study conducted by the NGO SOS Centre Nikšić found that 60% of police officers and 40% of professionals working in courts think that the solution to domestic violence is providing psychological support and counselling so that the victim and the perpetrator can continue living together.<sup>49</sup> The study further revealed that approximately one in five employees of Centres for Social Work believes that alcohol is the main cause of domestic violence, instead of recognising its gender-based and structural nature.<sup>50</sup> In healthcare institutions, one third of employees agree that a woman should not expect her partner to take her seriously when she says that she does not want sexual intercourse after already engaging in intimacy with him.<sup>51</sup> These

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43. Information obtained from the Ministry of Justice during the evaluation visit. It should be noted that the complex nature of violence against women merits mandatory in-service training of judges, in addition to initial training, and that 24 member states of the Council of Europe require some form of compulsory in-service training for judges. See Council of Europe European Commission for the Efficiency of Justice (CEPEJ), *Qualitative Data on European Judicial Systems, 2020*, available at: <https://public.tableau.com/app/profile/cepej/viz/QualitativeDataEN/QualitativeData>.

44. Information obtained during the evaluation visit. See also Article 49 General obligations and Article 50 Immediate response, prevention and protection.

45. In General Recommendation No. 1 on the digital dimension of violence against women, GREVIO recommends that law-enforcement officials be equipped with the necessary human, financial and technical resources to effectively investigate and prosecute the digital dimension of violence against women. See paragraph 55 (a).

46. Non-fatal strangulation is a particularly dangerous form of domestic violence. It is known to greatly increase the risk of physical escalation and lethal violence and can cause long-term health consequences through brain injury, as well as extreme distress to victims, who commonly feel like they are about to die. Symptoms include blood-red eyes, petechiae (tiny red spots on the neck and face) and involuntary urination. See, for example, Douglas H. and Fitzgerald R. (2021), "Proving non-fatal strangulation in family violence cases: A case study on the criminalisation of family violence", *The International Journal of Evidence & Proof*, 25(4), 350-370, available at: <https://doi.org/10.1177/13657127211036175>. See also Article 20, General support services, sub-section b, Healthcare services, and Article 51, Risk assessment and risk management.

47. The protocol also includes instructions on co-operation in gender-based violence cases between different entities. See Article 18, General obligations.

48. Information obtained during the evaluation visit.

49. SOS Centre for Women and Children Victims of Violence in Nikšić, "Drustveni i institucionalni odgovor na femicide u Crnoj Gori" [Social and Institutional Response to Femicide in Montenegro], 2022, p. 40, available at: <https://sosnk.org/wp-content/uploads/2023/04/Drustveni-i-institucionalni-odgovor-na-femicid-u-Crnoj-Gori-1.pdf>.

50. *Ibid.*, p. 42.

51. *Ibid.*, p. 44.

findings are in line with concerns repeatedly voiced by women's rights NGOs during the evaluation procedure, who underline that victims are commonly faced with prejudiced behaviour when seeking help from different entities and that professionals often lack the knowledge and skills to adequately respond to cases of violence against women brought to their attention.

73. The need for training seems to be particularly relevant in the health sector, where challenges exist in relation to both the proper documentation of injuries and the respectful treatment of victims.<sup>52</sup> Staff from the Centres for Social Work, who are tasked with responding to a wide range of different social issues, have also repeatedly been flagged as lacking awareness and the capacities to deal with cases of violence against women, by civil society experts and by other public institutions.<sup>53</sup> GREVIO stresses the vital role played by all professionals that come into contact with victims in building their trust in institutions to deliver support, protection and justice. Training initiatives should therefore aim to build the capacity of professionals to deliver sensitive and trauma-informed responses to violence against women that prevent secondary victimisation.

74. In addition, GREVIO notes that the following groups also should, but currently do not, benefit from systematic training on these issues: lawyers providing legal aid to victims of violence against women, professionals involved in supporting judicial decision-making processes, such as court experts, immigration and asylum officials, and staff working in asylum reception facilities.<sup>54</sup> With due regard to the limits of media freedom, training should also be encouraged or incentivised for journalists, in particular in light of the harmful stereotypes and attitudes still prevalent among this professional group as described by recent research.<sup>55</sup>

**75. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Montenegrin authorities to step up their efforts to ensure mandatory and systematic initial and in-service training on violence against women for all professional groups that come into contact with victims, in particular law-enforcement officials, prosecutors, judges, social workers, health professionals and teachers. Such training should cover the topics of prevention and detection of all acts of violence covered by the Istanbul Convention, equality between women and men, stereotypes and perceptions of violence against women, the needs and rights of victims, trauma-induced victim behaviour and prevention of secondary victimisation, and must include the teaching of existing protocols and guidelines, in particular the Protocol on Action in Cases of Gender-based Violence.**

#### **4. Preventive intervention and treatment programmes (Article 16)**

76. Perpetrator programmes are important elements of an integrated and comprehensive approach to preventing and combating violence against women. Under Article 16 of the Istanbul Convention, parties are required to set up or support programmes that prevent perpetrators of domestic violence and of sexual violence from re-offending and support them in adopting non-violent behavioural strategies. Making the safety of, support for and the human rights of victims a primary concern, these programmes are key elements in ensuring women's safety from known perpetrators. The convention requires their close co-ordination with specialist support services for victims.

##### **a. Programmes for perpetrators of domestic violence**

77. In its baseline evaluation report, GREVIO had strongly encouraged the Montenegrin authorities to move away from perpetrator programmes based exclusively on medical treatment for

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52. Information received from NGOs providing specialist services to victims of gender-based violence and corroborated in meetings with several public entities during the evaluation visit. The above-mentioned study (footnote 49) further demonstrated that, overall, respondents from public institutions believe that health workers have the least knowledge about the causes and consequences of violence against women, compared to employees in other institutions, see p. 54.

53. See Article 20, General support services.

54. While staff of asylum reception facilities (Centres for the Reception of Foreigners Seeking International Protection) have sporadically received training related to international protection with a focus on gender-based violence in the past, which was organised with the support of international organisations, there is no systematic training that would ensure that all relevant staff is reached.

55. Ministry of Human Rights and SOS Nikšić, Women in the Media, 2022 (see footnote 33).

substance abuse or mental health issues, which were the only available perpetrator programmes at that time and did not focus on behavioural change in perpetrators of domestic violence.

78. GREVIO regrets that since the baseline evaluation report, no measures have been taken to introduce psycho-social treatment programmes, despite the fact that such treatment can be ordered by misdemeanour courts as one of the protective measures described in Article 20, paragraph 5, and Article 25 of the LDVP.<sup>56</sup> As GREVIO had already noted in its baseline evaluation report, the setting up of such programmes had been defined as a priority in the previous two strategies on protection from violence, but the respective activities have not been implemented since. GREVIO notes that the objective to establish a psycho-social programme for perpetrators of domestic violence to enable the implementation of respective protective measures is now also contained in the new National Plan, which also specifies the individual measures necessary to meet the objective.<sup>57</sup> GREVIO emphasises the important role of such programmes in preventing further violence by helping perpetrators change their attitudes and take responsibility for their actions.

79. GREVIO notes with grave concern that the existing hospital-based programmes lack the core elements for perpetrator programmes set out in the Explanatory Report to the Istanbul Convention pertaining to Article 16 of the convention. In addition to the shortcoming that they do not specifically address the violent behaviour, security concerns have been raised by women's rights NGOs. These are connected, first, to the fact that mandatory treatment of forensic patients is ordered as a protective measure for the victim while the psychiatric hospital in which the programme is carried out lacks security facilities that would ensure the patients' custody.<sup>58</sup> Second, it has been pointed out by civil society experts that the execution of these protective measures often takes months as the hospitals' capacities are limited, meaning that the victim is left without protection during that time.<sup>59</sup> Further, questions arise about the monitoring of the perpetrator's attendance of court-ordered treatment programmes, in particular when outpatient treatment is prescribed. GREVIO understands that while perpetrators are in theory obliged to report to the healthcare institution, the courts do not necessarily inform the relevant healthcare institution of the issued treatment order, meaning that the hospitals cannot inform the court when perpetrators do not comply with the order.<sup>60</sup>

80. Regarding the possibility for courts to order psycho-social treatment envisaged in Article 20, paragraph 5, of the LDVP, GREVIO notes that such treatments were in fact ordered by courts 20 times between 2019 and 2022 and that it remains unclear how these orders were executed in the absence of any relevant programmes in Montenegro.<sup>61</sup> GREVIO is concerned about indications from civil society organisations that those orders were either not implemented at all or were carried out using a "family therapy and mediation" approach, contravening the purpose of Article 16 of the Istanbul Convention.<sup>62</sup>

**81. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Montenegrin authorities to set up mandatory psycho-social treatment programmes for perpetrators of domestic violence, as already envisaged in the Law on Domestic Violence Protection, which focus on changing violent behavioural patterns in interpersonal relationships and are in line with the core elements as set out for Article 16 in the Explanatory Report to the Istanbul Convention. In addition, GREVIO strongly encourages the Montenegrin authorities to also make such perpetrator programmes available on a voluntary basis.**

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56. See Article 52, Emergency barring orders, and Article 53, Protection orders.

57. National Plan for the Implementation of the Istanbul Convention, measures 3.4 and 3.5, and pertaining indicators.

58. Written information received from civil society organisations.

59. Ibid.

60. Ibid.

61. The Women's Rights Centre, Analysis of penal policy in criminal and misdemeanour cases in the field of violence against women and domestic violence, 2019-22, p. 39.

62. Written information received from civil society organisations.

## **b. Programmes for perpetrators of sexual violence**

82. As was the case at the time of GREVIO's baseline evaluation report, no programmes for perpetrators of sexual violence or preventive services for people who fear they may commit a sexual offence exist outside of custodial settings in Montenegro. As for convicted offenders serving a prison term, the Ministry of Health informed GREVIO that a programme is offered on a voluntary basis and implemented in one single group due to the small number of convictions for sexual offences and the lack of motivation to participate of those convicted. No information on the methodology and content of this programme, nor on who runs it, was provided.

**83. GREVIO strongly encourages the Montenegrin authorities to institutionalise and expand programmes to treat perpetrators of sexual assault and rape with the aim of preventing recidivism and rehabilitating and successfully reintegrating perpetrators into the community.**

## **B. Protection and support**

84. Chapter IV of the Istanbul Convention requires a multifaceted, professional and victim-oriented support structure for any woman or girl who has experienced any of the forms of violence covered by the convention. General and specialist support services that are victim-oriented, accessible to all and adequate in numbers greatly facilitate recovery by offering support, protection and assistance in overcoming the multiple consequences of such violence. As such, they play a key role in offering a comprehensive and adequate response to the different forms of violence covered by the convention.

### **1. General obligations (Article 18)**

85. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services for women victims of violence. One of these principles is the need for services to act in a concerted and co-ordinated manner, with the involvement of all the agencies concerned. More specifically, Article 18, paragraph 2, of the convention requires parties to put in place appropriate co-ordination mechanisms that can ensure effective co-operation among, *inter alia*, the judiciary, public prosecutors, law-enforcement agencies, local and regional authorities, NGOs and other relevant entities and organisations. In this regard, women's rights NGOs and specialist women's support services play an important role in guaranteeing that the rights of victims are safeguarded in multi-agency co-operation. Other general principles established under this article include the need for measures of protection and support to be based on a gendered understanding of violence against women, and to focus on women's safety and human rights, taking into account the relationship between victims, perpetrators, children and their wider environment, and addressing their needs holistically. Specialist support services must aim to ensure the empowerment and economic independence of women victims of violence and avoid their secondary victimisation. This provision equally stresses the importance of ensuring that access to services is not subject to the victim's willingness to press charges or testify against the perpetrator.

86. In its baseline evaluation report, GREVIO had observed that Montenegro had taken many initiatives to institutionalise co-operation on violence against women, noting, however, that these efforts were exclusively focused on domestic violence. For example, a Protocol on Action in Cases of Family Violence had been put into place to provide guidance to all relevant actors on specific measures to be taken by the responsible institution as well as on co-ordination between statutory agencies. GREVIO had further noted the existence of multi-disciplinary teams (MDTs), which were then tasked to deal with individual cases as well as to address structural and institutional co-operation issues and were meeting at regular, albeit infrequent, intervals (on average, four times a year).

87. Since the baseline evaluation procedure, the Montenegrin authorities put into effect a reviewed and amended version of the protocol in 2018, which is now entitled the Protocol on Action in Cases of Gender-based Violence. GREVIO notes that while the title and the definitions included in the introduction of the protocol now suggest that it covers all forms of violence against women, concerned institutions still perceive it as mainly applicable to domestic violence cases.<sup>63</sup> Further, the shortcoming identified by GREVIO in its baseline evaluation report regarding the inclusion of women's specialist support services in the protocol has only partly been remedied. While the new version of the protocol does now include a segment on the measures to be taken by NGO service providers in dealing with cases of violence against women, it still does not prescribe co-operation of statutory agencies with any specialist support organisations. Most concerningly, GREVIO notes that many staff members working in the public entities to which the protocol applies do not consistently follow it or are not even aware of its applicability to their work.<sup>64</sup>

88. With regard to multi-disciplinary teams, GREVIO understands that the previous model was replaced by an approach based on holding case conferences for individual cases, instead of regular team meetings at certain intervals. The new system is meant to ensure co-operation between all relevant agencies at the local level in managing cases of violence against women, in particular domestic violence. GREVIO notes with concern, however, that MDTs seem to exist more in theory than in practice and that case conferences rarely take place. The protocol envisages that the assigned case worker at the Centre for Social Work is the MDT co-ordinator, whose task is to connect with professionals from other institutions, but it does not establish an obligation to organise case conferences.<sup>65</sup> Women's specialist support organisations have further pointed out that even in cases where they request Centres for Social Work to hold conferences, their appeals are usually not heeded.<sup>66</sup>

89. The frequency of case conferences seems to vary throughout different regions of the country, with women's specialist support organisations indicating that they are not aware of a single case conference held in the capital Podgorica since the restructuring of the MDTs, while such conferences do seem to be held at times in some towns in the north of the country.<sup>67</sup> In general, co-operation seems to be mostly ensured by relying on individual working relationships among staff in different institutions, rather than as a result of institutionalised processes, which might explain the repeatedly voiced impression by professionals in all sectors that co-operation works better in smaller towns.<sup>68</sup> GREVIO notes that in cases where case conferences are held, it remains unclear how data protection is ensured.

90. In addition to local-level MDTs, an Operational Team for Combating Domestic Violence (OT) serving the whole country was introduced in 2018 with the aim of ensuring multi-agency co-operation at a higher political level. GREVIO understands, however, that this OT has been inactive in practice for most of the time since the baseline evaluation. Originally established under the Ministry of the Interior and consisting of representatives from relevant ministries, as well as from the Police Directorate, the State Prosecutor's Office, courts and selected NGOs, the OT had seemingly been tasked with supervising high-risk cases, while also identifying shortcomings and making recommendations for improvements to the general system of protection, based on the review of representative cases. However, the OT ceased its activities in 2020, as no decision from the Ministry of the Interior on continuing its work was forthcoming. In 2024, the OT was re-established, this time on a cross-governmental level, with the aim of creating jurisdiction for more extensive competences. GREVIO understands that the composition of the OT remains largely the same, including NGO representation, but that the specific competences and tasks and the mode of convening meetings (ad hoc or on a regular basis) have not been defined yet.

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63. Information obtained during the evaluation visit.

64. See Article 15, Training of professionals.

65. Protocol on Action in Cases of Gender-based Violence, Chapter IV – Conduct of competent institutions and organisations.

66. Information received during the evaluation visit.

67. Information received during the evaluation visit.

68. Information received from both civil society organisations and public entities during the evaluation visit.

91. With a view to the requirement of Article 18 for measures of protection and support to be based on a gendered understanding of violence against women, and to focus on women's safety and human rights, GREVIO repeats its concerns about widespread patriarchal attitudes and prejudiced beliefs expressed in its baseline evaluation report and reiterated in detail throughout this report.<sup>69</sup> These attitudes not only form an obstacle to women's reporting of abuse but also hamper the application of a victim-centred approach in multi-agency co-operation.

92. GREVIO further notes with regret that one-stop-shop services do not exist for any of the forms of violence covered by the Istanbul Convention, leaving victims to navigate a network of various institutions with different tasks and responsibilities.

**93. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Montenegrin authorities to increase their efforts to improve multi-agency co-operation in cases of violence against women, including but not limited to domestic violence, by ensuring that:**

- a. multi-agency teams are operational in practice and also involve, where relevant, specialist women's and children's support services;**
- b. interventions are based on a gendered understanding of violence against women, focus on the human rights and safety of victims and take into account the victims' perspective;**
- c. those working in all relevant sectors are familiar and comply with the guidelines set out in the Protocol on Action in Cases of Gender-based Violence.**

**94. GREVIO encourages the Montenegrin authorities to pursue their efforts to institutionalise the Operational Team for Combating Domestic Violence by clearly defining their mode of operating, composition and mandate and by regularly evaluating their work.**

**95. GREVIO encourages the Montenegrin authorities to set up, where appropriate, one-stop-shops for the provision of services to victims of violence against women and domestic violence.**

## **2. General support services (Article 20)**

96. General support services, such as social services, health services and housing or employment services must be equipped to offer support and protection to women victims of gender-based violence of all ages and backgrounds. Article 20 of the Istanbul Convention requires parties to ensure that these services are adequately resourced and that the staff are adequately trained on the different forms of violence against women and are able to respond to victims in a supportive manner, in particular those that women and girls turn to first (health and social services).<sup>70</sup> Their interventions are often decisive for victims' onward journey towards a life free from violence and thus a core element of a trust-based system of protection and support.

### **a. Social services**

97. In its baseline evaluation report, GREVIO had observed a range of shortcomings concerning the Centres for Social Work (CSWs), which are mandated to support victims of domestic violence. Among these had been the serious level of understaffing and under-resourcing and the limited awareness of the dynamics of domestic violence that had led to, among other things, reluctance to request protective measures for victims or to suggest a restriction on the custody and visitation rights of the violent parent.

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69. See Article 12, General obligations, and Article 15, Training of professionals.

70. Explanatory Report to the Istanbul Convention, paragraph 127.

98. GREVIO notes with grave concern that the situation remains largely unchanged. While the number of case managers has increased since the baseline evaluation report, the range of competences of CSWs has grown as well.<sup>71</sup> The case load seems to have increased, with case workers in charge of between 70 and 120 cases, spanning a wide range of social issues.<sup>72</sup> In this context, GREVIO notes with regret that while CSWs do employ specialised case managers for the work with children, no such specialisation exists for gender-based violence against women.

99. As was the case during the baseline evaluation procedure, CSWs are still the subject of extensive criticism from a wide range of governmental and non-governmental representatives. For example, women's specialist support organisations pointed out that in practice CSWs do not provide psycho-social support to victims and do not prepare individual support plans customised to the victims' situation and needs but instead just use the same general plan for all victims.<sup>73</sup> Concerns have also been voiced about clients not being able to reach their case worker for long periods of time and the lack of accountability mechanisms within CSWs.<sup>74</sup> Representatives of government entities, courts and civil society organisations alike further criticised the quality and expediency of the reports CSWs are requested to draft by courts in proceedings related to custody and visitation rights.<sup>75</sup> In addition, CSWs do not seem to take a proactive approach to requesting protective orders for their clients although they are legally entitled to do so.<sup>76</sup> A recent survey on the satisfaction of victims of violence against women with the services provided by CSWs revealed that almost 70% of women report that their case worker did not inform them of the possibility to obtain such a measure.<sup>77</sup> In general, the survey found that victims perceived the CSW case workers as mostly sympathetic in their attitudes, but passive in their actions.<sup>78</sup>

100. GREVIO notes with regret that in addition to these challenges, it is unclear to what extent CSWs support victims of other forms of violence against women, beyond domestic violence, and that concerns have been raised by civil society experts regarding the lack of adequate support to LGBTI<sup>79</sup> and to Roma and Egyptian women victims.<sup>80</sup>

101. GREVIO further regrets that victims of violence do not seem to be prioritised in any schemes related to economic empowerment, such as financial assistance, housing or support to find employment. As for financial assistance, the Law on Social and Child Protection does not recognise victims of violence against women as a separate category of potential beneficiaries of social protection, meaning that a very limited number of victims are able to obtain continuous financial support due to extensive eligibility criteria.<sup>81</sup> Therefore, only one-time assistance, usually in very modest amounts, is available to the vast majority of victims.<sup>82</sup> Similarly, employment services do not recognise women with experience of violence as a special, vulnerable group and therefore do not prioritise them.<sup>83</sup> In contrast, the Law on Social Housing Access does envisage access to social housing for victims of domestic violence on a priority basis. Women's rights NGOs have pointed out, however, that in practice municipalities are guided by a set of different criteria, listed in another part of the law, when allocating housing units. Consequently, none of the 1 965 housing units allocated in Montenegro between 2017 and 2020 were allocated to women victims on account of their priority status.<sup>84</sup> As GREVIO previously has had opportunity to note, victims' economic dependence is a major obstacle to women leaving abusive relationships.

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71. Information obtained from the authorities during the evaluation visit.

72. Information obtained during the evaluation visit.

73. Information obtained during the evaluation visit.

74. Information obtained during the evaluation visit.

75. See Article 31, Custody, visitation rights and safety.

76. See Article 27 of the Law on Domestic Violence Protection.

77. The Women's Rights Centre, Women's satisfaction with gender-based violence services provided by Centres for Social Work and specialised CSOs, 2022, p. 32.

78. *Ibid.*, pp. 52-53.

79. Information obtained during the evaluation visit.

80. NGO submission by the Women's Rights Centre, p. 37.

81. *Ibid.*

82. Information obtained in meetings with CSWs during the evaluation visit.

83. NGO submission by the Women's Rights Centre, p. 35.

84. *Ibid.*

102. **Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Montenegrin authorities to provide adequate resources to Centres for Social Work in order to enable them to effectively fulfil their mandate. In this context, GREVIO encourages the Montenegrin authorities to consider appointing social workers specialised in cases of violence against women, including but not limited to domestic violence.**

103. **GREVIO encourages the Montenegrin authorities to take measures to improve the access of women victims of gender-based violence to longer-term financial assistance, social housing and support to find employment in order to enable them to recover from the violence and live independently.**

#### **b. Healthcare services**

104. In the area of healthcare services, the amended 2018 Protocol on Action in Cases of Gender-based Violence sets out guidelines for handling cases of violence against women for healthcare institutions, including an obligation for doctors to fill out a specific form for transmission to police and Centres for Social Work.

105. As is the case with other sectors, GREVIO notes that the protocol is not consistently applied and often not even known about by doctors, including those working in emergency wards of hospitals.<sup>85</sup> An important instruction from the protocol that is not followed in practice is the prioritisation of women victims of gender-based violence in need of emergency medical attention.<sup>86</sup> GREVIO has been alerted to the fact that even when victims arrive at hospitals accompanied by police officers, they are made to wait in line, often for hours, before receiving medical attention.<sup>87</sup>

106. Another shortcoming in the health sector, as pointed out by forensic doctors, is the limited knowledge among emergency doctors on how to recognise light injuries caused by violence, as well as the lack of proper documentation of injuries and description of the circumstances of the violence experienced (past and present) upon the victims' first examination. This includes a lack of knowledge about non-fatal strangulation, a particularly dangerous form of physical violence that often goes unrecognised as it leaves only subtle marks on the victim's body.<sup>88</sup>

107. GREVIO therefore emphasises the urgent need for training initiatives for medical staff, in terms of both their existing obligations established by the protocol and their capacity to recognise and document all cases of violence against women.<sup>89</sup>

108. Further, GREVIO notes with grave concern that a lack of privacy, both in admission rooms and during examinations themselves, is a challenge in hospitals, in particular in emergency departments. Victims are expected to disclose their experience of violence either upon admission in crowded rooms that are simultaneously used as waiting areas or during examinations that often take place in rooms shared with other patients and personnel passing through.<sup>90</sup> GREVIO notes that this lack of privacy is likely to deter victims from disclosing their experience of violence and, if disclosed nonetheless, can lead to re-traumatisation. This is particularly concerning in view of the fact that healthcare facilities in Montenegro have no procedures in place to identify victims through a systematic screening of patients, except in relation to children.<sup>91</sup>

109. GREVIO recalls the crucial role played by the healthcare system in responding to violence against women, as hospitals and doctors' offices are the institutions that women in Montenegro turn

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85. Information obtained during the evaluation visit.

86. NGO submission by the Women's Rights Centre, p. 37.

87. Information obtained from specialist women's support organisations as well as law-enforcement officials during the evaluation visit.

88. See footnote 46. Symptoms include blood-red eyes, petechiae (tiny red spots on the neck and face) and involuntary urination.

89. See Article 15, Training of professionals.

90. NGO submission by the Women's Rights Centre, p. 37.

91. The Guidelines for the Actions of Health Service Providers in order to Protect Children and Adolescents from Violence, Abuse and Neglect prescribe the procedure for identifying children who may have been exposed to some form of violence.

to the most to seek help.<sup>92</sup> They are therefore in a key position to identify victims of violence and set in motion a system of support and protection, thereby also building victims' trust in institutions to deliver protection, support and justice. It is of crucial importance to create conditions that are conducive to the identification of women victims in the health sector.

110. In addition, GREVIO notes that barriers to accessing healthcare exist for women victims of violence belonging to groups exposed to or at risk of intersectional discrimination. For women with disabilities, healthcare services are not always accessible due to architectural barriers, difficulty communicating or a lack of specialist equipment. For example, only three accessible gynaecological chairs are available in the whole of Montenegro.<sup>93</sup> For migrant, refugee or asylum-seeking women, accessibility is hampered both by the language barrier and the fact that not all categories of asylum seekers and refugees benefit from general health insurance under the same conditions as citizens of Montenegro.<sup>94</sup> Similarly, healthcare costs act as a barrier for those lacking identification documents, including Roma and Egyptian women, who have further reported discriminatory treatment, including verbal harassment, when using reproductive health services.<sup>95</sup> Regarding LGBTI women, one NGO reported institutional discrimination of transgender women in the healthcare system, citing as an example the case of a trans woman who was subject to ridicule and had her personal data disclosed.<sup>96</sup>

111. As no specialist support services for sexual violence exist in Montenegro, victims are treated in hospitals by doctors without any particular training or specialisation who are also in charge of carrying out forensic examinations upon an order from the public prosecutor. It is unclear whether forensic examinations can take place in cases where victims have not reported the crime and do not wish to do so. There is no protocol for forensic examinations of victims of sexual violence, leading to lack of clarity for gynaecologists as to their role and responsibilities. Alarming, this has led to cases where gynaecologists have refused to examine rape victims, insisting that more than one doctor be present to do so.<sup>97</sup> Further, there is no specialist psychological support, including trauma support, for sexual violence, but victims are referred to general psychological counselling in community health centres, where sessions are usually available only once a month and for limited periods of time.<sup>98</sup>

112. **GREVIO urges the Montenegrin authorities to ensure:**

- a. **the application among all healthcare providers of the Protocol on Action in Cases of Gender-based Violence, including the priority treatment of women victims of such violence;**
- b. **that victims are provided with an opportunity to disclose their experience of violence to a healthcare professional in a way that respects their privacy.**

113. **GREVIO encourages the Montenegrin authorities to implement standardised care paths in the public and private healthcare sectors in order to ensure the pro-active detection of women victims of violence, their diagnosis, treatment, description of circumstances of violence experienced (past and present) and documentation of injuries (e.g. photographs), and referral to appropriate specialist support services in a gender-sensitive and non-judgmental manner, as well as the provision of a forensic report for victims documenting the violence they suffered.**

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92. While the number of women who seek help from any institution is generally low in Montenegro, 13% of women indicated that they had turned to doctors or other healthcare institutions and 10% to hospitals after the most serious incident of violence they had experienced. See the OSCE-led survey on violence against women in Montenegro, p. 54.

93. NGO submission by the Women's Rights Centre, p. 39.

94. Unlike recognised refugees and foreigners under subsidiary protection, asylum seekers and temporary protection holders are excluded from the list of people awarded the status of the insured person according to the Law on Healthcare. Information received from UNHCR Montenegro.

95. NGO submission by the Women's Rights Centre, p. 39.

96. Ibid.

97. Information obtained from law-enforcement officials during the evaluation visit. One particular case was also cited in the NGO submission by the Women's Rights Centre, p. 39.

98. Ibid., pp. 43-44.

### 3. Specialist support services (Article 22)

114. Specialist support services ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs and are an equally important cornerstone of a trust-based system of protection and support. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. They need to be able to address the different types of violence covered by the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

115. Following the limited availability of specialist support services for victims of different forms of violence against women as identified by GREVIO in its baseline evaluation report, some progress has been made in improving the situation by the recent establishment of two additional shelters for victims of violence, which GREVIO welcomes.

116. Most specialist support services in Montenegro continue to be provided by NGOs, the only exception being a state-run shelter that accommodates, among other groups, victims of domestic violence in Bijelo Polje. All other shelters, telephone hotlines and counselling services for women victims of gender-based violence, including from vulnerable groups, such as women with disabilities, Roma and Egyptian women and LGBTI women, are provided by NGOs, some of which receive part of their funding from state authorities.<sup>99</sup> As the services offered to victims by Centres for Social Work are limited, NGOs are, in practice, the sole providers of psycho-social counselling and the so-called confidential accompaniment service, whereby individuals can act as "confidential persons" as defined by the LDVP and accompany victims to court and other appointments in order to provide emotional support.

117. Specialist services are, however, not available in all parts of the country, but instead are concentrated in the central region, in Podgorica and Nikšić, while the coastal area in the south of the country is underserved. For example, there is no shelter and only one single civil society organisation providing counselling, legal aid and confidential accompaniment services for the municipalities of Herceg Novi, Budva, Kotor and Tivat. GREVIO notes with concern that one NGO, operating on the basis of extremely limited and irregular funds obtained from public project calls and otherwise sustained by volunteer work, cannot possibly meet the demand for specialist support services in four municipalities. This is aggravated by the fact that the overwhelming majority of Ukrainian asylum seekers and Russian migrants are located in this part of the country.<sup>100</sup> The availability of specialised services is marginally better in the north of the country, where a couple of local SOS helplines, also operated by volunteers and sparsely funded by occasional grants from international donors or on the basis of project-based funds, are the main providers of specialist support.<sup>101</sup> At the same time, the overall less favourable economic situation of women in the north, in addition to particularly pronounced patriarchal values in that region, make it especially difficult for women to escape violence.<sup>102</sup>

118. Further, specialist support services do not exist for all forms of violence covered by the Istanbul Convention. For example, there are no specialised services or shelters for victims of forced marriage, despite its prevalence in the country.

119. As for shelters for women victims of domestic violence, there are two shelters operated by specialist NGOs with longstanding experience in the field, in Podgorica and Nikšić, as well as the state-run shelter in Bijelo Polje mentioned above. Another NGO-run shelter now exists in Danilovgrad, operated by an organisation seemingly established in 2023. A previously existing additional emergency shelter in Podgorica, run by a specialist NGO, is not operational at the moment due to the lack of financial resources.<sup>103</sup> In 2024, two new NGO-run shelters were opened in the municipality of Bar, increasing the number of available shelter places in the country as envisaged

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99. See Article 8, Financial resources.

100. Information obtained from UNHCR.

101. Information obtained during the evaluation visit.

102. Information obtained during the evaluation visit.

103. Written information received from civil society organisations.

in the new National Plan on the Implementation of the Istanbul Convention. GREVIO notes that one of these NGOs seems to have been recently established while the other seems to have mostly worked on other social issues before becoming licensed as a shelter. While GREVIO commends the authorities' efforts to increase the number of shelter places in Montenegro, it underlines the importance of tasking organisations with the operation of shelters whose work is based on a gendered understanding of violence against women and a victim-centred approach and whose staff are experienced in working with victims of gender-based violence.

120. GREVIO further notes that, for the state-run shelter in Bijelo Polje (Public Institution Centre for Support of Children and Families), access criteria seem to be unclear to different stakeholders, both governmental and from civil society. According to staff working at the centre and contrary to a widespread misconception, access is not restricted to women victims with children but also granted to women on their own. However, the shelter is also tasked to accommodate victims of trafficking, including men. In connection with a rule established by the authorities that victims of domestic violence should not be accommodated together with victims of trafficking, this leads to situations where the former cannot be accepted into the shelter despite places being available as long as even one victim of trafficking is accommodated there.<sup>104</sup> In addition, the total number of available places for any victims in this shelter had to be reduced from 15 to five after the centre acquired a licence in 2018 as a result of requirements for staff numbers and the size of premises introduced by the licensing system, which the centre does not have the resources to fulfil.<sup>105</sup>

121. A national free telephone helpline for victims of domestic violence that is available 24 hours a day every day has existed in Montenegro since 2015, which GREVIO welcomes. It is operated by the NGO SOS Centre for Women and Children Victims of Violence in Nikšić and publicly promoted. GREVIO notes with satisfaction that since the baseline evaluation the service has been made available in additional languages (Albanian, Ukrainian and Russian). The funding for the helpline is, however, still only partly covered by the state (approximately 50%) and allocated on the basis of yearly contracts that are awarded following public calls. GREVIO notes with concern that since 2021, only 11-month contracts have been awarded following the selection process, requiring those operating the helpline to raise additional funds or rely on volunteer work to sustain its service.<sup>106</sup>

122. GREVIO further notes that women's specialist support services provide legal counselling to all victims of violence against women in co-operation with lawyers who have extensive experience in this field, but that this service is not funded by the state, as it is not eligible as legal aid under the Law on Free Legal Aid.<sup>107</sup> The authorities in Montenegro are aware of the concerns regarding victims' access to specialist legal counselling and emphasise that work on amending the Law of Free Legal Aid has already begun.<sup>108</sup>

123. Last, with regard to measures to identify and provide protection to women victims of gender-based violence in institutions, GREVIO notes that residential care facilities for older persons and for persons with disabilities are legally obliged to establish procedures for cases of violence, which do seem to have been established in practice. However, women's specialist support organisations have pointed out that the institutions' internal teams have not recorded any cases of violence against residents in three years, between 2020 and 2022, calling into question the ability of staff to identify and respond to cases of violence in these institutions.<sup>109</sup>

124. In reception centres for asylum seekers, no written procedures are in place, but in the past, perpetrators of violence against women were relocated to a different reception centre by the centre's

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104. Information obtained during the evaluation visit.

105. See section I, Emerging trends in the areas of violence against women and domestic violence.

106. Written information received from civil society organisations.

107. NGO submission by the Women's Rights Centre, p. 36.

108. Information obtained during the evaluation visit.

109. NGO submission by the Women's Rights Centre, p. 40, with reference to a report published by the Institute for Social and Child Protection in June 2023 containing the statistics.

administration.<sup>110</sup> Information on victims' rights in the Montenegrin legal framework are displayed in different languages at the reception desk and, while it has apparently never been relevant in the past, staff at the reception centre emphasise that they would support victims in reporting to the police if they chose to do so.<sup>111</sup> Residents further have access to a complaint box which they can use to deposit a complaint against the behaviour of other residents or the centre's staff. GREVIO notes, however, that no information seems to be available to residents of the reception centre about any external entity they could contact in cases where the violence is perpetrated not by fellow residents in the centre, but its staff.

**125. While commending the efforts to increase the number of shelter places in Montenegro, GREVIO strongly encourages the Montenegrin authorities to:**

- a. continue to improve the availability of specialist support services for all victims of violence against women throughout the country, including also counselling and support services;**
- b. ensure that the provision of all specialist support services is based on a gendered understanding of violence against women and a victim-centred approach aimed at the empowerment of women victims.**

**126. GREVIO encourages the Montenegrin authorities to ensure that residents of closed institutions have access to specialist support services and to an effective protection mechanism in all cases of violence against women.**

**127. GREVIO invites the Montenegrin authorities to pursue their efforts to make specialist legal aid available to all victims of violence against women.**

#### **4. Support for victims of sexual violence (Article 25)**

128. Under Article 25 of the Istanbul Convention, parties are required to provide a set of holistic services to victims of sexual violence, including immediate medical care and trauma support, combined with forensic examinations, as well as short and long-term psychological counselling and therapy to ensure the victim's recovery. Such services should be provided by trained and specialised staff in an appropriate manner to respond to the victims' needs, preferably within rape crisis or sexual violence referral centres established in sufficient number throughout the country to ensure their easy access. The recommendation is to set up one of the above-mentioned centres per every 200 000 inhabitants.<sup>112</sup>

129. Since the baseline evaluation report, which had observed the lack of any specialist support services for victims of sexual violence in Montenegro, no progress has been made in making rape crisis or sexual violence referral centres available. The authorities are, however, aware of the importance of establishing at least one such service and have included a measure to this effect in the new National Plan, which foresees the setting up of "appropriate, easily accessible crisis centres for cases of rape, or centres for victims of sexual violence in sufficient numbers, which provide victims with medical and forensic examination services, support in case of trauma and counselling", with the target of opening one such centre by 2025 and three by 2027.<sup>113</sup>

130. The only specialist service for victims of sexual violence that currently exists in Montenegro is a helpline set up by the Montenegrin Women's Lobby as a project activity in 2019, which is, however, currently not funded by the state budget. Its sustainability is therefore questionable.

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110. Information obtained during the evaluation visit. Perpetrators of violence are subject to measures outlined in the Rulebook on Residence Rules and House Rules in the Reception Centre, as well as the Law on International and Temporary Protection of Foreigners. These measures may include the restriction or denial of the right to reception.

111. Information obtained during the evaluation visit.

112. Explanatory Report to the Istanbul Convention, paragraph 142.

113. See Measure 4.8 and pertinent target values under Operational Objective 4.

No specialist support services exist in the health sector for immediate medical care and forensic examinations or for short and long-term trauma care and psychological counselling and therapy.<sup>114</sup>

131. In light of the extremely low reporting numbers of sexual violence<sup>115</sup> and the intense stigma attached to sexual violence in Montenegrin society, GREVIO recalls the indispensability of a holistic and sensitive response by trained and specialised staff in order to build the trust of victims in institutions.

**132. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Montenegrin authorities to prioritise their efforts to set up rape crisis and/or sexual violence referral centres as envisaged in the National Plan for the Implementation of the Istanbul Convention, ensuring the provision of medical care, trauma support, forensic examinations and immediate psychological assistance by qualified professionals who provide victim-sensitive examinations and who refer victims to specialist services providing short and long-term psychological counselling and support.**

### C. Substantive law

133. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law, which aim to create the necessary legislative framework to prevent further victimisation of women and girls and to ensure robust intervention and prosecution by law-enforcement agencies. This section focuses on progress made with respect to selected provisions of the convention in the area of substantive law, notably Article 31 on custody, visitation rights and safety and Article 48 on the prohibition of mandatory alternative dispute resolution processes or sentencing in cases of violence against women.

#### 1. Custody, visitation rights and safety (Article 31)

134. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights, to ensure that the exercise of these rights does not harm the rights and safety of the victim or children. This provision contributes directly to their trust in the authorities because it offers essential protection from post-separation abuse.<sup>116</sup>

135. GREVIO's baseline evaluation report had found that judges in family proceedings rarely sought to investigate violence in the family and that procedures to ensure a flow of information across institutions was lacking. GREVIO had further noted that reports provided by the Centres for Social Work to courts often prioritised contact with both parents and failed to include an assessment of the risks this might entail for the child. It had also expressed concern about the limited use of orders for

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114. See above, Article 20, General support services, sub-section *b*, Healthcare services.

115. The latest available official data on this are from 2021, when the Judicial Council published data showing that 28 cases of rape were pending (prosecutors had filed charges) at criminal courts during that year. See the state report, p. 43. The OSCE-led survey on violence against women in Montenegro further revealed that reporting rates to the police regarding physical and sexual violence are generally low in Montenegro, ranging from 4% to 12% for the most serious incidents of violence, depending on the relationship between the victim and the perpetrator (partner, former partner or non-partner); see p. 53. A recent study carried out by NGOs found that 90% of 100 interviewed women had never tried to report rape. See Safe Women's House and SOS Centre Nikšić, Study on sexual violence against women and children in Montenegro, 2020, p. 150.

116. It is noteworthy that in the case of *Bîzdîga v. the Republic of Moldova* (Application No. 15646/18, 17 October 2023), the European Court of Human Rights held that in proceedings concerning the custody and visitation rights regarding children in a domestic violence context, the primary focus must be on the best interests of the child, and an assessment of any risks of violence or other forms of ill-treatment therefore has to form an integral part of such proceedings. For this reason, it found that an alleged history of domestic violence was a relevant and even mandatory factor to be considered in the assessment made by the domestic authorities when deciding on contact rights (§ 62). In the recent case of *Luca v. the Republic of Moldova* (Application No. 55351/17, 17 October 2023), the Court found a violation of Article 8 of the European Convention on Human Rights on account of the failure of the Moldovan authorities to take into account incidents of domestic violence in the determination of child contact rights.

supervised visitation and practical challenges to adequately supervising such visits in CSWs. It regrets that no progress seems to have been made since.

136. The Family Law provides for the possibility of limiting custody and visitation rights in cases in which this is considered in the best interest of the child, including in cases of “family violence”.<sup>117</sup> GREVIO understands that the term “family violence” could potentially be interpreted to encompass not only direct violence experienced by the child but also the child witnessing violence and cases where the violence was perpetrated by one parent against the other without the child directly witnessing it. However, it is unclear whether this wide interpretation is used in court practice. In light of the many findings made during its baseline evaluation cycle, GREVIO considers that it is essential, in order to ensure a more effective implementation of Article 31 of the convention, to explicitly include in legislation, as criteria to be taken into account when determining custody and visitation rights, not only direct violence against children but also incidents of violence against women, including but not limited to those witnessed by children.<sup>118</sup>

137. In practice, Montenegrin courts rely on the reports of case workers from the CSWs, which are requested in custody proceedings to assess whether the family situation, including any potential occurrence of violence, warrants a restriction or withdrawal of parental rights. CSW social workers, in turn, often do not explicitly mention any observations of violence in their reports and even more rarely recommend any particular custody and visitation model.<sup>119</sup> Although CSWs have pointed to their practice of suggesting restrictions on parental rights in situations of violence, this seems to be limited to cases of direct violence against children, if it is done at all.<sup>120</sup> This approach seems to be the result of a confluence of factors, including social workers being overwhelmed with their case load due to understaffing of CSWs, personal attitudes and beliefs that prioritise family unity over victims’ safety and an institutionalised perception among CSWs that they are to only play a passive role in dealing with violence against women in general. For the same reasons, CSWs rarely proactively initiate proceedings for the restriction or withdrawal of parental rights when they become aware of cases of violence.<sup>121</sup>

138. While judges are not bound by the opinions of CSWs, they rarely seem to independently assess the situation, for example by requesting risk assessments conducted by law-enforcement agencies or records from criminal and misdemeanour courts. The latter is even prescribed as an obligation by the Protocol on Action in Cases of Gender-based Violence in its section related to courts<sup>122</sup> but does not seem to be consistently applied.<sup>123</sup>

139. In practice, when CSW reports do not mention violence, do not specifically answer the questions posed by the judge or are not submitted by the deadline set by the court, judges decide to restrict custody and visitation rights in extreme cases only,<sup>124</sup> and generally only when the child was a direct victim of physical violence by the abusive parent.<sup>125</sup> GREVIO notes this situation with grave concern and recalls that a child’s exposure to physical, sexual or psychological violence and abuse between parents or other family members breeds fear, causes trauma and adversely affects children’s development.<sup>126</sup> GREVIO also wishes to recall that joint parenting in these circumstances allows perpetrators to maintain their control and dominance over the mother and children. Ample research has shown that child custody and visitation decisions that do not duly take instances

117. Article 63, paragraph 3, of the Family Law.

118. Explanatory Report to the Istanbul Convention, paragraph 144.

119. Information obtained from both governmental and civil society representatives during the evaluation visit.

120. State report, p. 8, stating that not a single case of a CSW suggesting restrictions or withdrawal of parental rights due to violence perpetrated by one parent against the other has been recorded.

121. NGO submission by the Women’s Rights Centre, p. 18.

122. Protocol on Action in Cases of Gender-based Violence: Instruction 10a, stipulating that “basic courts before which divorce proceedings are conducted or a decision concerning children is made (temporary measures, custody) are obliged to obtain information from criminal and misdemeanour courts on whether criminal or misdemeanour proceedings are being conducted against one of the parents, guardians, family members for acts of domestic violence”.

123. In meetings with judges during the evaluation visit, it emerged that the protocol was not widely known among them.

124. Information obtained from meetings with judges during the evaluation visit.

125. NGO submission by the Women’s Rights Centre, p. 46.

126. See the Explanatory Report to the Istanbul Convention, paragraph 143.

of domestic violence into account may expose women to post-separation abuse.<sup>127</sup> More awareness among the Montenegrin judiciary of the fact that shared custody and visitation rights may perpetuate the abuse of a woman through such arrangements is necessary and should be built through training initiatives.<sup>128</sup>

140. In addition, GREVIO regrets that no guidelines exist that would allow judges to determine how to proceed in divorce, custody and visitation proceedings involving domestic violence, and that the one relevant rule in the Protocol on Action in Cases of Gender-based Violence mentioned above does not seem to be widely applied or known. Further, no procedure for the active and systematic screening of all family law cases for a history of domestic violence is in place. Instead, courts rely on victims to proactively disclose any potential violence, although the legal framework would allow judges in family proceedings to establish facts that neither party has actively presented.<sup>129</sup>

141. When supervised visits are ordered, several issues arise in practice that can put the safety of children and the non-violent parent at risk. First, women's specialist support organisations have consistently pointed out that despite the fact that visits are meant to take place under controlled conditions in CSWs, staff do not always stay in the room for the whole duration of the encounter between the child and the parent. This can lead to situations where the violent parent exerts further violence, either psychological or physical, during these visits or obtains information from the child on the mother's movements or address. Second, specialist NGOs have drawn GREVIO's attention to the fact that in cases where incidents happen during supervised visits, social workers do not reliably document them in their reports, which tend to be very short.<sup>130</sup> Further, CSW staff have lamented the inadequacy of some of their premises for carrying out supervised visits, in particular in smaller towns, as there is barely enough space for the employees' desks. GREVIO stresses the importance of having appropriate infrastructure and mechanisms in place for safe supervised visits.

**142. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Montenegrin authorities to take the following priority action in the area of custody and visitation rights to ensure the safety of victims and their children:**

- a. ensure that the negative impact that violence against women has on their children is reflected in legislation and that incidents of violence against women are a mandatory legal criterion to be taken into account when deciding on custody and visitation rights;**
- b. accompany these legal changes with measures to ensure their application in practice and build awareness among the Montenegrin judiciary, including by introducing guidelines on the handling of such cases for judges;**
- c. introduce screening procedures to systematically detect cases of violence in proceedings regarding custody and visitation rights, for example by including a question on whether there is a history of violence in the process of applying to family courts;**
- d. ensure co-operation and information sharing in cases of custody and visitation rights of family courts with criminal and misdemeanour courts and law-enforcement agencies in order to provide family law judges with all relevant information for their decisions;**
- e. take the necessary legislative or other measures to ensure that Centres for Social Work explicitly mention any violence that has been reported to or observed by them in their reports in custody and visitation proceedings.**

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127. Research shows that in cases with a domestic violence context, for many women and children violence intensifies after separation, that child contact (including court-ordered contact) is a means for perpetuating violence, even where there are high levels of supervision, and that child contact can be used by male abusers as a way of continuing control over women victims. See Thiara R. and Harrison C., "Safe not sorry: Key issues raised by research on child contact and domestic violence", 2016, Women's Aid; Mackay K., "Child contact as a weapon of control", in Lombard N. (ed.) (2018), *The Routledge Handbook of Gender and Violence*, pp. 145-158.

128. See Article 15, Training of professionals.

129. Article 318 of the Family Law.

130. NGO submission by the Women's Rights Centre, p. 51.

143. **GREVIO strongly encourages the Montenegrin authorities to improve the conditions for supervised visits by ensuring staff at Centres for Social Work understand their role and responsibility in supervising and documenting these visits and by allocating adequate resources to create appropriate conditions for such visits in CSW premises.**

## **2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

144. Article 48, paragraph 1, of the Istanbul Convention requires parties to prohibit the mandatory participation in any alternative dispute resolution processes, including mediation and conciliation, in relation to cases of all forms of violence against women covered by the convention. This provision stems from the principle that violence against women is a manifestation of unequal power relations and that victims of such violence can never enter the alternative dispute resolution processes on an equal footing with the perpetrator. To avoid the re-privatisation of such violence and to enable the victim to seek justice, it is the responsibility of the state to provide access to adversarial court proceedings on the basis of robust criminal and civil law provisions.

145. In its baseline evaluation report, GREVIO had stressed that despite the legal prohibition of mediation in family law proceedings in cases of domestic violence, judges seemed to order mediation in such cases nonetheless and victims were mostly uninformed of its voluntary nature and their right to decline appointments with mediators.

146. GREVIO notes with concern that, in the period following the adoption of the baseline evaluation report, the safeguard related to domestic violence included in Article 326 of the Family Law was weakened through an amendment in 2020. The amended article no longer explicitly prohibits ordering mediation in cases of domestic violence but instead stipulates that in family law proceedings, such as divorce, division of property and exercise of parental rights, courts will not direct parties to mediation meetings in cases “where mediation would not be appropriate due to the suspicion of domestic violence”. This is particularly worrisome in light of the fact that information on a history of domestic violence often does not come to light during family law proceedings due to the lack of screening procedures and information sharing between family courts and other relevant entities.<sup>131</sup> Once a case is sent to mediation, the mediator is called upon to consider whether the circumstances of the case suggest a history of domestic violence and to halt the process in such cases where mediation would not be appropriate.<sup>132</sup> The recent legislative amendments, however, now allow judges to refer cases to mediation even in cases where domestic violence has indeed been established during the family procedure, without victims expressing any wish for it. In fact, during the evaluation visit, the authorities confirmed that they believe having the option of mediation is important in divorce proceedings, even in cases of violence, and that 50% of all divorce cases go to mediation. Judges further pointed out that they also sometimes recommend mediation in cases with a history of violence in order to avoid long adversarial procedures.

147. The situation is compounded by the fact that judges do not proactively inform victims of the voluntary nature of mediation. In practice, when a judge decides to direct civil law proceedings to mediation, victims will receive a letter from the mediation centre with an invitation to the first appointment, without any indication that parties are not obliged to comply.<sup>133</sup> In these circumstances, GREVIO considers it highly unlikely for victims to turn down the appointment, as they will assume that doing so will have negative consequences. Only when they present themselves at the first appointment will the mediator inform them of the voluntariness of the procedure.

148. GREVIO recalls that practices that suggest reaching agreements or amicable settlements between victims and abusers as an alternative to court-imposed regulations, with refusals carrying the potential for negative outcomes for victims, may be tantamount to mandatory mediation

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131. See Article 31, Custody, visitation rights and safety.

132. Article 53 of the Law on Alternative Dispute Resolution.

133. Information received during the evaluation visit.

(quasi-mandatory mediation).<sup>134</sup> Women leaving abusive relationships turn to the justice system in civil and criminal matters that require resolution by neutral actors with judicial authority, and upholding this possibility for all women victims is essential for a trust-based system. While GREVIO recognises the importance of ensuring viable solutions for civil matters after separation, and that mutually acceptable solutions reached jointly may be preferable to lengthy court proceedings, it emphasises the fact that women victims of domestic violence do not enter mediation processes on an equal footing with their abusers. GREVIO points to the urgent need to ensure that any offers of mediation in civil law proceedings made by judges are done after a robust screening process for a history of violence, and with the full and informed consent of the victims concerned. Of equal urgency is the need to raise the level of awareness among judges and mediators of the power imbalances in relationships marred by violence, and of the fear of potential negative repercussions of refusing mediation processes among women victims of domestic violence.

149. As for criminal procedures, the public prosecutor can conduct a conciliation procedure between the injured party and the suspect with the help of a mediator before issuing a decision on deferred prosecution. According to the authorities, this will be done only if the victim consents to it,<sup>135</sup> however, it is unclear in what way their consent is obtained and whether they are appropriately informed that they can refuse to participate. GREVIO notes with interest that instructions by the Supreme State Prosecutor's Office issued in 2022 discourage the use of deferred prosecutions in domestic violence cases.<sup>136</sup>

**150. GREVIO strongly encourages the Montenegrin authorities to ensure that mediation procedures carried out in family law proceedings do not constitute quasi-mandatory mediation in cases with a history of domestic violence, including by taking the following measures:**

- a. introducing screening procedures to systematically detect cases of violence in family law proceedings;**
- b. requiring judges to proactively inform parties of the voluntary nature of mediation as well as the fact that declining to participate will not have any negative legal consequences, and ensuring that cases are only directed to the Centre for Mediation upon the freely given and informed consent of the victim;**
- c. ensuring that where domestic violence comes to light only during the ongoing mediation process, the victim is proactively offered an opportunity to stop the mediation and return the case to an adversarial procedure;**
- d. strengthening the level of awareness among judges and mediators of the power imbalances in relationships marred by violence, so they can take this into account when assessing whether to propose mediation.**

#### **D. Investigation, prosecution, procedural law and protective measures**

151. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions in a manner that validates women's and girls' experiences of violence, that avoids their secondary victimisation and that offers protection throughout the different stages of proceedings. The provisions covered in this section are fundamental to the delivery of protection and justice for all women and girls at risk of or who have experienced gender-based violence.

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134. Mid-term Horizontal Review of GREVIO baseline evaluation reports, paragraphs 411-412, and GREVIO baseline evaluation report on Germany, paragraph 286.

135. State report, p. 28.

136. Instructions by the Supreme State Prosecutor issued on 21 July 2022 (Doc. No. 404/22). Note that these instructions have been updated and replaced with a new version issued in October 2024.

## **1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50)**

152. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages. Those in law enforcement or the judiciary often do not prioritise incidents of violence against women and domestic violence, thereby contributing to the impunity of perpetrators and reinforcing the misconception that this type of violence is “acceptable” in society.<sup>137</sup> A consequence of assigning low priority to incidents of violence against women and domestic violence are delays in initiating investigations and judicial processes, which in turn may lead to the loss of vital evidence and to an increased risk for the victim of repeated violence. For these reasons, Article 49 of the convention requires parties to ensure that investigations and judicial proceedings are conducted without undue delay, while at the same time respecting the rights of victims during each stage of these processes. Article 50 further reinforces these obligations by requiring that law-enforcement agencies react promptly and appropriately in cases of violence against women, including by offering victims immediate protection and by engaging in the prevention of violence. GREVIO reports focus on the application of Article 50 at key stages of the criminal justice process, notably reporting, investigation, prosecution and conviction, all of which are key contributors to victims’ sense of support, protection and justice.

### **a. Reporting to, immediate response and investigations by law-enforcement agencies**

153. In its baseline evaluation report, GREVIO had stressed that with the notable exception of specialist domestic violence units, law-enforcement agencies had not been consistently discharging their obligation to swiftly and impartially respond to violence against women, including domestic violence, noting that this had essentially been due to widespread attitudes towards women and notions of male superiority and patriarchy.

154. In a positive development, dedicated rooms for interviewing victims of violence have since been established in seven security departments across the country in co-operation with foreign donors. GREVIO welcomes this effort to improve the conditions for interviewing victims in police stations by providing a less stressful environment and ensuring the privacy of interviews, which was also praised by the Committee of the Parties to the Istanbul Convention in its conclusions on the implementation of recommendations adopted in respect of Montenegro.<sup>138</sup> At the same time, GREVIO notes that in police stations without such dedicated rooms, victims are still being interviewed in the regular premises, with limited privacy and the potential for meeting perpetrators in the corridors or hearing them through the walls.<sup>139</sup> GREVIO further notes that some of the newly established interview rooms are also used as regular office spaces for police officers, and interviews seem to be carried out with the officer seated at their desk and only the victim placed on the provided couches, which might diminish the intended effect of creating a safe and welcoming setting for interviews with victims.

155. Another development following the baseline evaluation was the introduction of the “BeSafe” app during the Covid-19 pandemic, which aimed at providing victims with a safe alternative for reaching the police in cases of emergency while confined indoors with their abuser during lockdowns. However, the app has never been an alternative means of reporting domestic violence, as the subsequent victim’s statement is still taken at police stations, and is barely used by victims at present.<sup>140</sup>

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137. Explanatory Report to the Istanbul Convention, paragraph 255.

138. Conclusions on the implementation of recommendations in respect of Montenegro adopted by the Committee of the Parties to the Istanbul Convention, IC-CP/Inf(2022)3, adopted on 8 June 2022.

139. NGO submission by the Women’s Rights Centre, p. 54; Women’s Rights Centre, “Case flow analysis – sexual and gender-based violence in Montenegro 2023” (unpublished at the time of writing), p. 12.

140. Information obtained from the authorities during the evaluation visit.

156. Other than these developments, the situation has largely remained the same. Some police stations in bigger towns are staffed with two to four officers specialised in juvenile delinquency and domestic violence, while no such officers exist in smaller towns. However, as noted above, no particular training or experience is required to become such a specialised officer.<sup>141</sup> Other forms of specialisation do not exist, which is especially relevant with regard to sexual violence, concerning which GREVIO observed particular shortcomings during the evaluation visit.

157. Cases of sexual violence are dealt with by the unit for blood and sexual crimes, consisting of mostly male officers.<sup>142</sup> Apart from taking victims to the hospital, officers usually do not provide victims with any information regarding other support services available to them. Victims have described the questions posed to them during the reporting procedure as uncomfortable and judgmental.<sup>143</sup> Specialist women's support organisations have further indicated that there have been cases in which the police have subjected victims of rape to polygraphy tests to assess whether they were lying.<sup>144</sup> GREVIO notes with grave concern that a non-sensitive response of law-enforcement agencies to reports of sexual violence can act as a strong deterrent for victims to report crimes and that this might be one of the factors contributing to the extremely low reporting rates for rape.<sup>145</sup> In this context, GREVIO reiterates the urgent need to introduce mandatory training for police officers, in particular those tasked with handling cases of violence against women.<sup>146</sup>

158. Further challenges also exist with regard to the immediate response to cases of domestic violence as required by the convention. For example, emergency calls from victims are not always swiftly reacted to, with specialist women's support organisations pointing out that police only go to the crime scene in more extreme cases, even in situations where victims indicate that they are experiencing acute physical violence.<sup>147</sup> This might be due to the fact that law-enforcement agencies seem to be generally understaffed and under-resourced, having to prioritise which emergency calls to respond to immediately and facing practical obstacles such as an occasional lack of fuel for police cars.<sup>148</sup> It might also be related to the persistently widespread attitudes among police officers that trivialise domestic violence, as discussed in detail in the baseline evaluation report<sup>149</sup> and elsewhere in this report.<sup>150</sup> Whatever the reasons may be, GREVIO emphasises that this alarming situation puts victims' safety and life at risk and must be addressed.

159. General obstacles to facilitating the reporting of gender-based violence and ensuring an adequate response thereto include the fact that not all police stations are accessible for people with reduced mobility as well as the lack of any accountability procedures in cases where law-enforcement agencies fail to take adequate measures to protect the victim.

**160. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Montenegrin authorities to ensure the swift and impartial response of all law-enforcement officials to all cases of violence against women and the sensitive and non-judgmental questioning of all victims, including in cases of sexual violence. In this context, GREVIO further encourages the Montenegrin authorities to increase the number of specialist domestic violence officers throughout the country and to ensure their in-depth knowledge and gendered understanding of violence against women by introducing formal selection criteria for this position. GREVIO further invites the Montenegrin authorities to consider introducing specialist units or teams to cover additional forms of violence against women, in particular sexual violence.**

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141. Information obtained from the authorities during the evaluation visit. See Article 15, Training of professionals.

142. Ibid.

143. Safe Women's House and SOS Centre Nikšić, Study on sexual violence against women and children in Montenegro, 2020, p. 150.

144. Information obtained during the evaluation visit.

145. See Article 15, Training of professionals.

146. Ibid.

147. Information obtained during the evaluation visit. One specialist support organisation reported that the police response might also depend on who is calling the emergency line and that their experience indicates that police are more likely to go to the crime scene when NGOs call on behalf of the victims, instead of the victims themselves.

148. Information obtained from law-enforcement agencies during the visit.

149. See GREVIO Baseline Evaluation Report, paragraph 211.

150. See Article 15, Training of professionals.

161. **GREVIO strongly encourages the Montenegrin authorities to allocate sufficient resources to law-enforcement agencies to enable their immediate response to all forms of violence covered by the scope of the Istanbul Convention, including the dispatching of police officers to the crime scene in response to emergency calls placed by victims.**

#### **b. Effective investigation and prosecution**

162. In its baseline evaluation report, GREVIO had observed the challenge for regular police officers to collect, record and assess all available evidence in cases of domestic violence, resulting in cases appearing less serious than they were and being qualified as misdemeanours rather than criminal offences. It had further noted that charging decisions by public prosecutors had usually been based solely on the evidence collected by law-enforcement agencies, without ordering further investigations, and that the available evidence was often only communicated verbally, over the phone. GREVIO had also observed that charges sometimes pressed against victims for acts of self-defence could lead to secondary victimisation of women and girls who reported gender-based violence.

163. Little progress has been made with regard to the above-mentioned challenges. Shortcomings in gathering evidence in cases of violence against women remain. For example, pictures taken by law-enforcement agencies of the crime scene or victims' injuries are often of bad quality and digital evidence such as online messages are not always effectively saved.<sup>151</sup> In conjunction with the poor documentation of the violence suffered by the health sector, the quality of available evidence in cases of violence against women is limited.<sup>152</sup> Information on cases, including collected evidence, still seems to be relayed mostly over the phone, either verbally or through a messaging application, to public prosecutors who usually take their decision on whether the act qualifies as a criminal offence on this limited basis.<sup>153</sup> Additional investigations are rarely ordered by public prosecutors.<sup>154</sup> In view of the poor evidentiary basis, prosecution services rely mostly on the victim's statement, resulting in prosecutions being discontinued if victims do not wish to testify.<sup>155</sup>

164. Where the public prosecutor assesses that the reported event does not contain any elements of a criminal offence, it is the law-enforcement officer who determines whether it qualifies as a misdemeanour and who, if so decided, submits a request to initiate misdemeanour proceedings. If deemed necessary, police also include a request for protective measures.<sup>156</sup> Civil society experts working in the field have pointed out that children who witnessed or otherwise experienced the violence are not routinely mentioned in police reports to misdemeanour judges, affecting both the assessment of the gravity of the offence by the court and the scope of the possible protective measures.<sup>157</sup> Women's rights organisations have further pointed out that law-enforcement officials acting as representatives of the prosecution in misdemeanour proceedings do not have any legal training preparing them for this role and that they do not always appear during the proceedings, possibly due to time constraints.<sup>158</sup> When the police are represented, it is usually not the same officer who had prepared the case, increasing the likelihood of information getting lost in the handover process. Interviews with misdemeanour judges have further revealed that when they send cases back to the prosecution for re-evaluation because they noticed elements of a criminal offence, these cases are most commonly returned to them.<sup>159</sup>

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151. NGO submission by the Women's Rights Centre, p. 55, and information received during the evaluation visit.

152. See Article 20, General support services.

153. Information obtained during the evaluation visit and corroborated in Women's Rights Centre, "Case flow analysis – sexual and gender-based violence in Montenegro 2023", p. 7. The messaging application referred to is Viber.

154. *Ibid.*, p. 8.

155. Information obtained during the evaluation visit.

156. See Article 53, Protection orders.

157. Information obtained during the evaluation visit. See Article 53, Protection orders.

158. Information obtained during the evaluation visit.

159. Information obtained during the evaluation visit and corroborated in Women's Rights Centre, "Case flow analysis – sexual and gender-based violence in Montenegro 2023", p. 10.

165. GREVIO notes with concern that the above-mentioned issues pose an obstacle to effectively prosecuting cases of violence against women. In this regard, GREVIO welcomes the issuance of instructions of a general nature for handling cases for the criminal offence of violence in the family by the Supreme State Prosecutor's Office in 2022, which aim to address non-efficiency in the work of the prosecution and the police. This guidance has most recently been replaced with new instructions issued by the new acting Supreme State Prosecutor in October 2024.<sup>160</sup>

166. GREVIO further notes with concern the existence of investigative practices that can cause secondary victimisation and act as deterrents for women to report violence or follow through with the judicial procedure, such as pressing charges against both the perpetrator and the victim as well as repeat questioning of victims by different entities. The latter is partly due to the fact that the initial statement taken by law-enforcement officials cannot legally be used in the subsequent proceedings, which the authorities acknowledge as an issue that needs to change. A recent analysis of court files revealed that victims were questioned by an institution three times on average.<sup>161</sup> As for parallel charges, women's specialist support services have emphasised that police sometimes fail to identify the primary aggressor in situations of violence against women and open a criminal procedure against victims, which sometimes even results in the conviction of victims.<sup>162</sup>

**167. GREVIO urges the Montenegrin authorities to ensure, including through the use of guidelines or instructions, the collection of all relevant evidence and its adequate transmission between law-enforcement agencies and the judiciary, including public prosecutors, with the aim of creating a more comprehensive basis for charging decisions (misdemeanour or criminal offence) and effective prosecution of violence against women.**

**168. GREVIO further strongly encourages the Montenegrin authorities to take measures to avoid repeat questioning of victims of violence against women.**

### **c. Conviction rates**

169. In its baseline evaluation report, GREVIO had observed that the trend of prosecuting domestic violence as misdemeanours instead of criminal offences had been steadily growing and that while misdemeanour procedures had been generally considered to be fast and efficient, they had not led to dissuasive sanctions in most cases.

170. At present, no official data are available on the proportion of reported cases of domestic violence subsequently charged as misdemeanours and how many are prosecuted as criminal offences, making it impossible to assess whether the above-mentioned trend has changed.<sup>163</sup> Available data do indicate, however, that misdemeanour courts still deal with many more cases of domestic violence than criminal courts per year.<sup>164</sup> GREVIO notes that the intended goal of amending the relevant criminal and misdemeanour offences was to allow for a clear distinction between the two and to ensure that serious violence was adjudicated by criminal courts.<sup>165</sup> Whether this will be the case in practice remains to be seen. As mentioned elsewhere in this report, the qualification

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160. Instructions by the Supreme State Prosecutor issued on 11 October 2024 (Doc. No. 473/24).

161. *Ibid.*, p. 11.

162. NGO Submission by the Women's Rights Centre, pp. 27 and 66, citing two such cases. One concerned a victim of sexual violence who had defended herself from the attacker and was issued with a warning with the obligation to pay half of the court costs as the judge considered her acts not to qualify as self-defence because she had not called the police at the immediate time of the attack. The other case related to a victim of reported long-term domestic abuse, who had defended herself from her husband and was convicted and given a two-year prison term for attempted murder, while her husband received a sentence of three months house arrest for domestic violence.

163. For details on the lack of data that would allow for the tracking of cases through the criminal justice system, see Article 11.

164. According to data provided in the state report, in 2022 there were 2 201 cases of domestic violence based on the LDVP pending before misdemeanour courts, while criminal courts had 435 cases of domestic violence based on Article 220 of the Criminal Code pending.

165. See Article 3, Definitions.

of conduct as either a criminal or a misdemeanour offence will in practice still largely depend on the interpretation of public prosecutors and courts.<sup>166</sup>

171. As observed during the baseline evaluation procedure, domestic violence cases that are routed to the misdemeanour track are still generally resolved relatively quickly, with around 90% of the cases being resolved in less than six months and many of those going through a fast-track procedure of a few days or weeks,<sup>167</sup> resulting in light sanctions for the perpetrators at most. Data submitted by the Montenegrin authorities for 2022 demonstrate that in less than 10% of cases concluded before misdemeanour courts did the perpetrator receive a prison sentence, with most cases resulting in a fine, a suspended sentence or a warning.<sup>168</sup> In more than a fifth of these cases, perpetrators were acquitted. One factor for this could be that misdemeanour courts are not connected to criminal records, meaning that decisions on sanctions are made without any information on potential previous criminal proceedings against the perpetrator.<sup>169</sup>

172. When cases of domestic violence are indeed prosecuted as criminal offences, they often do not result in dissuasive punishments for the perpetrators either. Analyses of the penal policy carried out by a women's rights NGO for the period 2019-2022 and the year 2023, respectively, found that perpetrators received some form of penalty, namely a prison sentence, monetary fine or mandatory community work, in around 39% (in 2021) and 50% (in 2023) of cases adjudicated by criminal courts.<sup>170</sup> In at least around one third of the cases from these years, judges made use of the institution of "deferred prosecution", meaning that the sentence was suspended.<sup>171</sup> When courts imposed prison sentences for domestic violence, they were generally closer to the legal minimum.<sup>172</sup> This might be due to the fact that ample consideration is given to mitigating factors in these cases, including circumstances such as the perpetrator being a "family man", or a father of minor children. An analysis of 42 court files of domestic violence cases from 2023 found that courts appreciated such personal circumstances as mitigating factors in 57% of those cases and that, in general, courts referred to mitigating circumstances more often than to aggravating circumstances in domestic violence cases.<sup>173</sup> GREVIO recalls that such mitigating factors are in direct contradiction with Article 46 of the Istanbul Convention, which requires the consideration of the relevant circumstances, namely that the offence was committed by a member of the family, as aggravating factors in criminal law proceedings. GREVIO notes that this requirement is also integrated into the Protocol on Action in Cases of Gender-based Violence, in its section related to courts.<sup>174</sup>

173. GREVIO notes with grave concern that the overall lenient approach to adjudicating cases of domestic violence is embedded in a wider context of beliefs among the judiciary that minimise and privatise domestic violence. A 2015 United Nations Development Programme (UNDP) study found that half of the judges in Montenegro believe that domestic violence is a private matter.<sup>175</sup> In its meetings with judges, GREVIO observed a general tendency to prioritise the preservation of family unity over bringing perpetrators to justice. For example, concerns about how cases can be decided in a way that "saves" the family were raised and several judges noted that the attitude of victims, for example when they change their mind about the perpetrator or specifically ask for a mild sentence, has a strong influence on the outcome of the case. This approach is also corroborated by another finding from the above-mentioned analysis of recent criminal court files, namely that in almost one third of the cases courts took into account as a mitigating factor the fact that the victim had not joined

166. *Ibid.*

167. The Women's Rights Centre, *Krivično pravni odgovor sudstva na rodno zasnovano nasilje u Crnoj Gori 2019-2022*, pp. 17-18. It should be noted that no data are available on the proportion of cases that are dealt with in an abbreviated procedure.

168. State report, p. 8.

169. Written information received from civil society organisations.

170. The Women's Rights Centre, *Krivično pravni odgovor sudstva na rodno zasnovano nasilje u Crnoj Gori 2019-2022*, pp. 20-21, and the Women's Rights Centre, *Krivično pravni odgovor sudstva na rodno zasnovano nasilje u Crnoj Gori 2023*, p. 9.

171. *Ibid.*

172. *Ibid.*, 2019-2022, pp. 19-21 and *Ibid.*, 2023, p. 9.

173. Women's Rights Centre, "Case flow analysis – sexual and gender-based violence in Montenegro 2023", pp. 15-16.

174. Protocol on Action in Cases of Gender-based Violence: Instruction 12 of the section regarding courts.

175. UNDP and Montenegro Ministry for Human and Minority Rights, "Survey on perceptions of gender-based violence among the judiciary in Montenegro", 2015, cited in OSCE-led survey on violence against women in Montenegro, p. 67.

the prosecution.<sup>176</sup> Another indication of judges' reluctance to approach violence against women with the same seriousness as other violent crimes is the persistence of the practice of carrying out "confrontations" between the victim and the perpetrator during trials with the aim of assessing the victim's credibility. In these "confrontations", the victims are made to face the accused, repeat their statement and discuss the veracity of what they have stated directly with the perpetrator. GREVIO notes with concern that, while recommending its limited use, this practice is even included in the Protocol on Action in Cases of Gender-based Violence as a method for judges to ascertain which party is telling the truth.<sup>177</sup> GREVIO recalls that such practices are opposed to the principle that the victims' rights and interests, including their special needs as witnesses, need to be protected in judicial proceedings.<sup>178</sup> GREVIO further reiterates the urgent need to introduce mandatory training for judges on gender-based violence, its root causes and consequences, including the effects of trauma on victims.<sup>179</sup>

174. As for sexual violence, a study conducted by women's specialist organisations indicates that most cases do not even make it to the trial stage.<sup>180</sup> No information is available regarding the prosecution of other forms of violence against women covered by the scope of the convention. According to the data submitted in the state report, it seems that not a single case of forced marriage has been prosecuted in recent years despite its evident occurrence in practice, in particular in Roma and Egyptian communities.<sup>181</sup>

**175. GREVIO strongly encourages the Montenegrin authorities to take the necessary measures to discontinue the practice of conducting "confrontations" between victims and perpetrators in judicial proceedings on all forms of violence against women.**

**176. GREVIO strongly encourages the Montenegrin authorities to ensure that mitigating factors considered in criminal and misdemeanour proceedings related to cases of violence against women are in line with the Istanbul Convention and are not used to justify more lenient sentences for perpetrators of violence against women.**

**177. Welcoming the legal changes to the Criminal Code regarding the definition of domestic violence, GREVIO further encourages the Montenegrin authorities to ensure a uniform application of the respective criminal and misdemeanour offences in practice, for example by issuing guidelines or instructions for the judiciary, as well as to ensure that criminal courts are adequately resourced to handle the purported higher case load in the area of domestic violence.**

## **2. Risk assessment and risk management (Article 51)**

178. Many perpetrators of domestic violence, rape, stalking, sexual harassment, forced marriage and other forms of violence covered by the Istanbul Convention threaten their victims with serious violence, including death, and have subjected their victims to serious violence in the past, including non-fatal strangulation. The growing digital dimension of such violence further exacerbates women's and girls' sense of fear. Article 51 thus places concern for their safety at the heart of any intervention in such cases by requiring the establishment of a multi-agency network of professionals to protect high-risk victims without aggravating the harm experienced. It sets out the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces, on a case-by-case basis, according to standardised procedures and in co-operation with each other.

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176. Women's Rights Centre, "Case flow analysis – sexual and gender-based violence in Montenegro 2023", p. 16.

177. Protocol on Action in Cases of Gender-based Violence: Instruction 14 of the section regarding courts.

178. See Article 56, Measures of protection.

179. See Article 15, Training of professionals.

180. Safe Women's House and SOS Centre Nikšić, Study on sexual violence against women and children in Montenegro, 2020, p. 150. The study, compiling the experiences of 100 women and girls who survived sexual violence and sought support from one of the specialist organisations, found that 70% of reported cases had been dismissed by the public prosecution.

181. Information obtained from civil society experts in the field during the evaluation visit.

179. In 2018, the Protocol on Action in Cases of Gender-based Violence was supplemented with a risk-assessment form for mandatory use by law-enforcement agencies, which GREVIO welcomes. This corresponds to the findings made in its baseline evaluation report that had showed a lack of standardised mandatory risk assessment in cases of violence against women. The newly introduced form, however, is mainly applicable to cases of intimate-partner violence, not to all forms of violence against women covered by the convention. GREVIO further notes that while many important risk factors are included in the risk-assessment form, others are not, such as the filing of divorce by the victim, pregnancy, the perpetrator's threat of suicide or to take away the common children, acts of sexual violence or especially dangerous prior acts of violence, such as non-fatal strangulation.<sup>182</sup>

180. According to the Protocol on Action in Cases of Gender-based Violence, the risk-assessment form should be used both as a guidance for interviewing victims and perpetrators at the scene and as the basis for deciding on immediate protective measures to be issued by the police, such as the eviction of the perpetrator from the shared accommodation.<sup>183</sup> However, GREVIO has received indications from women's specialist support organisations that some gaps remain in the consistent use and comprehensive completion of the forms in practice.<sup>184</sup> The protocol does not require law-enforcement agencies to share their risk assessment with other entities except the Centres for Social Work, which are envisaged to be notified electronically.<sup>185</sup> GREVIO regrets that the risk assessment is not usually submitted to public prosecutors or included in misdemeanour court files by the police.<sup>186</sup> Public prosecutors, in turn, do not carry out their own risk assessments either.<sup>187</sup>

181. With regard to the Centres for Social Work, GREVIO notes that the protocol obliges the case manager to carry out an assessment of the case and develop a safety and security plan by involving professionals from other relevant institutions and the victim, which should define roles and responsibilities of all parties, the method of implementation and the monitoring of the effectiveness of the activities.<sup>188</sup> In practice, however, these procedures do not seem to be followed, with CSWs citing a lack of capacity as the reason.<sup>189</sup> CSW staff confirmed that they only have general assessment forms at their disposal, which are not specific to situations of domestic violence, and that they consider the police to be the main body for carrying out risk assessments.<sup>190</sup>

182. GREVIO notes with concern that in the absence of co-ordinated risk assessment or systematic exchange of information between relevant agencies, insights into potential risk factors from entities other than the police, including specialist women's support services, are not included in the assessment. GREVIO notes that obtaining and integrating all available information on risk factors from different bodies would contribute to a more comprehensive and thus more accurate assessment of the actual risk faced by the victim.

183. Article 51, paragraph 2, of the Istanbul Convention establishes a requirement for risk assessments to duly take into account the risk emanating from perpetrators having access to firearms. While GREVIO welcomes the inclusion of a pertinent question in the risk-assessment form and the practice of law-enforcement officials of searching for and confiscating weapons in relevant cases, it notes that there seems to be a legal loophole that allows for perpetrators to regain access to the firearm. Women's rights organisations have pointed out that the owner of a weapon can submit a request for the sale or gifting of the firearm within a period of six months, which can be

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182. It should be noted that in the case of *Kurt v. Austria* (Application No. 62903/15, 15 June 2021, Grand Chamber), the European Court of Human Rights held that authorities are under a duty to carry out a lethality risk assessment that is autonomous, proactive and comprehensive and that the use of standardised checklists, which indicate specific risk factors and have been developed on the basis of sound criminological research, can contribute to the comprehensiveness of a risk assessment (§ 168-171).

183. See Article 52, Emergency barring orders.

184. Information obtained during the evaluation visit.

185. Protocol on Action in Cases of Gender-based Violence: Instruction 7 of the section on law-enforcement agencies.

186. Women's Rights Centre, "Case flow analysis – sexual and gender-based violence in Montenegro 2023", p. 10. The analysis found that the risk-assessment form was included in only three out of 12 reviewed cases.

187. *Ibid.*

188. Protocol on Action in Cases of Gender-based Violence: Instructions 18-20 of the section on CSWs.

189. Written information received from civil society organisations.

190. Information received during the evaluation visit.

misused by perpetrators. Concerningly, the relevant administrative unit does not inform the law-enforcement agencies in cases where the confiscated weapon has been returned, sold or given as a gift.<sup>191</sup> This is particularly worrisome considering that, according to a recent regional study, five out of 10 women killed by their intimate partner in Montenegro were killed with firearms, and 45% of domestic violence incidents that involved firearms resulted in a lethal outcome.<sup>192</sup>

184. Last, GREVIO notes with regret that no efforts have been made to systematically review past cases of gender-based killings of women to analyse potential failures by statutory agencies and identify systematic gaps to be addressed for the prevention of such cases in the future. Women's specialist support organisations emphasise that despite numerous institutional failures in two recent femicide cases, no entity has been held to account.<sup>193</sup>

**185. Welcoming the introduction of mandatory and standardised risk assessment in domestic violence cases, GREVIO strongly encourages the Montenegrin authorities to ensure that:**

- a. they are consistently carried out in all cases of domestic violence throughout the country and followed by appropriate action to manage the identified risk;**
- b. law-enforcement officials obtain additional information on potential risk factors from other organisations in contact with the victim, including specialist women's support organisations, and that the conducted risk assessments are shared with all other relevant agencies, in particular Centres for Social Work, public prosecutors and misdemeanour courts.**

**186. GREVIO encourages the Montenegrin authorities to take measures to ensure the consideration of additional risk factors, such as the initiation of divorce or separation proceedings, pregnancy of the victim, certain threats made by the perpetrator and especially dangerous prior acts of violence, including non-fatal strangulation. GREVIO further encourages the Montenegrin authorities to take measures to prevent the possibility of perpetrators regaining access to confiscated firearms.**

### **3. Emergency barring orders (Article 52)**

187. Under Article 52 of the Istanbul Convention, in situations of immediate danger, the authorities are granted the power to issue an emergency barring order, ordering the perpetrator to leave the residence of the victim or person at risk for a specific period of time, and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk. Emergency barring orders are tools intended to prevent a crime and to put safety first.<sup>194</sup> They should therefore be time-bound and incident-based, with the possibility of renewal in the case of continued danger. Longer-term protection should, however, be granted by a court by means of a protection order, upon application by the victim. An emergency barring order should in principle extend to children in need of protection and should have immediate effect.

188. In its baseline evaluation report, GREVIO had expressed concern about the conservative use of emergency barring orders by law-enforcement officials as well as misdemeanour courts, citing as possible reasons the attitudes prevalent among staff of all involved entities and the reluctance of CSWs to apply for such orders on behalf of the victims or at least to inform them accordingly.

189. Since then, the legal and practical situation regarding emergency barring orders has remained largely the same. GREVIO notes that both law-enforcement officials and misdemeanour courts may issue protective measures that can be considered to fall into the category of emergency barring orders, although they are different in scope. According to Article 28 of

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191. Women's Rights Centre, "Case flow analysis – sexual and gender-based violence in Montenegro 2023", pp. 10-11.

192. Albanian Women Empowerment Network, Kosovo Women's Network, Women's Rights Centre et. al., Murders of Women in the Western Balkans Region, 2021, p. 6.

193. Written information received from civil society organisations.

194. See GREVIO's baseline evaluation reports on Denmark, paragraph 207, and Malta, paragraph 218.

the LDVP, the police have the power to remove perpetrators of domestic violence from a residence they share with the victim and bar the former from returning for a maximum duration of three days. Misdemeanour courts, on the other hand, may issue restraining orders as well as prohibitions of harassment and stalking, in addition to the order of removal of the perpetrator.<sup>195</sup> These protective measures can be ordered at the beginning of the misdemeanour proceedings, within 48 hours of receiving the request, and with a time limit tied to the conclusion of the misdemeanour proceedings against the perpetrator, and are intended to address an identified immediate risk.<sup>196</sup>

190. GREVIO notes with concern that both types of emergency protective measures seem to be rarely applied in practice. As for police-issued orders for the removal of the perpetrator, no data were submitted in the state report, but in meetings during the evaluation visit the authorities cited 33 such orders for the year 2023. Considering that misdemeanour courts dealt with 1 665 new cases of domestic violence while criminal courts received 314 such new cases in 2023, this number is extremely low, although no exact proportion can be determined due to the lack of traceability of cases through the justice system.<sup>197</sup> This is all the more surprising in view of the fact that the newly introduced risk-assessment form prescribes law-enforcement agencies to take emergency protective measures, namely the removal of the perpetrator from the shared residence, in all cases of moderate to high risk. The low number of emergency protective measures ordered by misdemeanour courts at the beginning of the proceedings is equally concerning, with only 10 such orders issued by these courts in 2023 according to data analysed by an NGO.<sup>198</sup>

191. In meetings during the evaluation visit, law-enforcement officials underlined that in cases of identified high risk, perpetrators are often arrested instead of being issued with removal orders, as this is considered more effective due to the cited low compliance of perpetrators with barring orders. In this context, GREVIO notes with concern that civil society experts stress the weak monitoring of protective orders by law-enforcement agencies, including those issued by misdemeanour courts, which the police administration is also tasked with monitoring.<sup>199</sup> In theory, breaches of protective orders should lead to misdemeanour sanctions.<sup>200</sup> GREVIO has not, however, received any information on how often this is the case in practice.

192. Bearing in mind that domestic violence is likely to worsen or at least continue after a police intervention that is not followed by protective measures, GREVIO emphasises the need for law-enforcement agencies and misdemeanour courts to give due consideration to the safety of the victim or person at risk and make full use of the available protective measures under Articles 28 and 29 of the LDVP.

**193. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Montenegrin authorities to ensure that emergency barring orders are effectively applied by law-enforcement agencies and misdemeanour courts and are adequately monitored.**

#### **4. Restraining or protection orders (Article 53)**

194. Restraining and protection orders are designed to prolong the protection afforded to the victim and her children by emergency barring orders and may be considered complementary to the protection offered by emergency barring orders. Under Article 53 of the Istanbul Convention, victims of all forms of violence against women should be able to obtain a protection order available for immediate protection – without undue financial or administrative burden being placed on the victim and irrespective of whether or not they choose to set in motion any other legal proceedings.

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195. Articles 21 to 23 of the LDVP. It should be noted that under the LDVP, measures such as orders for mandatory addiction and psychiatric or psycho-social treatment are considered to be protective orders as well. See Articles 24-25 of the LDVP.

196. Article 29 of the LDVP.

197. See Article 11, Data collection.

198. Women's Rights Centre, "Case flow analysis – sexual and gender-based violence in Montenegro 2023", p. 26.

199. Written information received from civil society organisations.

200. Article 38 of the LDVP.

195. In its baseline evaluation report, GREVIO had observed the dependence of protection orders issued by misdemeanour courts on the initiation of misdemeanour proceedings against the perpetrator as well as the lack of any protection orders for the duration of court proceedings in cases qualified as criminal offences and therefore routed to criminal courts.

196. GREVIO notes with concern that no progress has been made with regard to making protection orders available to victims irrespective of the initiation of misdemeanour proceedings and charging decisions by public prosecutors. Article 29 of the LDVP still requires misdemeanour courts to cancel already imposed protective measures after five days unless an application for the initiation of proceedings is made. Further, the Montenegrin Criminal Code still only provides for protective measures to be imposed at the end of the criminal proceedings, in conjunction with other sanctions.<sup>201</sup> GREVIO reiterates that Article 53, paragraph 2, of the Istanbul Convention requires protection orders to be available for immediate protection and irrespective of, or in addition to, other legal proceedings.

197. The lack of any protection orders until the end of proceedings in cases that are charged as criminal offences is particularly alarming because these are typically cases of grave violence that are consequently likely involve a high level of risk for the victim. This gap in protection is even more alarming against the backdrop of shelter capacities being very limited in Montenegro.<sup>202</sup> GREVIO notes with grave concern that, in conjunction, these circumstances can lead to cases where victims of domestic violence are left without protection during a particularly dangerous time of an abusive relationship, namely after the victim reported the perpetrator and/or ends the relationship. GREVIO further notes with concern that it has received information from women's specialist support services indicating that the involved institutions sometimes resort to qualifying violence as a misdemeanour offence even when elements of a criminal offence are present, as it is perceived as the only way to afford protection to victims. This, in turn, leads to perpetrators of domestic violence receiving more lenient sanctions.<sup>203</sup>

198. In addition, the numbers of protective orders issued at the end of criminal proceedings are generally low. For example, in 2022, first instance courts ordered 23 restraining orders and only one single removal of the perpetrator from the shared residence in comparison to 285 convictions for cases of domestic violence.<sup>204</sup> It should be noted that, unlike in misdemeanour proceedings, criminal courts can also issue restraining orders in cases related to other forms of violence against women, for example sexual violence or stalking.<sup>205</sup> Women's rights NGOs have indicated that the numbers of restraining orders issued in criminal proceedings might be generally increasing due to the recent introduction of electronic surveillance through tracking devices. In cases involving victims of violence against women, however, challenges seem to exist in the way the responsible administrative entity (the Directorate of Parole under the Ministry of Justice) interacts with victims, who are also asked to carry mobile devices to enable the electronic surveillance of the perpetrator. Victims have reported that they perceive the control of institutions being directed against them instead of the perpetrators.<sup>206</sup>

199. Misdemeanour courts seem to more regularly order protective measures at the end of their proceedings, which GREVIO notes with interest. These can either replace previously imposed

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201. Article 68, paragraph 6, of the Criminal Code.

202. It should be noted that even where sufficient shelter places exist, they cannot substitute for the availability of emergency barring orders and protection orders, as the aim of the orders is to ensure victims' safety in their own homes rather than forcing them to hurriedly seek safety in a shelter or elsewhere. See the Explanatory Report to the Istanbul Convention, paragraph 264.

203. See Article 49 General obligations and Article 50 Immediate response, prevention and protection, sub-section c, Convictions.

204. Report submitted by Montenegro pursuant to Article 68, paragraph 4, of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the state report), p. 39.

205. Article 77a of the Criminal Code, providing that "the perpetrator of an offence against sexual freedom, domestic violence ... or of another criminal offence threatening the life and limb of a person" shall be issued with a restraining order. Orders for the removal of the perpetrator from the place of residence, however, are only envisaged in cases of domestic violence (see Article 77b of the Criminal Code). No data are available on the imposition of restraining orders in cases of other forms of violence.

206. NGO submission by the Women's Rights Centre, p. 61.

temporary measures or, in most cases, are newly ordered at the end of the misdemeanour proceedings.<sup>207</sup> According to data submitted in the state report, 680 protective measures in line with Article 53 of the Istanbul Convention were issued in 2022, namely removals from the shared residence (122), restraining orders (293) and prohibitions on harassment and stalking (265).<sup>208</sup> These protection orders, however, are only available for victims of domestic violence, as their imposition is governed by the Law on Domestic Violence Protection.

200. GREVIO further notes that in both criminal and misdemeanour proceedings for domestic violence, the number of eviction orders is significantly lower than restraining orders, suggesting misconceptions around the importance of evictions in domestic violence cases, which must go hand in hand with contact bans.

201. Regarding child victims, GREVIO notes that little information is available on whether children are routinely included in protection orders. Information received during meetings with the judiciary and civil society experts indicates that the situation of children is not examined *ex officio* by courts. In conjunction with the issue that child witnesses are not always included in the information transmitted from law-enforcement agencies to public prosecutors and/or courts, it seems likely that children are often overlooked in decisions on protection orders in cases of violence against women.<sup>209</sup>

202. **Recalling the findings issued in its baseline evaluation report, GREVIO urges the Montenegrin authorities to take measures to:**

- a. **make protection orders available for immediate protection to all victims of violence against women, irrespective of whether the pertinent offence is prosecuted;**
- b. **ensure that children are taken into account *ex officio* when deciding on protection orders;**
- c. **effectively monitor protection orders, without placing an undue burden on victims, and ensure that breaches are adequately sanctioned.**

## 5. Measures of protection (Article 56)

203. Article 56 of the Istanbul Convention is a key provision for building trust at the level of judicial proceedings for women and girls who have experienced or who are witness to any of the forms of violence covered by the convention. It sets forth a non-exhaustive list of procedures designed to protect victims of violence from intimidation, retaliation and secondary victimisation at all stages of proceedings, during investigations and at trial. The drafters intended this list to be indicative, and parties may adopt additional protection measures that are more favourable than those provided in the convention. Moreover, intimidation and secondary victimisation can occur not only at the hands of perpetrators but also when investigations and judicial proceedings are not based on a gendered understanding of violence against women, which is why the practical application of measures of protection should be firmly anchored in such an understanding.

204. In its baseline evaluation report, GREVIO had observed that while the Criminal Procedural Code and the Protocol on Action in Cases of Gender-based Violence had set out measures of protection, for both child and adult victims of violence against women, they had not been effectively implemented and victims had not been systematically informed of the outcome of their cases.

205. GREVIO notes with interest that an amendment to the Criminal Procedural Code is underway, which aims to recognise victims as a special category of parties in criminal procedures

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207. See Article 52, Emergency barring orders.

208. State report, p. 8. As previously noted, two more types of protective measures exist under the LDVP (see footnote 195). These are not discussed here, as they do not primarily aim to prevent the commission of violence and protect the victim and are therefore not protection orders as envisaged by Article 53 of the Istanbul Convention. These orders (mandatory addiction and psychiatric or psycho-social treatment) are discussed under Article 16, Perpetrator programmes.

209. See Article 49 General obligations and Article 50 Immediate response, prevention and protection, sub-section *b*, Effective investigation and prosecution.

and to introduce additional rights attached to this category, including the obligation for courts to inform the victim of the outcome of the proceedings and the release of the perpetrator.<sup>210</sup> The obligation concerning prisoner release is urgently needed to remedy the current situation in which victims are not systematically informed when perpetrators are released from custody, including in high-risk cases.<sup>211</sup> It is further unclear to what extent the legislative reform is intended to improve victims' rights in relation to other protection measures required by Article 56 of the convention.

206. GREVIO notes that further challenges still exist regarding the following aspects of protecting the rights and interests of victims in judicial proceedings: the provision of adequate support services to victims during judicial proceedings; measures for the protection of the privacy and image of the victim; and the option for victims to testify without being present or without the presence of the perpetrator.<sup>212</sup>

207. Support services in judicial proceedings are in practice provided by “confidential persons”, as envisaged by Article 16 of the LDVP, but women’s specialist support services, who are the main providers of this service, have pointed out that this role is not sufficiently defined by the legal framework and institutions are not always familiar with it. This has led to situations where “confidential persons” have not been allowed to accompany the victims to appointments or hearings that form part of the investigative and judicial proceedings, especially in smaller towns.<sup>213</sup> GREVIO further notes with regret that this support service is only available to victims of domestic violence, and not to all victims of all forms of violence covered by the convention.

208. As regards the privacy and the image of victims, cases involving victims and witnesses who are minors and whose personal information has been publicised point to weaknesses in protection measures. For example, the picture and medical reports of a minor victim of rape were published on a news website during an ongoing trial and requests by the family to issue a temporary measure against the media outlet were rejected by the court.<sup>214</sup> GREVIO emphasises the need to analyse these cases and take measures to prevent similar failures in the protection of victims in the future.

209. The possibility for victims to testify via video link exists in some criminal courts in the country, but is almost exclusively offered to minors, for whom the Criminal Procedural Code expressly envisages this method.<sup>215</sup> GREVIO regrets that even those courts that have the necessary technical facilities do not seem to make use of them in cases involving adult victims of violence.<sup>216</sup> Although some courts take other measures to ensure victims do not need to confront the perpetrator, such as reading out their statements or asking the perpetrator to leave the room during the testimony,<sup>217</sup> there are many accounts of repeat questioning of victims and even “confrontations” being ordered.<sup>218</sup> GREVIO further notes that it has received indications that even in proceedings involving minors, judges have in certain cases ordered the repeat questioning of victims despite the availability of a recorded testimony.<sup>219</sup>

**210. GREVIO strongly encourages the Montenegrin authorities to ensure that more effective use is made of existing victim-protection measures, including for adult victims, and to pursue their efforts to introduce additional protection measures as envisaged in Article 56 of the Istanbul Convention, such as systematically informing victims about their rights, about the process and outcome of the proceedings and about the release or escape of perpetrators, and providing support services in judicial proceedings to victims of all forms of violence covered by the Istanbul Convention.**

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210. State report, p. 37.

211. Women’s Rights Centre, “Case flow analysis – sexual and gender-based violence in Montenegro 2023”, p. 13.

212. Article 56, paragraphs *e*, *f* and *i*, of the Istanbul Convention.

213. Information received during the evaluation visit.

214. Written submission by the Women’s Rights Centre, p. 63, citing also another case in which the testimony of a child witness in a domestic violence case was published on an online news portal together with his parents’ full names.

215. *Ibid.*

216. Information obtained in meetings with judges and women’s specialist support organisations during the evaluation visit.

217. Information obtained in meetings with judges during the evaluation visit.

218. See Article 49 General obligations and Article 50 Immediate response, prevention and protection, sub-section *c*, Convictions.

219. NGO submission by the NGO Parents, p. 1.

## **Appendix I**

### **List of proposals and suggestions by GREVIO**

#### **II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence**

##### **A. Definitions (Article 3)**

1. GREVIO encourages the Montenegrin authorities to align the definition of gender-based violence in the Law on Gender Equality with the definitions set out in Article 3a and d of the Istanbul Convention. (paragraph 15)

##### **B. Comprehensive and co-ordinated policies (Article 7)**

2. Welcoming the plan to monitor the implementation of the measures set out in the newly adopted National Plan for the Implementation of the Istanbul Convention, GREVIO encourages the Montenegrin authorities to also evaluate, on a regular basis, the impact of this policy document that aims to achieve the comprehensive and co-ordinated policy approach required by the Istanbul Convention. Such evaluations should be carried out on the basis of predefined indicators in order to assess its impact and to ensure that further policy making is based on reliable data. In this context, GREVIO also encourages the Montenegrin authorities to re-establish one or more official bodies responsible for the co-ordination, monitoring and evaluation of policies and measures on all forms of violence covered by the convention and ensure their institutional and administrative sustainability. (paragraph 22)

##### **C. Financial resources (Article 8)**

3. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Montenegrin authorities to ensure appropriate human and financial resources for the implementation of the measures envisaged in the National Plan as well as any other policies, measures or legislation aimed at preventing and combating violence against women. (paragraph 29)

4. GREVIO further strongly encourages the Montenegrin authorities to ensure appropriate and sustainable funding for women's rights NGOs that run specialist support services for women victims of all forms of violence, through funding opportunities that allow for continuous service provision, such as long-term grants. Procurement procedures for such services should include, as selection criteria, the requirement of a gender-sensitive approach to violence against women and domestic violence as well as experience in the provision of services to women victims. (paragraph 30)

##### **D. Data collection (Article 11)**

##### **3. Social services**

5. Recalling the findings issued in the GREVIO baseline evaluation report, and bearing in mind the need for data-collection endeavours to extend to all forms of violence covered by the Istanbul Convention, GREVIO strongly encourages the Montenegrin authorities to pursue their efforts to:

- a. ensure that data collected by all relevant stakeholders (namely law-enforcement agencies, judicial authorities, Centres for Social Work and health services) are disaggregated with regard to the sex and age of victim and perpetrator, type of violence, the relation of the perpetrator to the victim and geographical location as well as other factors deemed relevant;
- b. harmonise data collection between law-enforcement agencies and the judiciary, with the aim of allowing for the tracking of a case across the different stages of the criminal justice

system and thus enabling an assessment of, inter alia, conviction, attrition and recidivism rates;

- c. introduce data collection in the healthcare sector, for both public and private providers, in relation to all forms of violence against women, including female genital mutilation, forced abortion and forced sterilisation. (paragraph 44)

### **III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution**

#### **A. Prevention**

##### **1. General obligations (Article 12)**

6. GREVIO urges the Montenegrin authorities to step up their efforts to counter patriarchal attitudes that persist in all sectors of society by developing and implementing regular preventive measures. Such preventive measures should be aimed at eradicating prejudice and gender stereotypes and should address gender inequality as a root cause of violence against women. Guidance on specific measures and tools for preventing and combating sexism, including in the media and the public sector, can be drawn from Recommendation CM/Rec(2019)1 of the Committee of Ministers of the Council of Europe. (paragraph 52)

7. GREVIO strongly encourages the Montenegrin authorities to pursue their efforts to conduct regular awareness-raising campaigns or programmes at all levels, as set out in the new National Plan, addressing:

- a. different manifestations of violence against women and girls as covered by the Istanbul Convention, including in their digital dimension, not only focusing on domestic violence but also targeting other forms of violence, in particular sexual violence and rape;
- b. the heightened exposure to gender-based violence of women and girls at risk of intersectional discrimination, for example Roma and Egyptian women and women with disabilities. (paragraph 53)

8. GREVIO further encourages the Montenegrin authorities to regularly evaluate the impact of awareness-raising campaigns and other preventive measures. (paragraph 54)

##### **2. Education (Article 14)**

9. GREVIO strongly encourages the Montenegrin authorities to pursue their efforts to address stereotypes and prejudices towards women, including by implementing the measures envisaged in its Gender Equality Strategy 2021-2025 in the areas of formal education, culture and media. In particular, it should be ensured that:

- a. teaching material in formal education is adapted to promote the principles of equality between women and men and non-stereotyped gender roles;
- b. teachers are equipped with the necessary awareness and skills to convey these principles. (paragraph 64)

10. GREVIO encourages the Montenegrin authorities to increase their efforts to include in formal curriculums teaching, in an age-appropriate manner, on the right to personal integrity and the notion of freely given consent in sexual relations, as well as all forms of gender-based violence against women, including in their digital dimension, without stigmatisation of and discrimination against those women and girls exposed to such violence. (paragraph 65)

##### **3. Training of professionals (Article 15)**

11. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Montenegrin authorities to step up their efforts to ensure mandatory and systematic initial and in-service training on violence against women for all professional groups that come into contact with

victims, in particular law-enforcement officials, prosecutors, judges, social workers, health professionals and teachers. Such training should cover the topics of prevention and detection of all acts of violence covered by the Istanbul Convention, equality between women and men, stereotypes and perceptions of violence against women, the needs and rights of victims, trauma-induced victim behaviour and prevention of secondary victimisation, and must include the teaching of existing protocols and guidelines, in particular the Protocol on Action in Cases of Gender-based Violence. (paragraph 75)

#### **4. Preventive intervention and treatment programmes (Article 16)**

##### **a. Programmes for perpetrators of domestic violence**

12. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Montenegrin authorities to set up mandatory psycho-social treatment programmes for perpetrators of domestic violence, as already envisaged in the Law on Domestic Violence Protection, which focus on changing violent behavioural patterns in interpersonal relationships and are in line with the core elements as set out for Article 16 in the Explanatory Report to the Istanbul Convention. In addition, GREVIO strongly encourages the Montenegrin authorities to also make such perpetrator programmes available on a voluntary basis. (paragraph 81)

##### **b. Programmes for perpetrators of sexual violence**

13. GREVIO strongly encourages the Montenegrin authorities to institutionalise and expand programmes to treat perpetrators of sexual assault and rape with the aim of preventing recidivism and rehabilitating and successfully reintegrating perpetrators into the community. (paragraph 83)

#### **B. Protection and support**

##### **1. General obligations (Article 18)**

14. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Montenegrin authorities to increase their efforts to improve multi-agency co-operation in cases of violence against women, including but not limited to domestic violence, by ensuring that:

- a. multi-agency teams are operational in practice and also involve, where relevant, specialist women's and children's support services;
- b. interventions are based on a gendered understanding of violence against women, focus on the human rights and safety of victims and take into account the victims' perspective;
- c. those working in all relevant sectors are familiar and comply with the guidelines set out in the Protocol on Action in Cases of Gender-based Violence. (paragraph 93)

15. GREVIO encourages the Montenegrin authorities to pursue their efforts to institutionalise the Operational Team for Combating Domestic Violence by clearly defining their mode of operating, composition and mandate and by regularly evaluating their work. (paragraph 94)

16. GREVIO encourages the Montenegrin authorities to set up, where appropriate, one-stop-shops for the provision of services to victims of violence against women and domestic violence. (paragraph 95)

##### **2. General support services (Article 20)**

##### **a. Social services**

17. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Montenegrin authorities to provide adequate resources to Centres for Social Work in order to enable them to effectively fulfil their mandate. In this context, GREVIO encourages the Montenegrin authorities to consider appointing social workers specialised in cases of violence against women, including but not limited to domestic violence. (paragraph 102)

18. GREVIO encourages the Montenegrin authorities to take measures to improve the access of women victims of gender-based violence to longer-term financial assistance, social housing and support to find employment in order to enable them to recover from the violence and live independently. (paragraph 103)

#### **b. Healthcare services**

19. GREVIO urges the Montenegrin authorities to ensure:

- a. the application among all healthcare providers of the Protocol on Action in Cases of Gender-based Violence, including the priority treatment of women victims of such violence;
- b. that victims are provided with an opportunity to disclose their experience of violence to a healthcare professional in a way that respects their privacy. (paragraph 112)

20. GREVIO encourages the Montenegrin authorities to implement standardised care paths in the public and private healthcare sectors in order to ensure the pro-active detection of women victims of violence, their diagnosis, treatment, description of circumstances of violence experienced (past and present) and documentation of injuries (e.g. photographs), and referral to appropriate specialist support services in a gender-sensitive and non-judgmental manner, as well as the provision of a forensic report for victims documenting the violence they suffered. (paragraph 113)

### **3. Specialist support services (Article 22)**

21. While commending the efforts to increase the number of shelter places in Montenegro, GREVIO strongly encourages the Montenegrin authorities to

- a. continue to improve the availability of specialist support services for all victims of violence against women throughout the country, including also counselling and support services;
- b. ensure that the provision of all specialist support services is based on a gendered understanding of violence against women and a victim-centred approach aimed at the empowerment of women victims. (paragraph 125)

22. GREVIO encourages the Montenegrin authorities to ensure that residents of closed institutions have access to specialist support services and to an effective protection mechanism in all cases of violence against women. (paragraph 126)

23. GREVIO invites the Montenegrin authorities to pursue their efforts to make specialist legal aid available to all victims of violence against women. (paragraph 127)

### **4. Support for victims of sexual violence (Article 25)**

24. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Montenegrin authorities to prioritise their efforts to set up rape crisis and/or sexual violence referral centres as envisaged in the National Plan for the Implementation of the Istanbul Convention, ensuring the provision of medical care, trauma support, forensic examinations and immediate psychological assistance by qualified professionals who provide victim-sensitive examinations and who refer victims to specialist services providing short and long-term psychological counselling and support. (paragraph 132)

## **C. Substantive law**

### **1. Custody, visitation rights and safety (Article 31)**

25. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Montenegrin authorities to take the following priority action in the area of custody and visitation rights to ensure the safety of victims and their children:

- a. ensure that the negative impact that violence against women has on their children is reflected in legislation and that incidents of violence against women are a mandatory legal criterion to be taken into account when deciding on custody and visitation rights;
- b. accompany these legal changes with measures to ensure their application in practice and build awareness among the Montenegrin judiciary, including by introducing guidelines on the handling of such cases for judges;
- c. introduce screening procedures to systematically detect cases of violence in proceedings regarding custody and visitation rights, for example by including a question on whether there is a history of violence in the process of applying to family courts;
- d. ensure co-operation and information sharing in cases of custody and visitation rights of family courts with criminal and misdemeanour courts and law-enforcement agencies in order to provide family law judges with all relevant information for their decisions;
- e. take the necessary legislative or other measures to ensure that Centres for Social Work explicitly mention any violence that has been reported to or observed by them in their reports in custody and visitation proceedings. (paragraph 142)

26. GREVIO strongly encourages the Montenegrin authorities to improve the conditions for supervised visits by ensuring staff at Centres for Social Work understand their role and responsibility in supervising and documenting these visits and by allocating adequate resources to create appropriate conditions for such visits in CSW premises. (paragraph 143)

## **2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

27. GREVIO strongly encourages the Montenegrin authorities to ensure that mediation procedures carried out in family law proceedings do not constitute quasi-mandatory mediation in cases with a history of domestic violence, including by taking the following measures:

- a. introducing screening procedures to systematically detect cases of violence in family law proceedings;
- b. requiring judges to proactively inform parties of the voluntary nature of mediation as well as the fact that declining to participate will not have any negative legal consequences, and ensuring that cases are only directed to the Centre for Mediation upon the freely given and informed consent of the victim;
- c. ensuring that where domestic violence comes to light only during the ongoing mediation process, the victim is proactively offered an opportunity to stop the mediation and return the case to an adversarial procedure;
- d. strengthening the level of awareness among judges and mediators of the power imbalances in relationships marred by violence, so they can take this into account when assessing whether to propose mediation. (paragraph 150)

## **D. Investigation, prosecution, procedural law and protective measures**

### **1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50)**

#### **a. Reporting to, immediate response and investigations by law-enforcement agencies**

28. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Montenegrin authorities to ensure the swift and impartial response of all law-enforcement officials to all cases of violence against women and the sensitive and non-judgmental questioning of all victims, including in cases of sexual violence. In this context, GREVIO further encourages the Montenegrin authorities to increase the number of specialist domestic violence officers throughout the country and to ensure their in-depth knowledge and gendered understanding of violence against women by introducing formal selection criteria for this position. GREVIO further invites the Montenegrin authorities to consider introducing specialist units or teams to cover additional forms of violence against women, in particular sexual violence. (paragraph 160)

29. GREVIO strongly encourages the Montenegrin authorities to allocate sufficient resources to law-enforcement agencies to enable their immediate response to all forms of violence covered by the scope of the Istanbul Convention, including the dispatching of police officers to the crime scene in response to emergency calls placed by victims. (paragraph 161)

**b. Effective investigation and prosecution**

30. GREVIO urges the Montenegrin authorities to ensure, including through the use of guidelines or instructions, the collection of all relevant evidence and its adequate transmission between law-enforcement agencies and the judiciary, including public prosecutors, with the aim of creating a more comprehensive basis for charging decisions (misdemeanour or criminal offence) and effective prosecution of violence against women. (paragraph 167)

31. GREVIO further strongly encourages the Montenegrin authorities to take measures to avoid repeat questioning of victims of violence against women. (paragraph 168)

**c. Conviction rates**

32. GREVIO strongly encourages the Montenegrin authorities to take the necessary measures to discontinue the practice of conducting “confrontations” between victims and perpetrators in judicial proceedings on all forms of violence against women. (paragraph 175)

33. GREVIO strongly encourages the Montenegrin authorities to ensure that mitigating factors considered in criminal and misdemeanour proceedings related to cases of violence against women are in line with the Istanbul Convention and are not used to justify more lenient sentences for perpetrators of violence against women. (paragraph 176)

34. Welcoming the legal changes to the Criminal Code regarding the definition of domestic violence, GREVIO further encourages the Montenegrin authorities to ensure a uniform application of the respective criminal and misdemeanour offences in practice, for example by issuing guidelines or instructions for the judiciary, as well as to ensure that criminal courts are adequately resourced to handle the purported higher case load in the area of domestic violence. (paragraph 177)

**2. Risk assessment and risk management (Article 51)**

35. Welcoming the introduction of mandatory and standardised risk assessment in domestic violence cases, GREVIO strongly encourages the Montenegrin authorities to ensure that:

- a. they are consistently carried out in all cases of domestic violence throughout the country and followed by appropriate action to manage the identified risk;
- b. law-enforcement officials obtain additional information on potential risk factors from other organisations in contact with the victim, including specialist women’s support organisations, and that the conducted risk assessments are shared with all other relevant agencies, in particular Centres for Social Work, public prosecutors and misdemeanour courts. (paragraph 185)

36. GREVIO encourages the Montenegrin authorities to take measures to ensure the consideration of additional risk factors, such as the initiation of divorce or separation proceedings, pregnancy of the victim, certain threats made by the perpetrator and especially dangerous prior acts of violence, including non-fatal strangulation. GREVIO further encourages the Montenegrin authorities to take measures to prevent the possibility of perpetrators regaining access to confiscated firearms. (paragraph 186)

**3. Emergency barring orders (Article 52)**

37. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Montenegrin authorities to ensure that emergency barring orders are effectively applied by

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law-enforcement agencies and misdemeanour courts and are adequately monitored. (paragraph 193)

#### **4. Restraining or protection orders (Article 53)**

38. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Montenegrin authorities to take measures to:

- a. make protection orders available for immediate protection to all victims of violence against women, irrespective of whether the pertinent offence is prosecuted;
- b. ensure that children are taken into account ex officio when deciding on protection orders;
- c. effectively monitor protection orders, without placing an undue burden on victims, and ensure that breaches are adequately sanctioned. (paragraph 202)

#### **5. Measures of protection (Article 56)**

39. GREVIO strongly encourages the Montenegrin authorities to ensure that more effective use is made of existing victim-protection measures, including for adult victims, and to pursue their efforts to introduce additional protection measures as envisaged in Article 56 of the Istanbul Convention, such as systematically informing victims about their rights, about the process and outcome of the proceedings and about the release or escape of perpetrators, and providing support services in judicial proceedings to victims of all forms of violence covered by the Istanbul Convention. (paragraph 210)

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## **Appendix II**

### **List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations**

#### **National authorities**

##### *Ministries*

- Ministry of Labor and Social Welfare
- Ministry of Justice
- Ministry of Internal Affairs
- Ministry of Education, Science and Innovation
- Ministry of Health
- Ministry of Human and Minority Rights

##### *Other national and local authorities*

- Supreme Court
- Supreme State Prosecutor's Office
- Secretariat of the Judicial Council
- High Court of Bijelo Polje
- Higher Court for Misdemeanors
- Basic Court of Podgorica
- Basic Court of Bijelo Polje
- Police Department
- Bijelo Polje Security Department
- Centre for Social Work Podgorica
- Centre for Social Work Kotor
- Centre for Social Work Tivat
- Centre for Social Work Budva
- Centre for Social Work Bijelo Polje

#### **Public bodies**

- Institute for Education
- Centre for Training in the Judiciary and the State Prosecution
- Centre for Alternative Dispute Resolution
- Clinical Centre of Montenegro
- Centre for the Reception of Foreigners Seeking International Protection (Spuž)
- Public Institution Centre for Support of Children and Families (Bijelo Polje)

#### **Non-governmental organisations**

- Women's Rights Centre
- Women's Safe House Podgorica
- SOS Centre for Women and Children Victims of Violence Nikšić
- The Association of Youth with Disabilities of Montenegro
- NGO Montenegrin Women's Lobby
- NGO Juventas
- Centre for Roma Initiatives
- NGO Spektra
- SOS Telephone for Women and Children Victims of Violence Podgorica
- SOS Telephone for Women and Children Victims of Violence Bijelo Polje
- SOS Telephone for Women and Children Victims of Violence Berane
- NGO Ksenia, Herceg Novi

**Civil society organisations**

- Ombudsperson of Montenegro - Protector of Human Rights and Freedoms of Montenegro

**Lawyers and legal experts**

- Nina Radović Sentić
- Vesna Ratković

**International Organisations**

- UNHCR

**Current and former members of parliament**

- Drita Llolla
- Branka Bošnjak
- Vesna Popović
- Dragica Anđelić

**G**REVIO, the Group of Experts on Action against Violence against Women and Domestic Violence, is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) by the parties.

Following the comprehensive stocktaking exercise set out in its baseline evaluation reports, GREVIO's first thematic evaluation round identifies progress made in building trust among women and girls by delivering support, protection and justice by any of the forms of violence against women covered by the Istanbul Convention. This report contains an analysis of developments in law and policy in respect of provisions of the convention relating to victim support and protection, criminal investigation and prosecution of acts of violence. It also covers developments in the determination of child custody and visitation rights in cases with a history of violence and wider preventive measures.

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All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE