

Committee of the Parties



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

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Montenegro

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence, (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Montenegro on 22 April 2013;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Montenegro adopted by GREVIO at its 14th meeting (25-27 June 2018), as well as the comments of the Government received on 11 May 2018;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the Montenegrin authorities in implementing the Convention and noting in particular:

- the on-going efforts to build a solid legislative, policy and institutional framework to prevent and combat violence against women adapted to international standards;
- comprehensive legislative changes, in particular in the area of criminal law, which have led to the criminalisation of a wide range of conduct as required by the Convention and the introduction of emergency barring and restraining orders for domestic violence victims and their right to legal aid;
- the increased efforts made at addressing violence against women and domestic violence as a form of gender-based violence;
- the adoption of important policy documents such as the Action Plan for Gender Equality (2017-2021) and the Strategy for Protection from Domestic Violence (2016-2020);
- the efforts made at introducing multi-agency co-operation among different agencies and actors to ensure a comprehensive and co-ordinated response to domestic violence;

- the setting up of vital services such as a national telephone helpline for victims of domestic violence and an additional domestic violence shelter to level out geographic disparities in service provision;
 - the legal provisions made to ensure asylum claims are considered with due regard to gender identity, sex, and experiences of physical, psychological or sexual violence as acts of persecution.
- A. Recommends in light of the considerations indicated in the preamble above, that the Government of Montenegro take the following measures identified in GREVIO's report¹ for immediate action to:
1. ensure that measures taken in accordance with the Istanbul Convention address all forms of violence against women in a holistic and comprehensive manner with due regard for their gendered nature (paragraph 10);
 2. eliminate discrimination faced by Roma and Egyptian women, disabled women and women living in rural zones when seeking protection from violence, and hence ensure in this regard the access of all women - on an equal basis - to specialist support services (paragraph 21);
 3. develop a long-term co-ordinated plan/strategy which places the rights of victims at the centre of all measures, giving due importance to all forms of violence against women and to its co-ordinated implementation (paragraph 29);
 4. ensure appropriate human and financial resources for any policies, measures and legislation aimed at preventing and combating violence against women and the institutions and entities mandated for their implementation (paragraph 35);
 5. to ensure appropriate funding through suitable funding opportunities such as long-term grants based on transparent procurement procedures to ensure sustainable funding levels for women's NGOs which run specialist support services for women victims of all forms of violence (paragraph 43);
 6. maintain their efforts in ensuring an independent role for women's NGOs in providing essential services such as counselling, shelter accommodation, advocacy etc. to women victims of domestic violence irrespective of referrals made by Centres for Social Work (paragraph 44);
 7. fully institutionalise 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" as the co-ordinating body required by Article 10 of the Istanbul Convention and to ensure continuity in human and financial resources beyond government mandates, and set up separate bodies for, on the one hand, the co-ordination and implementation of policies and measures, and on the other hand for their monitoring and evaluation, in order to ensure objectivity in the evaluation of policies (paragraph 48);
 8. pursue their efforts to introduce harmonised data categories such as sex, age, type of violence and type of relationship of the perpetrator with the victim to be collected at regular intervals by all sectors of the administration, including the law enforcement agencies, the judiciary, the relevant social services, the public health sector and other relevant public services (paragraph 58);
 9. ensure that training for all professional groups that come in contact with victims, in particular law enforcement officials, prosecutors, judges, social workers, teachers and health professionals, include:

¹ The number of the paragraph setting out GREVIO's proposals and suggestions in the report is indicated in brackets.

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- a. systematic and compulsory initial training on the different manifestations of violence against women, their detection and root causes, as well as the prevention of secondary victimisation;
 - b. regular in-service training that is mandatory and based on protocols and guidelines for intervention in cases of all forms of violence against women (paragraph 89);
10. expedite work on the national plan for the improvement of specialist support services for victims of violence against women and to ensure counselling and support exists throughout the country and in relation to all forms of violence covered by the Istanbul Convention (paragraph 125);
 11. set up rape crisis and/or sexual violence referral centres, ensuring a sensitive response by trained and specialised staff, in sufficient numbers, recalling that one such centre should be available per 200 000 inhabitants and that their geographic spread should make them accessible to victims in rural areas as much as in cities (paragraph 137);
 12. ensure, through all available means such as protocols, training of professionals and legislative change, more operational clarity between the misdemeanour offence of domestic violence and that of a criminal law nature and to ensure more dissuasive sanctions for the misdemeanour offence of domestic violence (paragraph 178);
 13. ensure the swift and impartial response of all law enforcement officials to cases of domestic and other forms of violence against women on the basis of full respect for women's right to life and physical integrity and to take practical steps such as on-the-job training and mentoring schemes to actively overcome persisting attitudes, beliefs and practices that stand in the way of a law enforcement response to domestic violence which focuses on the victim's safety, the collection of evidence and the full accountability of the perpetrator (paragraph 214);
 14. make protection orders available for immediate protection to all victims of domestic violence, irrespective of charging decisions by prosecution services or the institution of misdemeanour proceedings by victims (paragraph 233);
 15. ensure access to free legal aid for victims of all forms of violence against women as provided for in the Law on Free Legal Aid, in particular by taking active measures to ensure victims' awareness of this right (paragraph 248).
- B. Requests the Government of Montenegro to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 30 January 2022.
 - C. Recommends that the Government of Montenegro take measures to implement the further conclusions of GREVIO's Baseline Evaluation Report.