

**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
(1st thematic evaluation round)**

Received by GREVIO on 24 October 2023

GREVIO/Inf(2023)20

Published on 25 October 2023

Table of contents

Introduction	3
Part I: Changes in comprehensive and co-ordinated policies, funding and data collection in the area of violence against women and domestic violence	4
Article 7: Comprehensive and co-ordinated policies.....	4
Article 8: Funding	4
Article 11: Data collection and research.....	4
Part II: Information on the implementation of selected provisions in priority areas in the field of prevention, protection and prosecution	6
Article 12: General obligations	6
Article 14: Education.....	6
Article 15: Training of professionals	6
Article 16: Preventive intervention and treatment programmes	6
Article 18: General obligations	7
Article 20: General support services	7
Article 22: Specialist support services.....	8
Article 25: Support to victims of sexual violence	9
Article 31: Custody, visitation rights and safety	9
Article 48: Prohibition of mandatory alternative dispute resolution processes or sentencing	10
Articles 49 and 50: General obligations and immediate response, prevention and protection	11
Article 51: Risk assessment and risk management	12
Article 52: Emergency barring orders.....	12
Article 53: Restraining or protection orders	13
Article 56: Measures of protection.....	13
Part III: Emerging trends on violence against women and domestic violence	14
Part IV: Administrative data and statistics	15
APPENDIX	16

Introduction

In accordance with Article 66, paragraph 1, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) shall monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Following its baseline evaluation procedure which provided an overview of the implementation of the full spectrum of provisions of the convention by each state party, Article 68, paragraph 3, of the convention and Rule 30 of the Rules of Procedure of GREVIO (the Rules of Procedure) mandate GREVIO to carry out subsequent evaluation procedures divided into rounds. At the beginning of each round, GREVIO shall select the specific provisions on which the evaluation procedure shall be based and shall send out a questionnaire (Rule 31 of the Rules of Procedure).

For its 1st thematic evaluation round, GREVIO adopted this questionnaire to be sent to all states parties which have undergone the baseline evaluation procedure, according to an order approved by GREVIO. States parties are requested to transmit to GREVIO a reply to this questionnaire within five months from the date it was sent.

GREVIO decided to focus its 1st thematic evaluation round on the theme of building trust by delivering support, protection and justice. To address this overarching theme, the present questionnaire aims, in its first section, 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. In its second section, it sets to obtain more in-depth information on the implementation of selected provisions in the area of prevention, protection and prosecution, in respect of which baseline evaluation procedures and the Conclusions on the Recommendations of the Committee of the Parties to the Istanbul Convention have revealed significant challenges and the need for further sustained implementation. In its third section, it brings its attention to emerging trends in the area of violence against women and domestic violence. Its fourth and last section requests annual statistics for two complete calendar years prior to receiving this questionnaire on specific administrative and judicial data.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French) and should contain all the relevant information on the implementation of the Istanbul Convention since GREVIO's first baseline evaluation report, including copies or extracts of relevant legislation, regulations, case law and strategic documents or action plans referred to (Rule 33 of the Rules of Procedure).

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

Article 7: Comprehensive and co-ordinated policies

1. Please provide information on any new policy development since the adoption of GREVIO's baseline evaluation report on your country to ensure comprehensive policies covering the areas of prevention, protection, and prosecution in relation to stalking, sexual harassment and domestic violence, including their digital dimension, rape and sexual violence, female genital mutilation, forced marriage, forced abortion and forced sterilisation, thereby demonstrating further implementation of the convention. Please specify the measures taken particularly in relation to those forms of violence against women that have not been addressed in past policies, programmes and services encompassing the four pillars of the Istanbul Convention.
2. Where relevant, please provide information on any measures taken to ensure the alignment of any definitions of domestic violence and of violence against women in national legislation or policy documents with those set out under Article 3 of the Istanbul Convention and provide the relevant applicable provisions in English or French.
3. Please provide information on how your authorities ensure that policies on violence against women and domestic violence put women's rights and their empowerment at the centre and on any measure taken to enhance the intersectionality of such policies, in line with Articles 4 paragraph 3 of the convention.¹

Ministry of Justice drafted the Law on Amendments to the Criminal Code of Montenegro, which was sent to the European Commission for its opinion. In the proposed law, the criminal offense from Article 220 Violence in a Family or a Family Community was amended. Guided by the Report of the GREVIO committee on the assessment of legislative and other measures applying the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), it is stated that there are no uniform criteria that are consistently applied to the difference between a misdemeanor and a criminal offense acts of domestic violence. From the corresponding legal provisions, it seems that the provisions in the Criminal Code are reserved for more serious cases of domestic violence committed by gross violence, while the misdemeanor is intended for psychological violence in all its forms. Information provided by the authorities to the GREVIO group suggests that this may have been the original intention. However, the terminology chosen in these two legal texts does not support such a precise distinction between the two acts. Therefore, in order to harmonize the elements of a misdemeanor and a criminal offense and to make a clear distinction between these illegal behaviors, it is proposed to overcome this in a way that physical and psychological violence are fully transferred to the features of the criminal offense. Namely, a way that would not create dilemmas in practice regarding the legal qualification of certain behavior, firstly the actions of this criminal offense are described in three paragraphs. In this regard, whoever easily physically injures a member of the family or family union or endangers his safety by threatening to attack the life or body of that person or a person close to him, will be punished with imprisonment from six months to five years. This punishment is also threatened if a person abuses a member of his family or family union or acts towards him in a way that offends human dignity. Also, a person who repeatedly uses violence in another way, sends threats, or by insolent or reckless behavior threatens or damages the physical or mental integrity of a member of his family or family union. The range of punishment has been tightened for the basic form, so the range in other forms of this criminal offense has also been harmonized. Also, if the act was committed in the presence of a child, it is also incriminated. The novelty brought by this article is also a new definition of family members or family union. Namely, harmonization with the Law on Life Partnership of Persons of the Same Sex was carried out, the concept of family members was expanded, i.e. who is considered to be family member.

The Draft Law corrected the criminal offenses of Female Genital Mutilation (151a) and Forced Sterilization (151b). Namely, the corrections were made at the initiative of the NGO Action for Human Rights, which in its proposal during the public debate pointed out that Montenegro must harmonize its legislation with the Istanbul Convention, which in its article 38 paragraph 1 items 2 and 3 foresees that member states take the necessary legislative or other measures to ensure that inciting, coercing, or

inducing women and girls to undergo circumcision, infibulation, or any other mutilation of the entire or any part of the labia majora or clitoris in a woman is criminalized. Namely, until now, the criminal offense of female genital mutilation in the Criminal Code of Montenegro has been provided for in only one form, without qualified forms that would be punished more severely, and with a sentence of one to eight years in prison. As this act can have the severe and most serious consequences, it is reasonable to foresee qualified forms of the act. In this regard, amendments were made to Article 151a of this Code in such a way that three new paragraphs were added, namely paragraph 2, if someone induced a female person to participate in the act referred to in paragraph 1 of this article, the perpetrator will be punished with imprisonment from six months to five years. Then paragraph 3, if this crime was committed against a child, the perpetrator will be punished with imprisonment from two to ten years, and if the death of a female person occurred (paragraph 4), the perpetrator will be punished with imprisonment from five to fifteen years. In the case of the criminal offense Forced sterilization (151b), the penalty ranges for the basic form of this criminal offense were adjusted in such a way that instead of the current prison sentence of three months to five years, it was proposed that the threatened prison sentence be from one to eight years. Two qualified forms were also introduced, and if this offense was committed against a child, the perpetrator will be punished with imprisonment from two to ten years, and if death occurred, the perpetrator will be punished with imprisonment from five to fifteen years.

The Draft Law introduces the criminal offense of sexual harassment. In addition to the basic form of this criminal offense, for which prosecution is undertaken by private lawsuit, it was also proposed to introduce a qualified form that exists when a person sexually harasses another person to whom he is superior or who is in a dependent relationship with him or who is particularly vulnerable due to age, illness, disability, addiction, pregnancy, severe physical or mental disabilities. The criminal offense of sexual harassment defined by Article 40 of the Istanbul Convention includes unwanted behavior of a sexual nature that affects or may affect the dignity of a person. Sexual harassment is not limited to the workplace or the family and can occur in multiple contexts. Accordingly, the context or setting in which it occurs does not constitute an element of the criminal offense as defined by the Convention. Until now, there was no criminal offense of sexual harassment in the Montenegrin legislation. Instead, the approach referred to "other legal sanction" as stated in Article 40 of the Istanbul Convention.

Furthermore, changes were made in the Draft Law in such a way that the more severe forms that existed in the criminal offense of Concluding a Void Marriage have now been converted into a separate criminal offense. Considering this amendment to be necessary in order to unambiguously prevent the conclusion of these marriages or life partnerships of persons of the same sex, it is proposed that the elements of a criminal offense exist when someone forces another person to enter into a marriage or life partnership of a person of the same sex by force or threat, and a prison sentence of six months to five years. The more serious form of this criminal offense will exist when forcing or inducing a child to establish an extramarital union or conclude a marriage or a life partnership or contract a marriage or an extramarital union or a life partnership. The penalty for this criminal offense is one to five years in prison. Whoever, with the intention of committing these criminal acts, induces another person to leave or takes them abroad will be punished with imprisonment from three months to three years.

Ministry of Justice initiated the procedure to amend the Law on Domestic Violence Protection. A working group was formed to draft the Law on Amendments to the Law on Domestic Violence Protection, which continuously works on changes to the law and improvements to existing solutions, all with the aim of fulfilling GREVIO's recommendations and harmonizing this law with the Istanbul Convention.

In accordance with the recommendation of the Council of Europe for the prevention and combating of sexism, the Code of Ethics for officers and employees of the Administration for the Execution of Criminal Sanctions was adopted (in 2019), which, among other things, regulates the prevention and protection against sexual harassment.

Article 8: Funding

4. Please provide information on any new development since the adoption of GREVIO's baseline evaluation report on your country concerning the allocation of appropriate and sustainable financial and human resources for the implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the Istanbul Convention.

Recognizing the importance of the prevention and suppression of violence for the first time in the

Ministry of Labor and Social Welfare, The Division for Protection from Gender-Based Violence and Domestic Violence was formed in the Directorate for Social Welfare and Child Protection, whose task is to continuously work on the monitoring and implementation of the Council of Europe Convention on suppression and prevention of violence against women and domestic violence.

The National Strategy for Sustainable Development until 2030, in accordance with the goal of sustainable development 5, recognizes the elimination of gender discrimination as a special measure, which implies the removal of all legal, social and economic barriers to women's empowerment.

In June 2023, Montenegro adopted the National Plan for the Implementation of The Council of Europe Convention on Preventing and Combating violence against women and domestic Violence. The goal of the National Plan for the Implementation The Council of Europe Convention on preventing and combating violence against women and domestic violence is, above all, to promote and protect the right of everyone, especially women, to live free from violence in both the public and private spheres in accordance with the principles of equality and non-discrimination. This document aims to achieve gender equality and prevent violence against women through changing the social and cultural behavior of women and men, eradicating prejudices and gender stereotypes, adequate training of all experts, as well as programs for perpetrators of violence in order to prevent further victimization of victims of gender-based violence. It is also a priority to establish and strengthen legislative or other measures, in accordance with international law, in providing protection and support to victims and witnesses of all forms of violence covered by the Convention, based on an understanding of violence against women and domestic violence from a gender perspective focused on human rights and the safety of the victim. It places special emphasis on the empowerment of women and girls who have experienced violence, with a focus on women with disabilities, members of the LGBTQ - that is, women and persons of different gender identities, Roma and Egyptian women, and women living in rural areas.

5. Please provide information on any development concerning the provision of appropriate and sustainable financial and human resources for women's rights organisations that provide specialist support services to victims, including those supporting migrant women and girls.

Based on the Law on Non-Governmental Organizations and in connection with the Decision on Determining Priority Areas of Public Interest and the Amount of Funds for Financing Projects and Programs of Non-governmental Organizations for the period 2021/2022 through a Public Call, the Ministry of Labor and Social Welfare has determined 440,000 EUR for the area of protection against violence against women and of domestic violence.

In accordance with Article 18 of the Istanbul Convention, the Government of Montenegro has allocated 200,000.00 EUR for the year 2022 through the budget for stable and sustainable financing of licensed service providers for victims of domestic violence.

Based on the decision on accommodation of the victim and in accordance with the Law on Social and Child Protection, victims were provided with a monthly amount of 250.00 EUR, while this amount increased to 350.00 EUR in 2023. Based on these decisions, a total of 146,285.22 EUR was allocated to the SOS NK shelters and the Safe Women's House for the period 2021 / 2022.

Article 11: Data collection and research

6. Please provide information on any new development since the adoption of GREVIO's baseline evaluation report on your country on the introduction of data collection categories such as type of violence, sex and age of the victim and the perpetrator, the relationship between the two and where it took place, for administrative data of relevance to the field of

¹ The concept of intersectionality refers to the fact that "individuals (and groups) are affected by multiple inequalities based on various grounds of distinction rather than by discrimination based on one ground at a time. Therefore, discrimination, inequality and gender-based violence cannot be examined in relation to only one category of difference – for instance, gender – while precluding others – such as race, class, age, disability, sexual orientation or gender identity – because social categories intersect and interlock in multiple systems of discrimination that simultaneously affect an individual's life." See in this respect the study Ensuring the Non-discriminatory Implementation of Measures against Violence against Women and Domestic Violence: Article 4, paragraph 3, of the Istanbul Convention, A collection of papers on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, p.12-13.

violence against women and domestic violence emanating from law enforcement agencies, the justice sector, social services and the public health care sector.

With the aim of a more efficient way of working when it comes to domestic violence, the system of collecting and exchanging data on cases of domestic violence between the Police Directorate and the Center for Social Work has been improved, in such a way that a common database has been established through which electronic communication is carried out between these subjects and exchange of data on any reported violence. All cases forwarded through this data exchange system contain basic information about the event, regardless of whether it is a criminal offense or a misdemeanor, about the gender and age of the perpetrator and the victim, the relationship between the perpetrator and the victim, information about restraining orders or non-return orders in an apartment or other residential space, with proposed protective measures as well as measures whose execution is monitored by the police based on the decision of the courts for misdemeanors, as well as data from the Risk Assessment Questionnaire.

To the greatest extent, the courts draw their statistics from Judicial Information System. The judicial information system is used by all courts to monitor cases, for some aspects of case management and communication with parties. Judicial Information System also collects comprehensive statistical data, which are entered in the annual reports on the work of the courts.

Judicial Information System allows us to follow a court case from the very beginning to the end, and provides us with detailed statistical reports on various indicators, including: the total number of cases in progress, the number of completed and unfinished cases, the type of decision (conviction, acquittal and refusal) as well as the type and severity of criminal sanctions when it comes to condemning decisions.

Apart from using the database from Judicial Information System, other sources for data collection are records that are kept manually by the courts.

The development and improvement of the judicial information system as a unified system of the courts, the State Prosecutor's Office, the Administration for the Execution of Criminal Sanctions and the Ministry of Justice is ongoing. An effective and standardized system for statistical reporting will be offered, in which data will be based on various criteria and methodologies.

Special attention will be focused on monitoring data when it comes to criminal acts of domestic violence and violence against women, where it will be ensured that all data are classified by: gender and age of the victim, relationship between the victim and the perpetrator, the place where the violence was committed, the type of violence, data on children as victims/witnesses of violence, etc.

Recognizing the need to expand the existing base, the Ministry of Labor and Social Welfare in cooperation with other relevant institutions, in the National Plan for the Implementation of The Council of Europe Convention on preventing and combating violence against women and domestic violence for the period 2023-2027, planned to develop a database on violence against women and violence in the family, which would include statistical administrative and judicial data on all forms of violence covered by the Convention, necessarily classified in relation to sex, age, gender identity, sexual orientation, disability of the person, the relationship between the victim and the perpetrator, geographical location, information on conviction rates of perpetrators of all forms of violence covered by the scope of the Convention, including the number of protective measures issued.

7. Where relevant, please provide information on any new development since the adoption of GREVIO's baseline evaluation report on your country to enable disaggregated data collection:

- a. on the number of emergency barring and protection orders and the number of breaches and the resulting sanctions;

<p>Total cases in work 2.176.</p> <p>A total of 1,539 cases or 70.73% were completed at the end of the year.</p> <p>The aforementioned cases were completed in the manner that it was pronounced:</p> <ul style="list-style-type: none"> - fines 443, - prison sentences 106, - suspended sentences 289, - warnings 119, - educational measures 11, <p>in 21 cases the request was rejected, proceedings were suspended in 89 cases, in 344 cases acquittals were made, while 117 cases were resolved in another way.</p> <p>A total of 426 protective measures were imposed, namely:</p> <ul style="list-style-type: none"> - removal from residence 49; - restraining order 120; - prohibition of harassment and stalking 192; - mandatory addiction treatment 22; - mandatory psychiatric treatment 38, i - mandatory psychosocial treatment 5. 	<p>Total cases in work 2.201.</p> <p>A total of 1,565 cases or 71,10% were completed at the end of the year.</p> <p>The aforementioned cases were completed in the manner that it was pronounced:</p> <ul style="list-style-type: none"> - fines 503, - prison sentences 145, - suspended sentences 319, - warnings 104, - educational measures 8, <p>in 11 cases the request was rejected, proceedings were suspended in 60 cases, in 334 cases acquittals were made, while 81 cases were resolved in another way.</p> <p>A total of 782 protective measures were imposed, namely:</p> <ul style="list-style-type: none"> - removal from residence 122; - restraining order 293; - prohibition of harassment and stalking 265; - mandatory addiction treatment and psychiatric treatment 101, and - mandatory psychosocial treatment 1.
---	--

- b. on the number of times custody decisions have resulted in the restriction and withdrawal of parental rights because of violence perpetrated by one parent against the other.

In Montenegro, not a single case of proposing restrictions and deprivation of parental rights due to violence perpetrated by one parent against the other by the guardianship authority has been registered. The strategic authority generally made a proposal to the competent court to limit or revoke parental rights in cases solely due to violence against children, as well as gross neglect, care and childcare.

8. Please provide information on measures taken to allow cases of violence against women and domestic violence to be tracked from reporting to conviction, at all stages of the law-enforcement and judicial proceedings.

In all stages of the actions of the police and officers of social work centers, through the database that contains all exchanged data on cases, the course of action in cases can be monitored and new data can be entered.

Also, in cases in which protective measures have been imposed, the enforcement of which is the responsibility of the police, the monitoring of the specific case is carried out through the monitoring of the enforcement of protective measures. A protective measure monitoring plan is drawn up in a way that defines the precise actions of police officers in a specific case, depending on the circumstances of each case; direct contact with the acting inspector is available to the victim; the acting inspector in coordination with the police of general jurisdiction at certain intervals calls the victim, sends a patrol to visit the location to the address of the abuser or the victim; intervenes without delay in case of need.

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

Article 12: General obligations

9. Please provide information on any primary prevention measures aiming to change mentalities and attitudes in relation to violence against women and to reduce women's exposure to gender-based violence by:

- a. addressing harmful gender stereotypes and prejudices, customs and traditions based on the idea of the inferiority of women;
- b. addressing the heightened exposure to gender-based violence by women and girls at risk of intersectional discrimination;
- c. encouraging all members of society, including men and boys, to contribute actively to preventing all forms of violence against women covered by the scope of the Istanbul Convention, and promoting the empowerment of women and girls in all areas of life, notably their participation in politics at all levels and in the labour market.

The Communicating Gender Equality Project was implemented by UNDP and the Ministry of Human and Minority Rights from 01 February 2021 to 31 December 2022, and was financed and supported by the European Union. The project dealt with issues of women's empowerment, gender equality, public communications and media through the implementation of the following activities:

- Establishing a stimulating environment for promoting gender equality in public discourse;
- Raising awareness of discriminatory practices through strengthening the horizontal cooperation of relevant institutions, organizations and media within which was organized - Gender Equality Week, which represents a special platform with the intention of opening a space for discussion on various aspects of the status of women and unfavorable social norms that condition gender differences in political, social, economic and cultural life. During six days and seven events/topics, Gender Equality Week brought together 23 experts and leaders and 350 participants, and 200,000 users were reached through the media.

The Ministry of Human and Minority Rights, the Ministry of Justice and the Protector of Human Rights in cooperation with the UNDP Office in Montenegro, at the end of 2022, started the implementation of the project - Promotion of dialogue and joint actions to combat hate speech, which is financed within the UNDP portfolio for governance, peace building, crisis and resilience. The project aims to contribute to gender equality and sustainable peace, through strengthening the leadership capacities of women, enabling constructive dialogue and joint actions in the direction of addressing division, gender-based hate speech, sexism and misogyny.

The Ministry of Human and Minority Rights with the OSCE Mission in Montenegro conducted the "16 days of activism against gender-based violence" campaign in November 2022 through the broadcast of a TV spot aimed at preventive action by society in the fight against gender-based violence.

Through the projects of non-governmental organizations financed from the Budget of Montenegro for 2021 and 2022, campaigns and programs for political parties and representatives of civil society on gender equality, political leadership and communication skills, prevention and suppression of gender-based violence, gender stereotypes and hate speech were carried out.

In the past period, the Police Directorate was involved in various campaigns aimed at changing attitudes about violence against women and reducing women's exposure to gender-based violence and stereotypes:

- on free legal aid, campaign of the Council of Europe in Montenegro, participated as panelists and lecturers in training sessions for lawyers;
- about the way to report violence, the Tell the Story to the End campaign, participated in videos prepared and intended for inviting reporting of violence through social networks;
- about psychological violence, the campaign of the NGO Safe Women's House, participated in informational videos about psychological violence, intended for police officers.

Article 14: Education

10. Please provide a few examples of promising teaching or prevention programmes, materials, or initiatives for use in formal education (from pre-school to higher education) that:

- a. educate children and youth about equality between women and men, the right to personal integrity, mutual respect and non-violent conflict resolution in interpersonal relationships, including the notion of freely given consent;
- b. address some or all the forms of gender-based violence against women and girls covered by the Istanbul Convention;
- c. promote the inclusion of digital literacy and online safety in formal curricula as foreseen under GREVIO General Recommendation No. 1 on the digital dimension of violence against women;
- d. ensure that teaching material used in school does not convey negative gender stereotypes of women and men of all ages;
- e. offer tailored interventions aimed at preventing gender-based violence and empowering all girls, including those at risk of intersectional discrimination.

Through the Program with UNICEF, oriented towards supporting children from Ukraine, **Component 3** carries out - Implementation of preventive programs of non-violence in schools - Analysis of data from the Education Information System of Montenegro (MEIS) determined the number of cases and types of violence in educational institutions. Institutions whose personnel need to be additionally strengthened for prevention and action in cases of violence have been identified. From the valid catalog of professional training programs for teachers, four training sessions were held for about 120 participants on the following topics: online violence, peer violence, management of undesirable behavior, work with students who react aggressively. After the analysis, the training concept was developed, coordination was carried out, access links were created and sent to the participants of the online training. After that, reports were collected and consultations were held regarding certification.

The improved instruction "Sharing responsibility and actions aimed at prevention in cases of violence" elaborates in detail the steps and activities that should be undertaken when dealing with cases of violence and vandalism at school. The National Council for Education gave a positive opinion on this document. The instruction was delivered to all schools and highlighted on the school portal. In the MEIS application, the module, which refers to the work of pedagogical and psychological services, has been improved by recording cases of peer violence.

Conducted trainings in accordance with priorities Cyberbullying, Peer violence Emotional, verbal, social, sexual, Neglect - 26.10.2021. Physical peer violence 03.11.2021. Cyber violence - 03.11.2021. Violence from the teacher-student relationship 238, 12.11.2021. 198 participants attended the trainings.

After attending the professional development program, the participants were obliged to implement training in the schools where they are employed. Based on the report on the implementation of training in schools, an analysis was made and educational institutions that are examples of good practice and institutions that need additional support were determined.

A consultation was held for principals and employees in the professional services of primary and secondary schools for the implementation of the new MEIS application. The legal provisions on the rights and obligations of students and employees in relation to school security and violence were pointed out. The Instruction "Sharing responsibilities and actions aimed at prevention in cases of violence" was presented, as well as the steps that the school team should take in cases of violence. Then, at the beginning of the school year, regional thematic meetings were held with school principals, and the focus was on violence prevention. This was followed by a targeted consultation by the Institute of Education after the analysis of the reports of the school teams for the prevention of violence. Schools received instructions for action.

Based on the Strategy for Digitization of Education, and on the basis of subject programs (regular and optional modules), workshops (five thematic scenarios per class/workshop) were created for primary and secondary school students. They refer to the cyber security of students, their competences in terms of movement in this competence, but also the development of skills in the safe use of the Internet, online content, social networks and self-protection in this area. Implementation of safety workshops for children is ongoing.

In order to facilitate the work in schools on the conception of action plans and school student measures, we created a framework for action plans. A meeting was held with representatives of 10

selected schools and support was provided on how to create and implement action plans at the school and community level, as well as advisory support for the implementation of student school actions. The organizers of the training created thematic texts: How to develop a favorable school climate so that every child feels safe at school, Causes of peer violence and teachers' skills for prevention and dealing with it, Developmental challenges for behavioral problems and school interventions, Contemporary challenges for socio - emotional functioning of students (social networks, social climate, values, etc.) and models of school interventions published on the School Portal.

- Non-discrimination workshops and activities are continuously conducted in schools. Promotionally re-realized - a fair of inclusive practices with over 50 institutions; With CoE, the activities "Block hatred, spread inclusion" were implemented in schools: Božidar Vuković Podgoričanin, Savo Pejanović, Mileva Lajović Lalatović, Milija Nikčević. The so-called digital classrooms: in Public Institution Elementary School "Božidar Vuković Podgoričanin", Public Institution High School "Petar I Petrović Njegoš", Cetinje High School, Public Institution Elementary School "Milorad Musa Burzan" - a total of about 370 participants.
- With the Safe Women's House in secondary schools was implemented the program "The relationship must be healthy" - in partnership with the Association of Psychologists of Montenegro. The project is supported through the Regional Program of Local Democracy in the Western Balkans 2 (ReLOaD2) through the priority area of inclusion of vulnerable groups - Provision of integrated support for vulnerable groups (youth, Roma). The general goal of the project is to reduce the risk of violence in emotional relationships among young people in the capital city. The specific goals are: Improved personal abilities of young people to achieve healthy emotional relationships in order to prevent violence in the territory of the Capital City and improved opportunities and motivation of employees in the pedagogical and psychological services of schools to develop a work plan for the prevention of violence in emotional relationships among young people in the territory of the Capital City. The result of all this is the Guide, which consists of a theoretical basis that achieves a well-founded understanding of the needs of young people, and then also of authentic stories, written by participants on the topic of violence in adolescent emotional relationships. The guide contains research results. It was implemented in order to achieve the planned goals, and based on its evidence, experiential-educational workshops from two sets (psychological workshops and psychological-literary workshops - bibliotherapy) were organized. That material was also used for this Guide for practical advice for young people who are just getting into emotional relationships. The purpose of the Guide is to serve young people, their parents/guardians, all those who work with young people, the general public in order to achieve understanding and management of oneself, one's emotions, actions, decisions, choices (for young people), but also for others to develop empathy, support, encouragement for youthful desirable emotions, relationships, behavior, life decisions, choices.

Article 15: Training of professionals

11. Please complete tables I and II included in the Appendix in order to provide a comprehensive overview of the professional groups that receive initial and in-service training on the different forms of violence against women and domestic violence. Please specify the frequency and scope of the training and whether it is compulsory.
12. Please specify if the expertise of women's rights organisations or specialist support services is integrated in the design and/or implementation of the training.

Non-governmental organizations represent and play a major role in the fight against gender-based violence and domestic violence. Victims generally have great trust in them and very often primarily turn to non-governmental organizations for help, therefore the adequate expertise of persons who come into direct contact with victims is very important. Non-governmental organizations, i.e. professionals engaged in the non-governmental sector in the field of gender-based violence participate in the implementation of trainings, workshops and training in a large number of cases.

Non-governmental organizations at the Institute for Social and Child Protection carry out the accreditation of these trainings, through which officials and professionals as well as persons who come into contact with the victims are trained for this area. Some of these trainings are: training for the implementation of the Protocol on treatment, prevention and protection against violence against

women and domestic violence, Strengthening the key competencies of employees in the social and child protection system in the process of assessment and planning during work with the user, as well as others that will be indicated in tables I and II.

Article 16: Preventive intervention and treatment programmes

13. Please provide information on measures taken to increase the number of available preventive intervention and treatment programmes for perpetrators of domestic and sexual violence both for voluntary and mandatory attendance.

The Law on Domestic Violence Protection prescribes mandatory psychosocial treatment as one of the protective measures imposed on perpetrators of violence. Mandatory psychosocial treatment can be imposed on the perpetrator of violence in order to eliminate the causes of violent behavior and re-education, that is, in order to reduce and eliminate the risk of committing violence again. The protective measure lasts until the end of the reason for which it was issued, but not longer than six months. The detailed method of determining and implementing protective measures is prescribed by the ministry responsible for social welfare affairs.

In 2013, the Ministry of Labor and Social Welfare issued a Rulebook on the closer method of determining and implementing the protective measure of mandatory psychosocial treatment, which is not fully aligned with the standards prescribed by the Istanbul Convention, and is therefore part of the National Plan for the Implementation of The Council of Europe Convention on preventing and combating violence against women and domestic violence for the period 2023-2027, the adoption of a new one is foreseen. Also, the National Plan foresees the creation and implementation of training for experts to work with perpetrators of violence, as well as the implementation of programs for perpetrators of violence that are not exclusively based on medical treatment of substance abuse and mental problems, and the establishment of mandatory guidelines for psychosocial treatment programs defined in Article 20, paragraph 5 and Article 25 of the Law on Protection against Domestic Violence.

14. Please provide information on measures taken to:

- a. increase the number of men and boys attending perpetrator programmes for domestic and sexual violence;
- b. ensure that the perpetrator programmes apply standards of best practice;
- c. ensure the safety of victims and co-operation with specialist support services for victims;
- d. ensure that the outcomes of the programmes are monitored and evaluated.

Amendments to the Law on Domestic Violence Protection are underway, which will also amend the protective measure of mandatory psychosocial treatment for perpetrators of violence. In the National Plan for the Implementation of The Council of Europe Convention on preventing and combating violence against women and domestic violence for the period 2023-2027, the Ministry of Labor and Social Welfare envisaged the adoption of a new Rulebook on the closer method of determining and implementing the protective measure of mandatory psychosocial treatment, as the existing one was adopted in 2013 and is not aligned with the standards of the Istanbul Convention, and therefore is not implemented adequately. The aforementioned document also plans the creation of an accredited program for working with perpetrators of violence in order to ensure the implementation of this protective measure.

The Ministry of Health has issued Guidelines for the implementation of protection measures of psychosocial treatment for perpetrators of domestic violence, which will also be amended and harmonized with the mentioned Rulebook and the standards prescribed by the Convention, which will strengthen the capacities of health institutions and increase the number of boys and men who attend programs for perpetrators violence.

Article 18: General obligations

15. Please provide information on any multi-agency co-operation mechanisms, structures or measures in place designed to protect and support victims of any of the forms of gender-based violence against women covered by the Istanbul Convention (e.g., interdisciplinary working groups, case-management systems, cross-sectoral protocols/guidelines...). Please describe:

- a. the state agencies involved in their functioning (law-enforcement agencies, judiciary, public prosecutor, local authorities, healthcare services, social services, educational institutions etc.);
- b. whether they involve specialist support services provided by civil society organisations, especially women's rights organisations;
- c. how they adopt a gender-sensitive approach to violence against women, including the prioritisation of the safety of women and girl victims, their empowerment and a victim-centred approach;
- d. the financial and human resources dedicated to their implementation; and
- e. any available information on the evaluation of their outcome or impact.

In accordance with the Protocol on treatment, prevention and protection against violence against women and domestic violence, the effective protection of victims of violence rests on the principles of protection against domestic violence and violence against women, strong inter-institutional cooperation, which implies a clearly expressed will and intention and clearly defined and coordinated action of all institutions and organizations in the system of protection and prevention of violence. A multidisciplinary response is implemented through a multidisciplinary team.

The multidisciplinary team (former MOT) consists of representatives of relevant institutions and organizations directly involved in the specific subject of violence against women and domestic violence. The work of multidisciplinary teams is characterized by fast, coordinated joint action, based on mutual trust and continuous support in each case.

The coordinator of the multidisciplinary team is the responsible case manager, who is in charge of the specific case in the center for social work. It is the duty of each Multidisciplinary Team Coordinator / case manager to connect with professionals from other institutions, who are engaged in the same

case, according to the steps defined in the Protocol.

Joint work and coordination of MDT among all representatives of institutions and organizations will be characterized by:

- a) quick and complete exchange of information (via information system, phone, e-mail, skype, viber, etc.);
- b) respecting the confidentiality of information about the victim, information about the victim can only be obtained by a licensed service provider dealing with protection from domestic violence, if he is in the role of a confidential person and only with the consent of the victim.
- c) organizing a case conference on subjects that require special attention, where they analyze information important for a better understanding of the specific case; analyzing the Protection and Security Plan (with clear responsibilities of all representatives of institutions and organizations in MDT) and revising it as necessary and periodically; will monitor joint activities in order to improve cooperation, eliminate perceived difficulties, etc.;
- d) detailed documentation of all steps in the follow-up of the case by all MDT members and ensuring the flow of all relevant information to the case manager.

The ultimate goal of the MDT's work is to provide an accessible and efficient system for the prevention and protection of victims of domestic violence and violence against women, which will result in the building and preservation of trust in state institutions and organizations.

In the event that MDT members are unable to solve a specific case, they can write to the Operational Team for Combating Domestic Violence and Violence against Women for an opinion, which can make a recommendation to the MDT so that the case can be resolved quickly and efficiently and in the best interest of the victim.

The Operational Team for the Fight Against Domestic Violence and Violence Against Women, as a form of interdepartmental cooperation, is made up of representatives of all relevant institutions as well as non-governmental organizations that deal with this topic (Ministry of Interior and Police Directorate, Ministry of Finance and Social Welfare, Ministry of Health, Basic State Prosecutor's Office, the Supreme Court and the High Court for Misdemeanors, the Council for Civilian Control of Police Work and non-governmental organizations that provide specialized support services for victims of violence). The task of the Operational Team is to consider the overall practice and, through the analysis of representative cases and corresponding reports, information and opinions, work to determine further guidelines and initiatives for purposeful changes in terms of public policies and institutional practice in the area of prevention and protection from all forms of domestic violence and violence over women.

16. Please detail whether any such co-operation mechanisms or structures set up for the delivery of support services for a specific form of violence covered by the Istanbul Convention is based on a legal or policy document advocating for or requiring such approaches.

Protection against violence against women and domestic violence is guaranteed by the Constitution of Montenegro, followed by positive regulations, strategic documents and confirmed international treaties that protect human rights.

With the adoption of the Law on Domestic Violence Protection, and the resulting Strategy on Protection from Domestic Violence from the cited law for the period 2012-2015, the obligation to draft a Protocol on treatment, prevention and protection against violence against women and domestic violence was prescribed. In December 2011, Protocol on treatment, prevention and protection against violence against women and domestic violence was signed, which defines procedures and institutional cooperation in relation to domestic violence and violence against women, which regulates the joint work of all systems during the implementation of laws and conventions. The signatories of the Protocol are the Ministry of Justice, the Supreme Court, the Supreme State Prosecutor's Office, the Ministry of Education and Sports, the Ministry of Health, the Ministry of Labor and Social Welfare, the Police Directorate and the Council for Misdemeanors of Montenegro.

The Protocol regulates the joint work of all systems during the implementation of laws and conventions, as well as the obligation to undertake the necessary measures to ensure the organization, equipment and education of a sufficient number of specialized experts who deal with the issue of domestic violence.

However, the Protocol does not limit protection subjects from introducing other effective models in

practice that will be in the service of preventing and suppressing domestic violence and gender-based violence, and which will correspond to the context and available opportunities.

17. Please explain whether all or some of the services of protection and support offered for victims of the different forms of violence against women are provided on the basis of a one-stop-shop approach.

In Montenegro, there is no centralized place where all protection and support services would be provided to the victims. However, with the National Plan for the Implementation of The Council of Europe Convention on preventing and combating violence against women and domestic violence for the period 2023-2027, the Ministry of Labor and Social Welfare has foreseen measures that would enable the opening of appropriate, easily accessible crisis centers for cases of rape, or centers for victims of sexual violence in sufficient numbers, who provide victims with medical and forensic examination services, support in case of trauma and counseling. Also, in accordance with this, the legal regulations in the field of social and child protection and protection from gender-based violence and domestic violence will be revised.

Article 20: General support services

18. Please provide information on programmes and measures aimed at ensuring, through general services, the recovery of victims of violence, including in the health and social areas, financial assistance, education, training and assistance in finding employment and affordable and permanent housing.

In accordance with the Istanbul Convention, Montenegro strives to improve the social protection system so that all general and specialized services are adequately available to victims of gender-based violence and domestic violence and that the specific needs of these persons and the protection of their human rights are a priority.

Support services available to victims of abuse, neglect, domestic violence and exploitation or who are at risk of becoming a victim in accordance with the Law on Social and Child Protection are: support services for life in the community, counseling-therapeutic and social-educational services and accommodation.

The work of the centers for social work with the victim and the family includes counseling sessions through which the parties are informed about their rights, they are provided with psychosocial support, field trips, cooperation with educational and health institutions, as well as material assistance in accordance with the law. If the victim needs to be removed from the family, the Center establishes contact with a non-governmental organization/shelter that provides services.

The Center for Social Work also cooperates with the Police Directorate, the Basic State Prosecutor's Office and judicial authorities on the protection of victims. If necessary, the victim of violence is accompanied to the Court, or upon the invitation of the police, the family is visited to provide support. At the request of the Court, the Center issues a finding and opinion on the expediency of imposing protective measures (eviction from the apartment, restraining order, etc.).

A police officer is obliged to immediately, without delay, upon receiving a report of violence, go to the scene and take all protective measures and actions depending on the needs of the victim's protection, all with the aim of preventing the perpetrator of violence from further violent behavior. He is also obliged to inform the victim about her/his rights (choice of a confidential person, free legal aid, shelter...) and, in case of need, and according to the wishes of the victim of violence, provide him/her with help and escort him/her to a shelter or other safe place, which the victim of violence choose, to stay especially taking care to only report the said fact to the competent institutions, without disclosing that information to the perpetrator of violence or other family members.

In the event that the competent institutions (police and court) apply protective measures, it is also an obligation to prepare a safety plan for the victim of violence, and to inform the victim of the protective restraining order measure or removal by the perpetrator of violence, the facts of what is meant by harassment, as well as the phone number of the police officer in charge of implementing the imposed

protective measure. Police officers are also obliged to carry out field checks on the family at regular intervals within six months, and if necessary, more often for a longer period of time.

Also, health workers are obliged to report any suspicion of violence to the police without delay, as well as to talk with the victim of violence with special care and refer them to the center for social work, and to inform the support centers and secondary health care about the situation. In the case of the arrival of a victim of violence in the emergency service, they are obliged to pay special attention to the injuries and the overall condition of the patient, which could indicate domestic violence.

In agreement with social protection services and educational institutions, they must develop a Support Plan for a child victim of violence, and in cooperation with social protection services and educational institutions, provide support to a child victim of violence based on the Support Plan.

Questions specific to the public health sector:

19. Have specific measures been taken to ensure that public health services (hospitals, health centres, other) respond to the safety and medical needs of women and girls victims of all forms of violence covered by the Istanbul Convention on the basis of national/regional standardised protocols?

The Protocol on treatment, prevention and protection against violence against women and domestic violence was adopted, which describes in detail the procedures for the actions of health workers in cases of violence or suspicion of violence, as well as the Guidelines for the actions of health service providers in order to protect children and adolescents from violence, abuse and neglect.

20. Do such protocols detail the procedure to:

- a. identify victims through screening;
- b. provide treatment for all the medical needs of victims in a supportive manner;
- c. collect forensic evidence and documentation;
- d. ensure that a clear message of support is conveyed to the victim;
- e. refer to the appropriate specialist support services that form part of a multi-agency co-operation structure; and
- f. identify children who may have been exposed to domestic violence or other forms of gender-based violence against women and girls and require further support.

The Protocol on handling, preventing and protecting against violence against women and domestic violence describes in detail the procedures that healthcare workers are required to take in cases of suspected violence.

In point 4 of the aforementioned Protocol, it is prescribed that the victim must be allowed to speak with a specialist psychiatrist or psychologist in order to help and determine the degree of psychological trauma of the victim of domestic violence, which in any case is a clear message of support.

Referral to appropriate specialized support services that form part of the multi-agency cooperation structure works so that non-governmental organizations, which predominantly provide the aforementioned specialized support services, provide contact between the victim and the health institution, which will further take over the victim and provide him/her with full health care.

Existing protocols do not describe in detail the procedures for identifying victims through screening, except when it comes to identifying children who may have been exposed to domestic violence or other forms of gender-based violence against women and girls.

The Ministry of Health issued Guidelines for the actions of health service providers in order to protect children and adolescents from violence, abuse and neglect, in which the procedure for identifying children who may have been exposed to some form of violence is prescribed in detail.

21. Please provide information on the procedures in place for the documentation and collection by actors of the public health sector of forensic evidence in relation to victims of domestic violence, victims of sexual violence, including rape, and victims of female genital mutilation.

Whether it is domestic violence, sexual or any other form of violence, forensic medicine specialists perform physical examinations of victims by order of the state authority. Therefore, one part of the work with victims of violence in terms of the elaboration of physical injuries is forensic, and the other no less important part is the medical examinations performed by doctors of other specialties, which are very often the only thing the system relies on for the correct description of physical injuries, and which medical reports will later reach the medical examiner for expert examination and evaluation.

22. Are all women victims of violence, irrespective of any of the grounds listed in Article 4 paragraph 3 of the Istanbul Convention, in particular asylum-seeking women, refugee women, migrant women, women from national or ethnic minorities, women with irregular residence status, women with disabilities and LGBTI women, able to benefit on an equal footing from existing healthcare services? Please describe any measure taken to reduce legal or practical barriers to their accessing regular healthcare services.

The Law on Health Care and the Law on Mandatory Health Insurance stipulate that foreigners, especially when it comes to vulnerable groups, have the right to emergency medical assistance and care, while the remaining services can be used by third parties.

The Law on Health Care provides that a foreigner seeking international protection, an asylum seeker, a foreigner under subsidiary protection and a foreigner under temporary protection approved in accordance with the law regulating international and temporary protection of foreigners, has the right to health care in accordance with the provisions of this and of a special law, if not otherwise regulated by an international agreement.

The reception center for foreigners seeking international protection has an outpatient clinic where a

general practitioner prescribes and provides primary health care services, and if necessary refers to further treatment. In addition to the general practice doctor, medical staff (nurses and technicians) provide health support in the outpatient clinic. When it comes to the mental health of users, psychosocial support and assistance is provided to users on a daily basis, which is in charge of the Center's psychologist and social workers.

The Law on Health Insurance of Montenegro regulates a whole series of issues related to the establishment and exercise of rights in the field of health insurance. It stipulates that socially vulnerable categories of the population, including members of the RE population, are released from the obligation to pay the costs of medical services, which indicates the commitment of the legislative and executive authorities to the improvement of the rights of the RE population.

23. Please provide information on the measures in place to facilitate the identification and care of victims of violence against women in institutions for persons with disabilities and for the elderly as well as for those in closed reception facilities for asylum-seekers and to respond to their safety and protection needs.

When it comes to women and girls - foreign nationals seeking international protection, the professional staff of the Center for the Reception of Foreigners, primarily psychologists and social workers, approach and treat them with special and additional caution and sensitivity, adhering to gender-sensitive guidelines in working with these persons.

In this way, by establishing a relationship of trust between experts and beneficiaries through interviews, victims of violence are identified. Given that the users are placed in the Center 24 hours, special emphasis is placed on the identification of non-verbal indicators through the daily functioning and dynamics of these persons with other users in the Center, which may point to the fact that they are victims of violence.

The Center provides separate accommodation for families, unaccompanied women, unaccompanied minors and other vulnerable categories, and in the case of domestic violence, the victim is provided with separate accommodation and, of course, in accordance with the Law on Domestic Violence Protection, processing and the removal of the abuser, in order to ensure the victim's unhindered functioning and further provision and inclusion of all relevant factors in order to realize the rights that belong to him/her.

24. Please provide information on how the authorities ensure that different groups of women and girls, *inter alia* women with disabilities, Roma women and other women belonging to national or ethnic minorities, migrant women and intersex persons are fully informed, understand and freely give their consent to procedures such as sterilisation and abortion.

All healthcare workers are obliged to adequately and truthfully inform patients about their rights. Also, education on this topic is regularly held in health centers. In accordance with Article 3 of the Law on Conditions and Procedures for Termination of Pregnancy, a doctor specializing in gynecology and obstetrics is obliged, in all cases of submitting a request for termination of pregnancy, to inform the pregnant woman, i.e. the parents, adoptive parents, guardians or guardians, of the medical methods and means of execution termination of pregnancy and to indicate the danger and adverse health consequences that may occur as a result of termination of pregnancy.

Article 22: Specialist support services

25. Please describe the type of specialist support services dedicated to women victims of the forms of gender-based violence covered by the Istanbul Convention (e.g., stalking, sexual harassment and domestic violence, including their digital dimension, female genital mutilation, forced marriage, forced sterilisation, forced abortion), including those specialist support services providing:

- a. shelters and/or other forms of safe accommodation
- b. medical support
- c. short- and long-term psychological counselling
- d. trauma care
- e. legal counselling
- f. outreach services
- g. telephone helpline

-
- h. other forms of support (e.g. socio-economic empowerment programmes, online assistance platforms etc.)

By ratifying the Istanbul Convention, Montenegro undertook to enable the opening of appropriate, easily accessible safe houses (shelters) in sufficient numbers. Based on the Rulebook on closer conditions for the provision and use, norms and minimum standards of accommodation services in shelters and the Rulebook on closer conditions for the provision and use, norms and minimum standards of counseling-therapeutic and social-educational services, there are currently three and one temporary shelter - shelter for victims of violence: Safe Women's House Podgorica, Public Institution Center for Support of Children and Families Bijelo Polje, NGO SOS Telephone for Women and Children Victims of Violence Nikšić and NGO SOS Telephone for Women and Children Victims of Violence - Podgorica.

Montenegro still has not reached the standards prescribed by the Istanbul Convention because it lacks 24% of accommodation capacity. However, with the National Plan for the Implementation of the Council of Europe Conventions on the Prevention and Suppression of Violence against Women and Domestic Violence for the period 2023-2027, the Ministry of Labor and Social Welfare provided for the establishment of shelters in the south of the country, which would be one of the first steps in meeting the given standards in terms of accommodation of victims.

In existing shelters, victims are provided with safe and secure accommodation in emergency situations of violence when their lives and safety are threatened. Professionally trained staff work with the victims, who, after analyzing the risks and preparing safety plans for them, assess the needs of each woman and child individually, and based on that help and support plans are created in accordance with the individual needs and specific situation of each victim. Also, with the aim of empowering them to get out of violence and continue their independent lives, victims are offered emotional support, free legal and psychological assistance, escort service of a trusted person, advocacy for rights and adequate protection in institutions, as well as activities in the field of work. - occupational therapy.

In addition to the above-mentioned services, there is also a National SOS line for victims of domestic violence in Montenegro, whose work is coordinated by the Nikšić SOS telephone line for women and children victims of violence.

This line is free for calls from any network in Montenegro and is available 24 hours a day, 7 days a week. The service is the first and most important point of contact for supporting victims of domestic violence. Consultants working on the line are tasked with strengthening the victim's strengths, servicing her acute needs, supporting her to strengthen her competencies and regain control over her life. The service empowers and provides support to the victim through the following segments: emotional support, information on rights and opportunities for the victim, consultation and assistance in crisis situations, referral to other organizations, institutions, and psychological counseling.

The helpline for victims of domestic violence is available every Friday from 13h to 21h and for women who have experienced violence and speak the Albanian language.

Furthermore, specialized medical support services are still not available in our country, but they are provided to victims as part of general health care.

The Ministry of Labor and Social Welfare has not yet determined the methodology and cost of services in social and child protection, so victims cannot be referred to short-term and long-term psychological counseling at licensed service providers by decision of the centers. However, non-governmental organizations make a great contribution to the fight and prevention against gender-based violence and domestic violence through counseling or therapeutic work with victims and their families.

Also, centers for social work refer victims to short-term or long-term psychological counseling, which is provided within the mental health counseling centers that exist within the primary levels of health care.

In Montenegro, there is no specialized legal counseling service for victims, but the Law on Free Legal Aid ("Official Gazette of Montenegro", no. 20/11 and 20/15) stipulates that the victim of a criminal act of violence in the family or in the family union, as well as a victim of domestic violence in accordance with the law regulating protection against domestic violence, has the right to free legal aid under the conditions prescribed by this law.

According to Article 2 of this Law, free legal aid means providing the necessary funds to fully or partially cover the costs of legal advice, writing documents, representation in proceedings before the court, the State Prosecutor's Office and the Constitutional Court of Montenegro and in proceedings for out-of-court dispute resolution and proceedings before the public bailiff. The authority responsible for

approving free legal aid is the president of the basic court or a judge authorized by him. Free legal assistance is provided by lawyers in order from the list of the Bar Association of Montenegro, which, with the prior consent of the lawyer, is compiled according to the local jurisdiction of the basic courts. In order to improve the quality of free legal aid, the Proposal of the Law on Amendments to the Law on Free Legal Aid stipulates that, as a rule, only lawyers with special knowledge in the field of protection against violence can provide legal aid to victims of criminal acts of violence in the family or in the family union.

26. Which type of specialist support service includes child psychologists or other professionals specialised in supporting children who have been exposed to domestic violence, including violence perpetrated by one parent against the other?

A specialized service for children who have experienced violence is provided through the National Children's Telephone Line within the Children's Home "Mladost" in Bijela, which functions as a telephone counseling service and thus enables the implementation of children's rights. In this way, children have the possibility of counseling, information and education on various issues, support, and thus are empowered to discuss topics they are confused about.

Also, children who have been exposed to violence are referred to youth counseling centers and the Center for Autism, Developmental Disabilities and Child Psychiatry that exist within primary health care, where they can receive psychological support and help.

27. Do specialist support services exist that cater to the specific needs of migrant women and girls or those belonging to national or ethnic minorities who are victims of violence against women, including women and girls seeking asylum and those granted refugee or international protection status?

In the National plan for the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence for the period 2023-2027, the Ministry of Labor and Social Welfare envisaged the establishment of specialized services to support women who have experienced violence, especially Roma and Egyptian women, women with disabilities and women living in rural areas.

Article 25: Support to victims of sexual violence

28. Please indicate if any of the below services are available in your territory:

- a. sexual violence referral centres (e.g. specialist support services offering immediate medical care, forensic examination and crisis intervention to victims of sexual violence);
- b. rape crisis centres (e.g. specialist support services offering long-term counselling, therapy and support to victims of sexual violence regardless of whether the sexual violence occurred recently or in the past);
- c. any other specialised services offering short-term and/or long-term medical, forensic and psycho-social support to victims of sexual violence.

In Montenegro, the required services are not available, therefore, recognizing this lack, the Ministry of Labor and Social Welfare, in the National Plan for the Implementation of The Council of Europe Convention on preventing and combating violence against women and domestic violence for the period 2023-2027, provided for the opening of easily accessible crisis centers for cases rape, or a sufficient number of centers for victims of sexual violence, which provide victims with medical and forensic examination services, support in case of trauma and counseling.

29. Please provide information on the number of such services and the number of women and girls supported annually.

Since Montenegro currently does not have a legal basis for victims of sexual violence, and therefore no crisis center that will provide this specialized service, we cannot talk about the number of women and girls who received support on this basis. Montenegro is currently working on changes to relevant laws in the area of protection against gender-based violence and domestic violence, so these changes will include this service in accordance with the Istanbul Convention.

30. Please indicate the procedures and time frames for collecting and storing forensic evidence in cases of sexual violence (e.g. existence of protocols, use of rape kits) in the relevant services.

Forensic medical examinations of crime victims are usually ordered in cases of serious crimes,

especially in cases of sexual offenses. In certain cases, forensic-psychiatric expertise may also be ordered. In Montenegro, there is no regulation regarding providers of forensic services as such. Although there is a list of so-called of court experts led by the judicial system, and although this list is used whenever there is a need for an expert, it does not cover all the needs for narrowly specialized expertise, and in many cases, it is necessary to hire experts who are not listed in it. There is also a Forensic Center within the Police Directorate, however, it serves as a centralized laboratory for forensic science and does not perform forensic examinations.

There is no accreditation or licensing procedure for doctors who have the right to perform forensic examinations of victims of sexual offenses. However, in practice, these examinations are performed by practitioners who work at the Clinical Center of Montenegro and the Children's Hospital (located in the Capital City of Podgorica), institutions that are considered to have relevant professional knowledge.

Currently, there is no protocol for forensic examinations of victims of acts against sexual freedom or child victims of sexual offenses.

When it comes to child victims, one of the problems is that pediatric and adolescent gynecology is not among the medical specializations recognized in Montenegro, and there is neither a relevant certification by a professional body nor a mark that indicates mastery of focused subspecialist practice of pediatric and adolescent gynecology. However, there are practitioners who are certified as gynecologists and who have acquired additional professional knowledge specific to pediatric and adolescent gynecology through postgraduate studies. However, as it is a very rare combination of skills and expertise, there is currently only one gynecologist (employed at the Clinical Center) who is recognized as an eminent expert in pediatric and adolescent gynecology and is accordingly invited to perform forensic examinations of girls who are victims of contact sexual abuse. In case the mentioned gynecologist is not available, other (non-pediatric) gynecologists in the Clinical Center are invited to replace her. It is common practice that only female doctors are hired to examine girls.

Another factor that doctors cite as an obstacle to high-quality forensic examinations - and which can be successfully solved by a combination of protocol adoption and legislative changes - lies in the fact that the current legislation regulating the protection of personal data does not allow photo-documentation of medical examinations, and forensic examinations treat are identical to regular medical examinations. As a result, photo-documentation of forensic examinations does not occur, which undermines the probative value of such examinations.

31. Please describe any applicable access criteria for use of these services (e.g. affiliation with a national health insurance, residence status, prior reporting of the case to the police, other).

Bearing in mind that in Montenegro there is currently no legal regulation for crisis centers for victims of sexual violence, there is neither a precisely defined protocol for access to victims nor a connection with other institutions that would be competent to cooperate with each other and exchange information. Currently, this type of multisectoral cooperation of institutions exists in the form of the Social Care Information System, which supports automated data exchange. By implementing the National Plan for the implementation of the Council of Europe Convention on the prevention and suppression of violence against women and domestic violence for the period 2023-2027 and enabling the opening of crisis centers, we plan to strengthen the cooperation of all relevant institutions in the field of prevention and protection against violence against women and domestic violence.

Article 31: Custody, visitation rights and safety

32. Please indicate whether under national law incidents of violence covered under the scope of the convention must be taken into account in the determination of custody and visitation rights of children. If this is the case, please clarify to what extent these provisions:

- a. explicitly list domestic violence as a criterion to be taken into account when deciding on custody and/or visitation rights in the applicable legislation. If so, please clarify whether this criterion is/has been applied in practice in the determination of both custody and visitation rights;
- b. acknowledge the harm that witnessing violence by one parent against the other has on a child;
- c. ensure that custody with the non-violent parent is preferred over foster-care;

-
- d. foresee the screening of civil proceedings related to the determination of custody or visitation rights for a history of domestic violence among the parties;
 - e. foresee that judges conduct risk assessments or request the disclosure of risk assessments drawn up by law-enforcement agencies or other competent stakeholders for victims of domestic violence, with a view to taking them into account and determining the best interest of the child in the context of custody and visitation decisions.

33. Please describe the measures in place to ensure that judges, court-appointed experts and other legal professionals:

- a. have sufficient knowledge of the law and understanding of the dynamics of intimate partner violence, including the psychological impact of witnessing violence on the child;
- b. duly take into account victims' grievances in cases of domestic violence and hear children victims/witnesses, where applicable, in the determination of custody and visitation rights;
- c. are informed of the unfoundedness of notions of "parental alienation"² or analogous concepts that are used to overshadow the violence and control exerted by perpetrators of domestic violence over women and their children.

The Family Law, which is the basic legal regulation that governs the decision-making process on guardianship and the rights to maintain personal relationships between parents and children, foresees domestic violence as a circumstance that is taken into account in the following legal provisions:

Article 62 par. 3 of the Family Law stipulates that the child's right to live with his parents and the right for his parents to take care of him before all others can be limited by making a decision to separate the child from his parents in the case of domestic violence.

Article 63 par. 3 of the Family Law stipulates that the court can make a decision on limiting the right of the child to maintain personal relations with the parent with whom he does not live in the case of domestic violence.

The family law does not explicitly recognize the damage that witnessing the violence of one parent against another has on the child.

The Family Law does not contain a provision that ensures that the custody of the non-violent parent takes precedence over foster care. However, this insurance derives from Art. 157 claus1 of the Family Law and the determination that a child without parental care and a child whose development is hindered by circumstances in his own family may be placed in another family for the purpose of keeping, care and education, in the manner and under the conditions provided by this law. Therefore, as long as the non-violent parent can exercise parental care, the child will not be placed in a foster family.

The Family Law does not expressly provide for the verification of civil proceedings in connection with the determination of custody or the right to maintain personal relations (visitation) for a history of domestic violence between the parties.

Article 63b para. 8 of the Family Law expressly stipulates the court's obligation to request the opinion of the guardianship authority before making a decision on maintaining personal relations with relatives and other persons with whom he has a special closeness, whether maintaining personal relations is in the best interest of the child.

When deciding on the rights that affect the child, the court has the obligation to be guided by the best interests of the child, and therefore every decision is preceded by obtaining an opinion from the guardianship authority on whether the decision on the right of parental care or maintenance of personal relations with the other parent is in accordance with the best interest of the child.

In practice, judges proceed as follows. When acting in family disputes, it is certainly taken into account whether the parties in the proceedings are victims of domestic violence, i.e. most often, the party who is a victim of violence informs the court about it in such a way that together with the lawsuit for divorce, he/she submits to the court some proof that he is also a victim of domestic violence. Most often, these are criminal charges or an indication of a case pending before the Misdemeanor Court. When deciding on entrusting guardianship, the court is first guided by the best interests of the minor child, in which direction there is an obligation to engage the competent Center for Social Work, whose members, after conducting an interview and collecting the necessary data, will submit a report to the court in which they will give the best proposal to which of the parents to entrust child, as well as about what is the best model for contacting minor children with parents to whom the child is not entrusted.

When it comes to domestic violence, the parent who is the abuser is most often ordered to contact the child under controlled conditions in the premises of the Center for Social Work, with the presence of the case manager. In complex situations when the representatives of the Center are unable to give their findings and opinion as to which parent should be entrusted with custody, the court hires a team of experts. The aforementioned team, which consists of a psychiatrist, a child psychologist, and a

clinical psychologist, after interviews and necessary tests, gives the best recommendation to whom to entrust the child on the one hand, and on the other hand, which contact model is the best. In all these cases, all acting authorities take into account whether one of the parties is a victim of domestic violence, and if so, the same is stated in the reports, and of course this circumstance influences the conclusion of which of the parents is the most suitable for parenting.

Therefore, the Center for Social Work and the team of experts are the team on the basis of whose reports, i.e. findings and opinions, the court bases its decision when deciding on entrusting minor children to one of the parents, as well as in connection with establishing contact between children and parents who do not exercise parental rights.

Judges, as well as court experts, support persons and experts of guardianship authorities, engaged in specific procedures, have a sufficient level of knowledge of the law and understanding of the dynamics of violence in intimate partner relationships, and within the framework of the provisions prescribed by law, they make decisions in order to avoid negative psychological impact on a child who witnessed violence in the family. Complaints of victims in cases of domestic violence are handled with special attention and urgency, and when deciding on guardianship and arrangements for seeing parents and children, all actors in the procedure are heard equally.

When making decisions on guardianship, the first-instance court actively cooperates with the Center for Social Work and takes its opinion into account when making decisions. The emphasis is on the priority resolution of cases of domestic violence, as well as in all civil proceedings in which the disputed exercise of parental rights is the subject.

In certain cases, it is decided to see the child with one of the parents at the Center for Social Work in order to eliminate the risk of the abused parent being exposed to further violence and to eliminate the risk of the child witnessing violence or experiencing violence.

Also, in order to eliminate the indicated risks, there is a possibility of determining measures of protective supervision in accordance with Article 61 of the CC, and the imposition of security measures – restraining order and removal from residence under Article 77a and Article 77b of the CC.

What is important to emphasize and what is noticeable in practice when the models of maintaining personal contact with the parent who committed violence in a partnership/family context, the guardianship authorities still often favor the right to maintain the relationship of the child with the parents, i.e. they initiate the continuous cooperation of the parents as well as seeing child with an abusive parent whenever possible. Recognizing the problem that has a great impact on the further development of a child who has suffered violence or witnessed it from the parents, the Ministry of Labor and Social Welfare has, through the National Plan for the Implementation of the Istanbul Convention for the period 2023-2027, provided for mandatory training for professional workers who come into contact with a victim of gender-based violence and domestic violence. In this way, we strive for adequate and complete implementation of all the provisions of the Istanbul Convention, which is necessary.

The Court's cooperation with the NGO that deals with the protection of women's rights, cooperation with the Women's Safe House, is also intensive, in order to take care of victims of domestic violence in the most adequate way, in such a way that their opinions are taken with special care when making decisions in procedures.

Domestic legislation foresees a limitation - deprivation of parental rights exclusively before a regular competent court in non-litigation proceedings, not in criminal proceedings.

34. Please provide details on the procedures in place to ensure that the competent court for family-related issues co-operate/communicate with other relevant bodies/professionals, including, but not limited to, criminal courts, law-enforcement agencies, health and education authorities and specialist women's support services when taking decisions on custody and visitation or when offering family law mediation. Please specify whether the law provides a legal framework for any of the procedures in place.

The Family Law basically stipulates that the guardianship authority, the court and the mediator are responsible for providing professional assistance and protecting the rights and interests of the child

and other family members, for resolving disputes between family members, as well as in all cases of disturbed family relations. The guardianship authority has a special role in family-legal relations and disputes, so in this sense it is obliged to provide appropriate forms of help and support to parents and take the necessary measures to protect the rights and best interests of the child, based on immediate knowledge or notification. In all cases where there is one of the legally prescribed grounds for the deprivation of parental rights of one of the parents, the guardianship authority is obliged to initiate such a procedure. In court proceedings, at the request of the court, it can participate in conveying the opinion of the child, while its role is multiple in other disputes of this type.

In proceedings related to family relations, the court may, if it judges that the intensity of the conflict between the child and the parents or between the parents requires it, appoint a support person for the child, namely for a child under the age of 14 without his consent, and for a child over the age of 14 with his consent. The support person is obliged to carefully and conscientiously take care of the child's personality and interests, to build a relationship of trust with the child, to familiarize him with his rights, to provide information about the subject, course and possible outcome of the procedure, and to provide explanations regarding the possible consequences of expressing an opinion of the child. The support person is obliged, with the consent of the child, to convey his opinion to the court, to attend the hearing where the child is heard, i.e. directly express his opinion, as well as to explain to the child the content of the decision and its consequences.

A temporary representative who is appointed from among lawyers trained to represent children in family law proceedings is also an important "third party" role in family law disputes. Namely, if the court assesses that in a dispute for the protection of the child's rights or in a dispute for the exercise of parental rights, the child as a party is not legally represented in an appropriate manner, it is obliged to appoint a temporary representative for the child.

In addition to the mandatory reference to the first meeting with the mediator for the purpose of conciliation or reaching an agreement between the spouses on the exercise of parental rights after the divorce and the agreement on the division of joint property, the court may refer the parents to the first meeting with the mediator in order to try to resolve the dispute in the mediation process and in other related procedures with family relations if he judges that it is in the best interest of the child.

35. Please provide detailed information on the procedures in place (including, if applicable, the relevant personnel used, the specific infrastructure available), in the exercise of custody and visitation rights, to:

- a. eliminate the risk for the abused parent to be subjected to further violence;
- b. eliminate the risk for the child to witness or experience violence;
- c. ensure that the responsible personnel are trained and that the facilities are suited to enable safe supervised visitation.

In the process of managing the model of seeing a child with a violent parent, the Center for Social Work acts in accordance with the Law on Domestic Violence Protection, the Family Law, the Law on Social and Child Protection and the Protocol on treatment, prevention and protection against violence against women and domestic violence. When an expert worker of the center for social work learns about domestic violence in any way during his work, he will immediately report to the police the suspicion that violence has been committed and make an official record about the knowledge about domestic violence and about the case.

The official record should contain information about the victims of violence, the existence of any previous reports, the manner of the crime and all available information and notifications about the case and about the perpetrator of the violence. At the same time, the victim is informed of all his/her rights and the measures and actions that the center will take in the future to protect the safety of the victim and children. The victim and all available support services in the community, as well as all relevant state institutions dealing with this problem, are included in the development of the protection plan.

When drawing up findings and opinions for the court, all the documentation collected during this procedure is taken into account, from the official records of the professional worker, family visits, police records, medical findings and all other available sources that were reached during the processing of the case.

Professional workers are also obliged to participate in court proceedings, not only at the invitation of the courts, but also in cases where the center assesses the risk.

Special care is taken to enable contact in controlled conditions for children with perpetrators of violence. Those contacts are strictly monitored and the ways in which they are carried out, their dynamics are recorded and records are kept and the relevant court is informed as necessary.

Of course, when negotiating the entrustment of children, great care is taken so that the children are not exposed to additional stress and suffering, because a proven violent parent is considered unfit to take custody of them.

36. Please indicate whether national provisions foresee the withdrawal of parental rights in criminal sentences if the best interest of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

Article 48: Prohibition of mandatory alternative dispute resolution processes or sentencing

Criminal law:

Based on the provisions of the Family Law, the court can make a decision on the separation of a child from its parents if there are reasons for limiting or depriving parental rights or in the case of domestic violence, while in such cases it can make a decision on limiting the right of the child to maintain personal relations with the parent with whom child doesn't live.

37. Please provide information on the measures taken to ensure that mandatory alternative dispute resolution processes are prohibited in criminal proceedings related to cases involving the different forms of violence against women covered by the Istanbul Convention.

Article 326 of the Family Law stipulates that the court directs the parties to the first meeting with a mediator in order to reconcile or reach an agreement between the spouses on the exercise of parental rights after divorce and an agreement on the division of common property. As an exception to paragraph 1 of this article, the court will not direct the parties to the first meeting with the mediator in cases where due to the suspicion of domestic violence, mediation would not be expedient.

² In its baseline evaluation reports GREVIO has consistently referred to the statement of December 2017 by the European Association for Psychotherapy (EAP), which draws attention to the fact that the concepts of "parental alienation syndrome" (PAS) and "parental alienation" (PA) are unsuitable for use in any psychotherapeutic practice. This statement by the EAP, which is made up of 128 psychotherapy organisations from 41 European countries, acts as a guiding principle for European psychotherapists. Moreover, in February 2020 the World Health Organisation (WHO) published its new draft International Classification of Diseases, 11th Revision (ICD-11) and confirmed that it had removed parental alienation from index term in the final ICD-11. See also the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women ([EDVAW Platform](#)) statement of May 2019 "[Intimate partner violence against women is an essential factor in the determination of child custody, say women's rights experts](#)".

38. Where voluntary alternative dispute resolution processes exist for any criminal offences within the remit of the Istanbul Convention, such as conciliation or mediation, please provide information on the safeguards incorporated to ensure the free and informed consent of the victim to such processes and the measures taken to avoid that direct or indirect pressure is placed on the victim. Please also state whether the offer of alternative dispute resolution processes may result in the discontinuation of criminal investigation and prosecution or other consequences for the victim.

Civil law:

The court may, during the criminal proceedings or after its conclusion, regardless of the type of decision that was made, instruct the injured party, i.e. the person who filed the property claim and the defendant, to try to resolve their disputed relationship that is the subject of that property claim in a mediation procedure in accordance with the law regulating the rules of the mediation procedure. This part refers only to the property claim, but not to the criminal proceedings themselves, which will be conducted for each criminal offense in accordance with the rules of the Criminal Procedure Code. Therefore, it is up to the aggrieved person to accept or not to accept the resolution of the disputed relationship regarding the property claim in the mediation procedure, which certainly does not lose the right to, if the dispute is not resolved peacefully, pursue the same in a civil procedure before the competent court.

Also, in the case of criminal offenses for which the law prescribes that it is possible to postpone criminal prosecution, i.e. offenses for which a fine or a prison sentence of up to 5 years is prescribed, the state prosecutor, when he finds that it is not expedient to conduct criminal proceedings, considering the nature of the offense and the earlier part of the perpetrator, may postpone the prosecution, if the suspect accepts the fulfillment of one or more obligations, which will depend on the consequences of his act. Among other things, possible obligations are to remove the harmful consequences caused by the commission of the criminal act or to compensate for the damage caused, or to fulfill the due support obligations, that is, other obligations already determined by the court decision. Before issuing a decision on deferred prosecution, which will contain one or more obligations, especially when it comes to the above-mentioned obligations, the prosecutor can, with the help of a mediator, conduct a conciliation procedure between the injured party and the suspect according to the rules of the law regulating mediation.

Therefore, in the case of deferred prosecution, the prosecutor first assesses all the circumstances under which the crime was committed, as well as whether there is room for deferred prosecution if the suspect fulfills certain obligations, and if there is an injured party, with his assessment of the circumstances, and with the help of specially trained persons mediator, it is possible to carry out a mediation procedure when the prosecutor considers it expedient, but a procedure in which guilt is not determined, but the suspect, if the injured party accepts it, is obliged either to remove the consequences of the criminal act or to compensate for the damage, i.e. to fulfill the due maintenance obligations or other obligations determined by a court decision. This mediation-conciliation procedure can only be carried out with the consent of the injured party and in coordination with the state prosecutor, and it cannot have consequences for the injured party, because in the event that the mediation procedure fails, the prosecutor will certainly be obliged to make the suspect to fulfill one or more obligation depending on all the circumstances of the case. In addition to the above, we would like to point out that, although the issue relates to criminal investigations and prosecutions, and in civil matters, especially in family disputes (divorce, division of property, exercise of parental rights) which may indirectly be the result of domestic violence, the courts will not refer parties to a meeting with a mediator, if due to suspicion of the existence of domestic violence, mediation would not be expedient, thereby additionally protecting potential victims from any pressure on them.

39. Please provide information on the measures taken to ensure that alternative dispute resolution processes such as mediation or procedures which can be considered tantamount to the latter are not used in family law proceedings such as divorce proceedings or proceedings related to custody and visitation of children, where there is a history of violence.

The Law on Alternative Dispute Resolution in a separate chapter 3. Alternative Resolution of Family Disputes stipulates that mediation in divorce disputes, as well as in other disputes related to family

relations (family mediation), is conducted in accordance with this law and the law that regulates family relations.

Article 53 of this law prescribes the special duties of mediators. In the family mediation procedure, the mediator is obliged to:

- 1) take particular care to protect the best interests of the child;
- 2) before starting and during the procedure, to take special care of whether the circumstances of the case indicate the existence of domestic violence;
- 3) instruct the parties to contact a marriage counseling center or other professional institution or professional person, in order to solve family problems that cannot be solved through mediation.

The mediator is obliged to suspend the mediation procedure in all cases in which, due to the suspicion of the existence of domestic violence, mediation would not be expedient.

Article 326 of the Family Law stipulates that the court directs the parties to the first meeting with a mediator in order to reconcile or reach an agreement between the spouses on the exercise of parental rights after divorce and an agreement on the division of common property. As an exception to paragraph 1 of this article, the court will not direct the parties to the first meeting with the mediator in cases where due to the suspicion of domestic violence, mediation would not be expedient.

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

40. Please describe the human, financial and technical resources provided to law enforcement agencies to diligently respond to and investigate all cases of violence against women, including their digital dimension.

Within the organizational units in the Police Directorate that deal with domestic violence, human resources are limited, and in addition to domestic violence, the same units also deal with juvenile delinquency, which additionally points to the need to increase the number of officers in order to act more efficiently in cases of domestic violence.

Within the security department, 38 workplaces for the suppression of domestic violence have been systematized, out of which 31 have been filled, while in smaller security departments or police stations where there are no systematized or filled positions, the work is performed by criminal police officers, who perform other tasks, but who are trained for this type of work.

When it comes to digital violence, workpositions related to the field of domestic violence do not have work on crimes committed with the help of information technology in their description, but a special group within the Department for the fight against crime deals with these issues, and this group has four officers.

41. Which measures have been taken to ensure that the premises of police stations are accessible and suitable for receiving and interviewing victims of violence while ensuring their privacy? Is it possible to report cases of violence against women elsewhere than in police stations, including through digital means?

In cooperation with foreign partners, rooms for interviews with victims of violence were equipped in seven security departments. Bearing in mind the importance of interviewing the victim, the premises are equipped in such a way as to represent the least stressful environment for victims of violence. These are the security departments of Podgorica, Bar, Bijelo Polje, Nikšić, Plav, Berane and Rožaje.

The premises are equipped in accordance with international standards, in a way that allows for the privacy of interviews with the victims, as well as respect for their best interests.

Domestic violence can also be reported through the phone application "Be safe", which was created during the corona virus epidemic, so that citizens would have access to institutions even during the "lockdown" in case they are victims of domestic violence, which is still in use.

42. Please explain whether specialist police/prosecution units exist to investigate and prosecute violence against women and specify:

- a. which forms of violence against women they are competent for;

-
- b. whether such units exist in all police/prosecution districts throughout the country.

Within the Podgorica Security Department, there is a special organizational unit that deals with domestic violence. In larger security departments such as Bar, Nikšić and Bijelo Polje in the criminal police, there are systematized workplaces for several officers who deal with domestic violence, while in other cities there are one or two systematized workplaces for this type of work. In small towns where there are no systematized workplaces, work related to domestic violence is performed by one or two criminal police officers who are trained for this type of work. In all security departments, officers dealing with violence against women are responsible for domestic violence.

43. Please describe any measures taken to ensure swift investigation into and effective prosecution of cases of violence against women and domestic violence such as prioritisation through fast-tracking, benchmarking or other initiatives, without compromising the thoroughness of the investigation.

The Law on Domestic Violence Protection stipulates that the authorities are obliged to act urgently, especially if the victim is a child. Effectiveness in protecting victims of domestic violence is also contributed by protective measures prescribed by the same Law, which aim to prevent and suppress violence and remove circumstances that encourage repeated violence, and can be imposed on the perpetrator before and during the procedure.

Every report of violence is dealt with without delay, in the case of multiple reports that are to be dealt with at the same time, if there is not a large number of police officers who would act on each report at the same time, the priority is determined in relation to the estimated security risk in individual cases.

44. Are any measures taken to encourage women and girls who experience any of the forms of violence against women covered by the Istanbul Convention to report incidents of violence to the authorities? Please provide examples of any measures taken to instill confidence in law-enforcement officials, including those aimed at addressing any language or procedural difficulties they encounter when lodging complaints, in particular those of migrant women, asylum-seeking women, women with disabilities, women with addiction issues and other women and girls at risk of intersectional discrimination.

In order to encourage victims of violence to report it, the Police Directorate participated in numerous campaigns, in order to empower girls and women victims of violence to contact the competent institutions and achieve the necessary protection. The increased number of reports of violence indicates an increase in trust in the police. Also, in order to provide additional trust in acting officials, various mechanisms are available for examining the responsibility of officials who do not act in accordance with the regulations.

Trainings were conducted for acting inspectors on strengthening sensibility in their work; in each specific case, victims are informed in writing (through the record of collected notifications) about their rights.

The most important domestic legal documents that regulate issues of international protection are the Constitution of Montenegro, which in principle proclaims the right to asylum, and the Law on International and Temporary Protection of Foreigners, which regulates this right in more detail, and whose implementation began on 01 January 2018. The matter of international protection is also regulated by secondary legal acts in this area.

This law prescribes the principles, conditions and procedure for granting international and temporary protection of a foreigner seeking international protection, the rights and obligations of a foreigner seeking international protection, an asylum seeker, a foreigner under subsidiary protection, a foreigner under temporary protection, as well as the conditions and procedure for annulment and termination of asylum, subsidiary and temporary protection.

International protection of a foreigner seeking international protection includes asylum and subsidiary protection.

Asylum is granted to a foreigner who seeks international protection, who is outside the country of origin, and has a well-founded fear of persecution because of his race, religion, nationality, belonging to a certain social group or political opinion, which is why he cannot or does not want to accept the protection of that country.

Subsidiary protection is granted to a foreigner seeking international protection who does not meet the conditions for granting asylum, if there are justified reasons indicating that by returning to the country of origin, he will face a real risk of suffering serious injustice and who is unable or unwilling due to such risk to accept the protection of that country.

The definition of a refugee in procedures for requests for international protection in Montenegro as a whole is interpreted with an awareness of possible gender aspects, and based on this, the refugee status is determined in a precise manner. With such an interpretation, the definition of a refugee also includes gender-based requests for international protection.

Thus, the Law on International and Temporary Protection of Foreigners defines the term "social group" and provides explicitly that belonging to a certain social group can be based on the gender of the foreigner seeking international protection, including gender identity and sexual orientation. This unconditionally means that women seeking asylum who are subjected to certain forms of gender-based violence have the right to seek international protection based on their membership in a certain social group.

This law also contains numerous principles that ensure gender-sensitive treatment of foreigners seeking international protection. These principles include, among other things, a guarantee that men and women, i.e. each applicant for international protection, are interviewed separately during the procedure, which is the rule, and which is very important in all, and especially in cases where women are victims of violence in the family or when there are some other reasons for which it can be assumed that family members do not want to present their personal circumstances in front of each other as the basis of persecution on which they base claims for international protection.

First, these persons are informed that the procedure is completely confidential and that all facts and circumstances collected during the procedure represent confidential information. The hearing takes place without the presence of family members, except in exceptional situations when an officer of the Asylum Directorate judges that it is necessary for other family members to be present. The hearing takes place under conditions in which the confidentiality of information is ensured. This is particularly important and special conditions have been created in Montenegro, i.e. special rooms intended for the interrogation of these persons and in this way it was possible to present the reasons for seeking international protection in a comprehensive manner. Officers are skilled enough to take into account general and personal circumstances related to the request, such as the requester's cultural background, gender, vulnerability. Hearings with minors are conducted in a child-friendly manner. Also, during the hearing procedure, the officers of the Directorate for Asylum provide the applicants with the opportunity to present information that supports their requests for international protection, which includes the opportunity to provide the necessary clarifications. Persons conducting the proceedings are particularly aware that gender and cultural norms can influence the entire course of the hearing.

In this way, it is ensured that the asylum procedure, especially the hearing, is carried out in an atmosphere that encourages trust and promotes a sense of security, especially in cases where women submit requests for international protection.

The managers of the procedure take special care in the case of requests for international protection based on gender-based violence, that credibility is an important aspect of determining refugee status, and in such cases the assessment of credibility is carried out in a particularly sensitive manner.

45. Please indicate whether protocols/standard operating procedures or guidelines for police officers are in place providing guidance on how to receive reports, interview victims, investigate and collect evidence in cases of rape and sexual violence, domestic violence, psychological violence, stalking, sexual harassment (including their online manifestation), forced marriage, female genital mutilation and forced sterilisation/abortion. Please provide information on how the authorities ensure the comprehensive collection of evidence beyond the victim's testimony.

The introduction of standardized procedures through the implementation of the Protocol on handling, prevention and protection from domestic violence results in the effective implementation of a multidisciplinary approach with clearly developed guidelines. The protocol was created in such a way that it respects the basic principles derived from all the conventions and laws specified in the Strategy on Protection Against Domestic Violence and refers to the comprehensive protection of the family against violence.

The protocol regulates the joint work of all elements in the system during the implementation of laws and conventions, as well as the obligation to undertake the necessary measures to ensure the

organization, equipment and education of a sufficient number of specialized experts who deal with the issue of domestic violence.

In addition to the testimony of the victim, depending on the specific situation, an on-site investigation is carried out, evidence is collected - medical documentation about the victim's injuries, notifications are collected from possible witnesses of violence.

46. Please describe the efforts taken to identify and address all factors that contribute to attrition (the process whereby cases drop out of the criminal justice system) in cases of violence against women and domestic violence.

By analyzing the statistical data for the period of the previous two years, it can be concluded that the victims are more empowered and confident in the actions of the competent authorities, which resulted in the submission of a greater number of reports for violence.

In the course of 2022, the total number of victims of the criminal offense referred to in Article 220 of the Criminal Code of Montenegro - Violence in a Family or a Family Community or an offense that is qualified differently and is related to domestic violence is 517, of which 380 are female, while in 2021, that number is 373, and 238 victims are female.

47. Please indicate if legislative or other measures have been taken to issue a renewable residence permit to migrant women who have become a victim of any of the forms of violence covered by the Istanbul Convention if the competent authority considers that their stay is necessary for the purpose of their co-operation in investigation or criminal proceedings.³

Article 52 paragraph 1 item 1 of the Law on Foreigners ("Official Gazette of Montenegro", no. 12/2018, 3/2019 and 86/2022) stipulates that a temporary residence permit for humanitarian reasons can be issued, among other things, to a foreigner who is assumed to be a victim of the criminal offense of human trafficking or a victim of the criminal offense of violence in the family or family union;

A foreigner from paragraph 1 of this article does not have to fulfill the conditions from article 43 paragraph 1 items 1, 2 and 3 of this law, that is, he does not have to provide proof that he has the means to support himself, that he has secured accommodation and that he has health insurance;

A permit for temporary residence for humanitarian reasons is issued on the basis of appropriate evidence from an international organization, non-governmental organization or state administration body that provides assistance and protection to a foreigner referred to in paragraph 1 of this article, or evidence from a competent state authority confirming that the foreigner cooperates in the investigation of criminal offences.

A temporary residence permit for humanitarian reasons is issued with a validity period of up to one year and can be extended as long as there are reasons from paragraph 1 of this article.

Article 51: Risk assessment and risk management

48. Please describe any standardised and mandatory risk assessment tools in use by all relevant authorities in all regions for forms of violence against women such as stalking, violence committed in the name of so-called honour and domestic violence and to what extent these tools are being used in practice to assess the lethality risk, the seriousness of the situation and the risk of repeated violence with a view to preventing further violence. Please specify whether the following elements are considered as red flags when carrying out the risk assessment:

- a. the possession of or access to firearms by the perpetrator;
- b. the filing for separation/divorce by the victim or the break-up of the relationship;
- c. pregnancy;
- d. previous acts of violence;
- e. the prior issue of a restrictive measure;
- f. threats made by the perpetrator to take away common children;
- g. acts of sexual violence;
- h. threats to kill the victim and her children;
- i. threat of suicide;
- j. coercive and controlling behaviour.

Attached to the Protocol on treatment, prevention and protection against violence against women and domestic violence is the Risk Assessment Questionnaire, which must be completed in all cases of domestic violence. The questions in the Questionnaire are structured so that the authorized officer, according to the results based on the scale at the end, can clearly determine the degree of risk and determine what measures need to be implemented in further proceedings. The questions refer to the act of violence, the existence of injuries and their degree, previous violence and prior reporting, weapons in the possession of the perpetrator and threats to the victim's life, the victim's perception of possible repeated violence, the possible existence of mental problems in the perpetrator, as well as problems with alcohol use or psychoactive substances, as well as family members and their vulnerability. The questionnaire also contains the officer's observations about the injuries, the psychological state of the victim in relation to specific violence, as well as the risk of repeated violence in relation to the victim or other family members. In the case of moderate or high risk, police officers apply their powers to urgently ensure the safety of the victim of violence.

49. Please specify how effective co-operation is ensured between the different statutory authorities and specialist women's support services in making risk assessments and whether the risks identified are managed by law enforcement agencies on the basis of individual safety plans that include also the safety of the victim's children.

The cooperation of all authorities that act in cases of domestic violence is prescribed by binding provisions (Law on Domestic Violence Protection, Article 5; Protocol on Treatment, Prevention and Protection from Domestic Violence). Also, cooperation was further enhanced through the work of the Operational Team for the fight against domestic violence and violence against women, which consists of representatives of all relevant institutions and non-governmental organizations dealing with this topic.

The operational team functions according to the principle of multidisciplinary cooperation and coordination, and with its actions, among other things, it targets weak links in the chain of acting institutions and suggests ways to improve and establish a unique positive practice in the protection of persons with experience of domestic violence and violence against women. In each specific case, the police informs the victim about the possibility of accommodation in a safe place, makes a risk assessment based on the victim's statements and feelings about his safety; submits the assessment along with other documentation to the prosecuting prosecutor.

50. Please describe the efforts made to analyse retrospectively all cases of gender-based killings of women, in the context of domestic violence and other forms of violence against women to identify the existence of possible systemic gaps in the institutional response of the authorities with the aim of preventing such acts in the future.

The operational team to combat domestic violence and violence against women also deals with gaps in the institutional response to violence against women. Through the analysis of specific cases, team members make conclusions and recommendations, thereby trying to establish good practice in the actions of competent authorities. Conclusions and recommendations are submitted to bodies or institutions whose actions are being examined, in order to eliminate deficiencies or avoid negative practices in the future.

Article 52: Emergency barring orders

51. Have any legislative or other measures been taken to introduce and/or amend the legal framework governing emergency barring orders in order to align it with the requirements of Article 52? If yes, please specify whether:

- a. emergency barring orders may remain in place until a victim can obtain a court-ordered protection order in order to ensure that gaps in the protection do not arise;
- b. support and advice are made available to women victims of domestic violence in a pro-active manner by the authority competent to issue an emergency barring order;

³This question refers to the obligation contained in Article 59, paragraph 3. State parties that have entered a reservation in respect of Article 59 may reply to this question but are not required to do so.

- c. children are specifically included in contact bans issued under the emergency barring order;
- d. any exceptions to contact bans are made and in which circumstances.

A request for the determination of a protective measure can be submitted by the victim or his representative, the center for social work or other social and child protection institution, the police or the state prosecutor pursuant to Article 27 of Law on Domestic Violence Protection.

Article 28 of the Domestic Violence Protection stipulates that a police officer may, in order to eliminate the danger to the victim's physical integrity, order the perpetrator of violence to be removed or prohibited from returning to an apartment or other residential space, which cannot last longer than three days. A police officer must deliver a written order of removal or prohibition of return to an apartment or other residential area to the perpetrator of violence and the victim immediately, and no later than within two hours, in the presence of an adult who may be another police officer and who is not a family member.

When leaving the apartment or other residential space, the perpetrator of violence has the right to take his personal belongings necessary for everyday life and the obligation to hand over the keys to the apartment or other residential space to the police officer.

The police officer attaches the written order to the official report on the event and informs the court for misdemeanors and the center for social work immediately, and no later than 12 hours.

The misdemeanor court will decide whether to impose a protective measure.

Furthermore, Article 29 of the cited law stipulates that the misdemeanor court can impose a protective measure before starting and during the procedure, no later than 48 hours from the time of receipt of the request.

While Article 31 of the same law prescribes that the protective measure imposed before and during the procedure can last until the reasons for which the measure was determined cease, and at the latest until the end of the procedure.

Before the end of the procedure, the court for misdemeanors can replace the protective measure imposed before and during the procedure with another protective measure.

Keeping in mind the legal provisions, orders on emergency protection measures can remain in force to ensure that there is no lack of protection.

The Ministry of Justice initiated the procedure to amend the Law on Domestic Violence Protection. A working group was formed to draft the Draft Law on Amendments to the Law on Domestic Violence Protection, which continuously works on changes to the law and improvements to existing solutions, all with the aim of fulfilling GREVIO's recommendations.

52. Please provide information on the measures taken to enforce emergency barring orders and on responses to any violations of such orders.

Amendments to the Law on Domestic Violence Protection as well as the Criminal Code in the part of criminal offenses related to marriage and family are underway.

Article 53: Restraining or protection orders

53. Have any legislative or other measures been taken to introduce and/or amend the legal framework governing restraining and protection orders in order to align it with the requirements of Article 53? If yes, please specify whether:

- a. restraining or protection orders are available – in the context of criminal proceedings and/or upon application from civil courts - to women victims of all forms of violence covered by the Istanbul Convention, including domestic violence, stalking, sexual harassment, forced marriage, female genital mutilation, violence related to so-called honour as well as digital manifestations of violence against women and girls;
- b. children are specifically included in protection orders;
- c. any exceptions to contact bans are made and, if so, in which circumstances these may be made.

A restraining order may be imposed by the Misdemeanor Court at the request of the victim or her representative, the center for social work or other social and child protection institutions, the police or the state prosecutor pursuant to Article 27 of Law on Domestic Violence Protection.

Pursuant to Article 29 of the same law, the Misdemeanor Court may impose a protective measure before starting and during the procedure, no later than 48 hours from the time of receipt of the request. The Misdemeanor Court may ask the center for social work or other social and child protection institution to assist it in obtaining the necessary evidence and to express its opinion on the expediency of the requested protective measure.

If the request was submitted before the initiation of the procedure, and the applicant of that request does not submit the request for the initiation of the procedure within five days, the Misdemeanor Court will cancel the pronounced protective measure.

Pursuant to Article 31 of the same law stipulates that the protective measure imposed before and during the procedure can last until the reasons for which the measure was determined cease, and at the latest until the end of the procedure.

Before the end of the procedure, the Misdemeanor Court for can replace the protective measure imposed before and during the procedure with another protective measure.

Bearing in mind the legal provisions, restraining orders are available to victims of all types of violence covered by the Convention, and for the purpose of protection, they can remain in force to ensure that there is no lack of protection.

As for children, they are not singled out, but the general term is "victim".

Amendments to the Law on Domestic Violence Protection as well as the Criminal Code in the part of criminal offenses related to marriage and family are underway.

54. Please provide information on the measures taken to enforce protection orders and on responses to any violations of such orders.

Amendments to the Law on Domestic Violence Protection as well as the Criminal Code in the part of criminal offenses related to marriage and family are underway.

Article 56: Measures of protection

55. Please provide information on the measures taken to ensure the following:

- a. that the relevant agency informs the victim when the perpetrator escapes or is released temporarily, at least when they or their family might be in danger (paragraph 1 b);
- b. the protection of the privacy and the image of the victim (paragraph 1 f);
- c. the possibility for victims to testify in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available (paragraph 1 i);
- d. the provision of appropriate support services for victims so that their rights and interests are duly presented and taken into account (paragraph 1 e).

The Ministry of Justice prepared the Draft Law on Amendments to the Criminal Procedure Code, which was sent to the European Commission for comments and opinion. The aforementioned Code was amended in the part of strengthening the rights of victims in criminal proceedings, opportunities for exercising the right to effective participation in criminal proceedings, the right to use one's own language, the right of the victim to understand and be understood from the first contact with the appropriate national authorities. General provisions are prescribed to guarantee the rights of the victim. In addition to the systematization of the rights of victims in criminal proceedings, a clear obligation of state authorities (court, prosecutor's office, police) has been introduced to inform the victim in a way that is comprehensible of the rights they have as well as the rights they have as injured party. Also, there is an obligation of these authorities to treat the victim with consideration and they are obliged to

make sure that the given notice of rights was understood by the victim.

These state authorities will instruct the victim in a way that he/she can understand about the meaning of participating in the proceedings as the injured party. The report will include the notification given and the victim's statement as to whether he/she wants to participate in the proceedings as an injured party. Also, the establishment of the National Victim Support Service is planned. The existence of specialized services is essential for efficient and effective protection of victims' rights. Article 8 of the Victims' Rights Directive stipulates that every victim has the right to appropriate free support services, which in practice makes this right one of the most important. Therefore, first of all, the obligation of individual assessment of the victim was introduced, while the harmonization with Directive 2012/29/EU in the part of establishing the victim support service (as a prerequisite for the victim's rights which cannot now be recognized by the CPC) implies the commitment of the Ministry regarding the systematics of the legislative frame. Standardization of the victim support service will create conditions for recognizing a higher degree of victim protection in the CPC. Informing the victim about the defendant's detention and other issues of interest to the victim is introduced.

Respecting the victim's right to have information about his/her case, provisions are introduced in the CPC that refer to the victim's right to request notification of actions taken by the state prosecutor upon his/her report, but also the victim's right to file a complaint in the event of the state prosecutor's failure to act to the head of the state prosecution.

Furthermore, protection against secondary victimization is introduced, the right of the injured party who is a victim of a criminal offense against sexual freedom to be heard is provided, and the proceedings are conducted by a judge of the same sex, if the personnel composition of the court allows it, while special rules are provided for the hearing of particularly sensitive witnesses, firstly children. This amendment extends this right to victims of criminal acts of violence in the family or in the family union, the criminal act of human trafficking and war crimes. The institute of a professional person who provides assistance to the defense is also being introduced.

Determining and duration of detention in investigation. Bearing in mind that it is necessary that all court decisions on detention and the extension of detention must have a guaranteed appellate judicial review, a provision has been introduced according to which the victim is notified of the detention and release of the defendant from detention, the entry of the indictment into legal force, the suspension of proceedings based on control of the indictment, i.e. about the rendered judgment when the certified copy of the judgment is not delivered to the injured party.

Misdemeanor Courts, considering their spatial capacities, try in every way to enable the victim to testify in the courtroom without the presence of the perpetrator, removing the perpetrator to a possibly free office and after the testimony given, to meet him

The Misdemeanor Courts also inform the victims of their rights and the possibility of free legal assistance and the right to a confidential person during the entire procedure.

Whether and which authorities inform the victim when the perpetrator escapes or is temporarily released.

Part III: Emerging trends on violence against women and domestic violence

56. Please provide information on new developments since the adoption of GREVIO's baseline evaluation report on your country concerning:

- a. emerging trends in violence against women and domestic violence, including its digital manifestations (types of perpetration, groups of victims, forms of violence);
- b. emerging trends in domestic case law related to violence against women;
- c. emerging trends in the allocation of funding and budgeting by your state authorities;
- d. innovative approaches to primary prevention, for example new target audiences and means of communication, public/private partnerships etc.
- e. emerging trends related to access to asylum and international protection for women victims of violence against women.

New trends in violence against women (digital forms) have been recognized in the work of the Misdemeanor Courts, not according to the Law on Domestic Violence Protection, but according to the Law on Public Order and Peace, and that in the part of misdemeanors from Article 7 of that law, which refers to insults and insolent behavior, most often women MPs and other women who are known to the wider public via social networks - Facebook.

As part of the Standard Operating Procedures for Procedures for Requests for International Protection, gender-sensitive guidelines for procedures for international protection in accordance with the Istanbul Convention have been prepared, intended for employees of the Asylum Directorate.

When it comes to the reception of women and girls - foreigners seeking international protection, as far as the Center for Reception of Foreigners Seeking International Protection is concerned, recent trends since the adoption of the basic GREVIO evaluation report on our country have not been noticed.

These persons are provided with special procedural guarantees through the provision of appropriate support in order to exercise their rights and fulfill their obligations. Also, female victims of violence are provided with appropriate support and protection services by the Reception Center staff, in a gender and culturally sensitive manner.

Part IV: Administrative data and statistics

57. Please provide annual statistics for two complete calendar years prior to receiving this questionnaire on administrative and judicial data on:

- a. the number of reports, investigations opened, prosecutions, final convictions secured and sanctions imposed in respect of all forms of violence against women and domestic violence covered by the Istanbul Convention;
- b. the number of emergency barring orders issued by the competent authorities, the number of breaches of such orders, and the number of sanctions imposed as a result of these breaches;
- c. the number of protection orders issued, the number of breaches of such orders and the number of sanctions imposed as a result of such breaches;
- d. data on the number of decisions issued by family courts on custody/visitation/residence of children that have expressly taken into account incidents of domestic violence.

Pursuant to the provisions of Article 33 of the Law on Prohibition of Discrimination, courts, state prosecutor's offices, authorities for misdemeanors, the administrative authority responsible for police affairs and inspection authorities are obliged to keep special records in the form of an electronically managed database on submitted applications, initiated procedures and adopted decisions from their competences related to discrimination.

According to this provision, authorities submit data from special records to the Protector no later than 31 January of the current year for the previous year, and at the request of the Protector, they are obliged to submit data from this record for a certain shorter period during the year. Year after year, the Institution reminds that appropriate records have not yet been established. Pursuant to that legal amendment, the Protector seeks and publishes statistics in the field of domestic violence in his reports. Below is the entire available overview of statistics from this area for 2022 and 2021, which we consider extremely useful for the GREVIO Committee, and from which it can be concluded that there was an increase in the reporting of violence and in one part of the improvement of statistics, but not to the extent in which is necessary in terms of compliance with international standards.

Year 2022

The Judicial Council submitted data that in 2022 there were a total of 435 criminal cases pending, of which 284 were resolved. In terms of first-instance verdicts, 285 convictions were pronounced, nine (9) were acquitted, in two (2) cases the proceedings were suspended, in three (3) cases a rejection was made and in one (1) case there was a dismissal. In 207 proceedings, judgments are final, of which 201 persons were convicted, four (4) persons were acquitted, one (1) person was suspended, and for one (1) person case were dismissed.

Regarding imposing of sanctions in first-instance verdicts, statistical data show that the following were imposed: prison sentences – (138); imprisonment in residential premises - (19); suspended sentence – (101); work in the public interest – (10); fine - six (6); restraining order – (23); removal from the apartment or other living space - one (1); court warning – one (1); enhanced supervision by a legal representative – one (1); referral to a non-institutional educational institution - one (1); performing socially useful or humanitarian work - one (1); compulsory treatment of alcoholics – nine (9); compulsory treatment of drug addicts – four (4); mandatory treatment of alcoholics and drug addicts - eight (8); mandatory psychiatric treatment in a health facility - (12); compulsory psychiatric treatment at liberty – four (4); confiscation of weapons - one (1) - making a total of 340.

Regarding imposing of sanctions in final judgments, statistical data show that: prison sentences – (95); imprisonment in residential premises – (15); suspended sentence – (80); work in the public interest – eight (8); fine - five (5); restraining order – (19); removal from the apartment or other living space - one (1); court warning – one (1); enhanced supervision by a legal representative - one (1); referral to a non-institutional educational institution - one (1); enhanced supervision by a legal representative - one (1); compulsory treatment of alcoholics – seven (7); compulsory treatment of drug addicts – four (4); compulsory treatment of alcoholics and drug addicts – five (5); compulsory

psychiatric treatment in a health institution – eight (8); compulsory psychiatric treatment at liberty – two (2); weapon confiscation one (1) – for a total of 253.

The Judicial Council also gave a tabular overview individually by court in relation to the type of judgments rendered in first-instance judgments for the period 01 January – 31 December 2022, thus: the suspension of proceedings was brought before the Basic Court in Kotor - one (1) and Basic court in Nikšić - one (1). The rejecting verdict was issued by: Basic Court in Podgorica - one (1), rejection - Basic Court in Podgorica - one (1), while acquittals were issued by: Basic Court in Bijelo Polje - one (1), Basic Court in Berane - two (2), Basic Court in Pljevlja - two (2), Basic Court in Podgorica - three (3) and Basic Court in Ulcinj - one (1). Conviction verdicts were issued by: Basic Court in Bar (17), Basic Court in Berane (36), Basic Court in Bijelo Polje - eight (8), Basic Court in Cetinje (10), Basic Court in Danilovgrad - three (3), Basic Court in Herceg Novi (13), Basic Court in Kolašin (16), Basic Court in Kotor (39), Basic Court in Nikšić (23), Basic Court in Plav - five (5), Basic Court in Pljevlja - (16) Basic Court in Podgorica - (87), Basic Court in Rožaje - (10), Basic Court in Ulcinj - two (2), which is a total of 300 proceedings.

In addition to the above, a tabular overview was submitted individually by court in relation to the type of judgments rendered in final judgments, and thus: the suspension of the proceedings was brought before the Basic Court in Nikšić - one (1). The rejection occurred before the Basic Court in Podgorica - one (1). The negative verdict was handed down before the Basic Court in Podgorica - one (1). Acquittals were handed down before the Basic Court in Ulcinj - one (1), the Basic Court in Pljevlja - two (2) and the Basic Court in Podgorica - one (1). The convictions were handed down before: the Basic Court in Bar - (13), the Basic Court in Berane - (24), the Basic Court in Bijelo Polje - five (5), the Basic Court in Cetinje - nine (9), the Basic Court in Danilovgrad - three (3), Basic Court in Herceg Novi - nine (9), Basic Court in Kolašin - (13), Basic Court in Kotor - (22), Basic Court in Nikšić - (19) Basic Court in Plav - four (4)), the Basic Court in Pljevlja - (14), the Basic Court in Podgorica - (65), the Basic Court in Rožaje - nine (9), the Basic Court in Ulcinj - two (2) - which is a total of 220 proceedings.

This body submitted the number and description of sanctions/security measures divided by court in relation to first-instance judgments and in relation to final judgments. In terms of first-instance verdicts, the following sentences/security measures were imposed: Imprisonment in residential premises - (19), of which: Basic Court in Bijelo Polje - one (1), Basic Court in Cetinje - four (4), Basic Court in Herceg Novi - four (4), Basic Court in Kotor - three (3), Basic Court in Pljevlja one - (1), Basic Court in Podgorica - four (4) and Basic Court in Rožaje - two (2); fine - six (6): Basic Court in Herceg Novi - one (1), Basic Court in Kotor - two (2) and Basic Court in Rožaje - three (3); Compulsory treatment of alcoholics - nine (9): Basic Court in Bijelo Polje - one (1), Basic Court in Nikšić - two (2) and Basic Court in Podgorica - six (6); Mandatory treatment of alcoholics and drug addicts - eight (8) before the Basic Court in Bar - three (3), the Basic Court in Herceg Novi - three (3) and the Basic Court in Kolašin - two (2); mandatory treatment of drug addicts – four (4) of which Basic Court in Nikšić – one (1) and Basic Court in Podgorica - three (3); mandatory treatment of alcoholics and drug addicts - one (1), work in the public interest - one (1), suspended sentence - four (4), restraining order under Article 77a - one (1) and prison sentence - four (4). Basic court in Berane (17) - fine - one (1), mandatory treatment of alcoholics and drug addicts - one (1), mandatory psych. treatment in a health facility - two (2), suspended sentence - six (6), prison sentence - seven (7). Basic Court in Bijelo Polje (16), namely: prison sentence in residential premises - one (1), mandatory psychiatric treatment at liberty - one (1), work in the public interest - one (1), suspended sentence - seven (7), restraining order, Article 77a - one (1), prison sentence - five (5). Basic Court in Cetinje (4) - prison sentence in residential premises - one (1), suspended sentence - one (1), prison sentence - two (2), Basic Court in Danilovgrad two (2) - prison sentence in residential premises housing one (1) and prison sentence - one (1), Basic Court in Herceg Novi (17), namely: prison sentence in residential premises two (2), compulsory psychiatric treatment at liberty two (2), special obligation to perform social useful or humanitarian work one (1), removal from an apartment or other living space, Article 77b - one (1), suspended sentence - five (5), prison sentence - six (6). The basic court in Kolašin (8) namely: prison sentence in residential premises - two (2), compulsory psych. treatment in a health facility - one (1), suspended sentence - three (3), prison sentence - two (2), Basic Court in Kotor - nine (9) - measure of increased supervision one (1), work in the public interest - one (1), removal from the apartment or other living space, Article 77b - one (1), suspended sentence - six (6). Basic court in Nikšić (10) - imprisonment in residential premises - two (2), fine - one (1), suspended sentence - six (6), prison sentence - one (1) Basic court in Plav - three (3) increased supervision by the guardianship authority - one (1), suspended sentence - two (2). Basic court in Pljevlja - seven (7) suspended sentence - two (2), prison sentence - five (5). Basic Court

in Podgorica (80) - prison sentence in residential premises - three (3), mandatory treatment of alcoholics - five (5), mandatory psychiatric treatment in a health facility - two (2), mandatory psychiatric treatment in prison - one (1), confiscation of weapons - one (1), confiscation of other objects - one (1), special obligation to perform socially useful or humanitarian work - one (1), work in the public interest - five (5), removal from an apartment or other space for housing art.77b – one (1), suspended sentence (28), restraining order Article 77a – nine (9), prison sentence (23). Basic court in Rožaje (12) - prison sentence in residential premises - two (2), suspended sentence - nine (9), prison sentence - one (1) Basic court in Ulcinj - five (5) - prison sentence in residential premises housing - four (4), prison sentence - one (1). A total of 202 subjects were selected according to this criterion.

The Institution of the Protector also requested data from the Judicial Council on **free legal aid** for the period 01 January – 31 December 2022, on the number of submitted and approved requests with a special focus on criminal acts of domestic violence and human trafficking. From the statistical data, it follows that a total of 462 requests were submitted at the level of all courts, and 393 were approved. Regarding the criminal offense of domestic violence and human trafficking, 95 requests were submitted and 90 requests were approved. A total of 142 requests were submitted to the Basic Court in Podgorica, 104 were approved, 13 were submitted and 10 requests were approved in relation to the criminal offense of domestic violence and human trafficking. A total of 44 requests were submitted before the Basic Court in Nikšić, 43 were approved, 16 were submitted and 16 requests were approved in relation to the criminal offense of domestic violence and human trafficking. A total of 31 requests were submitted before the Basic Court in Danilovgrad, 28 were approved, in relation to the criminal offense of domestic violence and human trafficking, 10 were submitted and nine (9) requests were approved. A total of eight (8) requests were submitted before the Basic Court in Cetinje, seven (7) were approved, in relation to the criminal offense of domestic violence and human trafficking, one (1) was submitted and one (1) request was approved. Not a single request for free legal aid was filed before the Basic Court in Herceg Novi. A total of 36 requests were submitted before the Basic Court in Kotor, 36 were approved, in relation to the criminal offense of domestic violence and human trafficking, 18 were submitted and 18 requests were approved. A total of 35 requests were submitted before the Basic Court in Bar, 28 were approved, seven (7) requests were submitted and seven (7) requests were approved in relation to the criminal offense of domestic violence and human trafficking. A total of 10 requests were submitted before the Basic Court in Ulcinj, 10 were approved, in relation to the criminal offense of domestic violence and human trafficking, one (1) was submitted and one (1) was approved. A total of 27 requests were submitted to the Basic Court in Pljevlja, 26 were approved, nine (9) requests were submitted and nine (9) requests were approved in relation to the criminal offense of domestic violence and human trafficking. No request for free legal aid was filed before the Basic Court in Žabljak. A total of 19 requests were submitted before the Basic Court in Bijelo Polje, 18 were approved, two (2) requests were submitted and two (2) requests were approved in relation to the criminal offense of domestic violence and human trafficking. A total of 41 requests were submitted before the Basic Court in Berane, 37 were approved, in relation to the criminal offense of domestic violence and human trafficking, 16 were submitted and 15 requests were approved.

A total of eight (8) requests were submitted before the Basic Court in Plav, two (2) were approved, in relation to the criminal offense of domestic violence and human trafficking, not a single request was submitted. A total of 54 requests were submitted before the Basic Court in Rožaje, 48 were approved, two (2) requests were submitted and two (2) requests were approved in relation to the criminal offense of domestic violence and human trafficking. A total of seven (7) requests were submitted before the Basic Court in Kolašin, six (6) were approved, in relation to the criminal offense of domestic violence and human trafficking, not a single request was submitted.

When it comes to cases of domestic violence, data from the same subject show that **in 2022, the Misdemeanor Courts had a total of 2 201 cases** in the area of the Law on Domestic Violence Protection, of which 609 cases were carried over from previous years and 1,592 new ones. subject. The Misdemeanor Court in Podgorica had 832 cases pending, the Budva Misdemeanor Court 462 and the Bijelo Polje Misdemeanor Court 298. A total of 1,539 cases or 70.73% were completed, of which 1,284 were in the Podgorica Misdemeanor Court, 1,284 in the 539 misdemeanors in Budva and 378 cases in the Bijelo Polje Misdemeanor Court. The aforementioned cases were completed in the manner that was pronounced: 503 fines, 145 prison sentences, 319 suspended sentences, 104 reprimands, eight (8) educational measures, in 11 cases the request was rejected, in 60 cases the proceedings were suspended, in 334 cases acquittal decision, while 81 cases were resolved in another way. Also, a total of (782) protective measures were imposed, namely: - removal from the apartment or other living space (122); restraining order (293); prohibition of harassment and stalking (265);

mandatory addiction treatment and psychiatric treatment (101), and mandatory psychosocial treatment – (1).

Regarding the number of abusers, the data shows that in 1 565 completed cases, proceedings were conducted against 1 861 abusers, of which 1 832 or 98.44% were adults and 29 or 1.56% were minors. Adult abusers by gender were 1 462 or 79.80% men and 370 or 20.20% women, while minors by gender were 25 men and 4 women.

Aggregate data on the method of resolving proceedings indicate that a total of 503 or 32.14% of fines were imposed (Misdemeanor Court in Podgorica - 197, Misdemeanor Court in Bijelo Polje - 121, Misdemeanor Court in Budva - 185), 145 or 9.27% of prison sentences were imposed (Misdemeanor Court in Podgorica - 112, Misdemeanor Court in Bijelo Polje - 20, Misdemeanor Court in Budva - 13), suspended sentence 319 or 20.38% (Misdemeanor Court in Podgorica - 211, Misdemeanor Court in Bijelo Polje - 14, SzPBD - 94), reprimand - 104 or 6.65% (Misdemeanor Court in Podgorica - 29, Misdemeanor Court in Bijelo Polje - 34, Misdemeanor Court in Budva - 41), suspension 60 or 3.83% (Misdemeanor Court in Podgorica - 42, Misdemeanor Court in Bijelo Polje -13, Misdemeanor Court in Budva - 5), educational measure - 8 or 0.51% (Misdemeanor Court in Podgorica - 5, Misdemeanor Court in Bijelo Polje - 1, Misdemeanor Court in Budva - 2), rejection - 11 or 0.70 % (Misdemeanor Court in Podgorica - 4, Misdemeanor Court in Bijelo Polje - 2, Misdemeanor Court in Budva - 5), liberating – 334 or 21.34% (Misdemeanor Court in Podgorica - 164, Misdemeanor Court in Bijelo Polje - 93, Misdemeanor Court in Budva - 77), otherwise - 81 or 5.18% (Misdemeanor Court in Podgorica - 66, Misdemeanor Court in Bijelo Polje - 3, Misdemeanor Court in Budva - 12).

When the profile of abusers is taken into account according to the available data on work status and level of education on a sample of 1 500 abusers, i.e. 80.60% of the total number of violent offenders in completed cases, 770 of them or 51.33% are unemployed persons. In a sample of 1 276 bullies or 68.57% of the total number of bullies, 347 or 27.20% of them have primary education, 808 or 63.32% have secondary education, 121 93 or 9.48% have higher or higher education.

Seen according to the criterion of victims of violence, in 1 565 completed cases there were a total of 1 871 victims of violence, of which 1 672 or 89.36% were adults and 199 or 10.64% were minors. Out of a total of 1 672 adult victims of violence, 1 108 or 66.27% were women and 564 or 33.73% were men. Out of a total of 199 minor victims of violence, in 110 or 55.29% of cases the victims were male and in 108 or 44.72% of cases female.

When looking at appeal procedures, in 2022, the High Misdemeanor Court of Montenegro had a total of 151 cases pending regarding the Law on Domestic Violence Protection, of which 133 PŽP cases (*as second-instance misdemeanor cases*), 6 PŽPpr cases (*second-instance upon the appeal of decisions made on the proposal for the imposition of a supervisory measure and the request for the imposition of a protective measure cases*), 6 PŽPI cases (*second-instance upon appeal against decisions made in misdemeanor enforcement cases*), 3 PŽPO cases (*cases upon appeal and cases on resolving conflict of jurisdiction*) and 3 PŽPM cases (*second-instance in misdemeanor proceedings against minors cases*).

Out of a total of 133 PŽP cases from this area, 132 were new and one (1) from 2021. 123 cases were completed, three (3) cases were administratively returned and seven (7) remained unresolved at the end of the year. 81 cases were confirmed, 27 cases were canceled, 14 cases were modified, in one (1) case the appeal was rejected. In 97 PŽP cases the appellants were the defendants, in nine (9) cases the Police Directorate as the applicant, in 18 cases the injured party, in three (3) cases both the accused and the injured party, in two (2) cases the Police Directorate and the defendant, in one case the Police Directorate, the accused and the injured party, in two (2) cases of Basic State Prosecutor's Office Bijelo Polje and in one (1) case of Basic State Prosecutor's Office Pljevlja.

Comparative data with the year 2021 show that in terms of the total number of cases in the year 2022, there were 2 201, and in the year 2021 2 176 cases. 1 565 or 71.10% were completed and in 2021 1 539 or 70.73%. The percentage of imposed fines in 2021 was 28.79% and 32.14% in 2022. The percentage of prison sentences imposed is 6.89% in 2021, while it is 9.27% in 2022. The percentage of suspension of the procedure is 5.78% in 2021 and 3.83% in 2022. The percentage of acquittal decisions in 2021 is 22.35%, while it is 21.34% in 2022. The number of protective measures imposed is 426 in 2021, while 782 in 2022. The number of appeal cases is 116 in 2021, while it is 151 in 2022.

The Protector also requested data from the **Police Directorate** related to cases of discrimination and received 110 pages of unsystematized data via e-mail, which is why he reminded in his report that this body has a legal obligation to keep and submit data related to cases of discrimination. At the same time, it was pointed out that the Police Directorate previously submitted consolidated and complete statistical data, so the Protector expects that the practice from the previous period will continue in the future, that is, that the Police Directorate submits systematized and consolidated data regarding discrimination and domestic violence, as extremely harmful phenomena in our society, and therefore take a different approach when processing data.

Year 2021

The Judicial Council submitted a tabular representation of the **cases of criminal offenses that can be considered discriminatory based on their elements**, namely: rape - (28); slander over a weak person - four (4); adultery with a child - (15); fraud by abuse of position - three (3); intermediation in prostitution - one (1); child pornography, showing pornographic material to children and production and possession of child pornography - six (6); extramarital union with a minor - eight (8); confiscation of a minor - (14); neglect and abuse of a minor - three (3); failure to provide maintenance - (275); causing national, racial and religious hatred - (15) racial and religious discrimination one (1). In relation to aggravated murder from Article 144 of the Criminal Code of Montenegro, there were three (3) cases, one (1) from Article 144 para. 1 item 6 and from article 144 paragraph 1 point 7 two (2) cases.

In relation to the cases from Article 220 of the Criminal Code of Montenegro, violence in a family or a family community for the year 2021, there were a total of 282 cases in the work with several tables. The tabular presentation with the number of resolved cases and the way of ending the proceedings at the level of all courts is not precisely given and therefore not shown. However, the Judicial Council submitted a tabular presentation at the level of each court individually in relation to the cases that are in progress (282) and in relation to the resolved cases (173).

Regarding the cases that are pending in relation to the criminal offense of domestic violence, an overview is given in relation to the following courts: Basic Court in Bar (14), Basic Court in Berane (26), Basic Court in Bijelo Polje (17), Basic Court in Cetinje (12), Basic Court in Danilovgrad (2), Basic Court in Herceg Novi (21), Basic Court in Kolašin (11), Basic Court in Kotor (22), Basic Court in Nikšić (23), Basic Court court in Plav (6), Basic Court in Pljevlja (10), Basic Court in Podgorica (98), Basic Court in Rožaje (15); Basic Court in Ulcinj (3), Basic Court in Žabljak (1), High Court in Bijelo Polje (1). With regard to the cases that have been concluded in relation to the criminal offense of domestic violence, an overview is given in relation to the following courts: Basic Court in Bar (9), Basic Court in Berane (16), Basic Court in Bijelo Polje (16), Basic Court court in Cetinje (4), Basic Court in Danilovgrad (2), Basic Court in Herceg Novi (15), Basic Court in Kolašin (7), Basic Court in Kotor (8), Basic Court in Nikšić (10), Basic Court in Plav (4), Basic Court in Pljevlja (7), Basic Court in Podgorica (61), Basic Court in Rožaje (11); Basic court in Ulcinj (3).

The Judicial Council also gave a tabular overview individually by court in relation to the type of judgments rendered in first-instance judgments, and thus: the suspension of proceedings was brought before the Basic Court in Berane (1) and the Basic Court in Podgorica (1). The rejection verdict was given by: Basic Court in Kolašin (1), acquittals were given by: Basic Court in Bijelo Polje (1), Basic Court in Plav (1), Basic Court in Pljevlja (1), Basic Court in Podgorica (1). Conviction verdicts were issued by: Basic Court in Bar (10), Basic Court in Berane (16), Basic Court in Bijelo Polje (15), Basic Court in Cetinje (4), Basic Court in Danilovgrad (2), Basic Court in Herceg Novi (15), Basic Court in Kolašin (7), Basic Court in Kotor (8), Basic Court in Nikšić (10), Basic Court in Plav (3), Basic Court in Pljevlja (7) Basic Court in Podgorica (62)), Basic Court in Rožaje (12), Basic Court in Ulcinj (5). A total of 183 procedures. In addition to the above, a tabular presentation was submitted individually by court in relation to the type of judgments rendered in final judgments, and thus: the suspension of proceedings was brought before the Basic Court in Berane (1) and the Basic Court in Podgorica (1). Acquittals were handed down before the Basic Court in Plav (1), the Basic Court in Pljevlja (1) and the Basic Court in Podgorica. The convictions were handed down before: Basic Court in Bar (8), Basic Court in Berane (11), Basic Court in Bijelo Polje (12), Basic Court in Cetinje (3), Basic Court in Herceg Novi (11), Basic Court in Kolašin (5), the Basic Court in Kotor (2), the Basic Court in Nikšić (8), the Basic Court in Plav (2), the Basic Court in Pljevlja (6), the Basic Court in Podgorica (54), the Basic Court in Rožaje (10), Basic Court in Ulcinj (1). A total of 138 procedures.

The same authority also submitted the number and description of sanctions/security measures divided by court in relation to first-instance judgments and in relation to final judgments. In terms of first-instance verdicts, the following punishments/security measures were adopted: Basic court in Bar (12) [imprisonment in residential premises (1), compulsory treatment of alcoholics and drug addicts (1), work in the public interest (1), suspended sentence (4), restraining order art.77a (1) and prison sentence (4)]. The basic court in Berane (17) [fine (1), compulsory treatment of alcoholics and drug addicts (1), mandatory psychiatric treatment in a health facility (2), suspended sentence (6), prison sentence (7)]. Basic Court in Bijelo Polje (16), [imprisonment in residential premises (1), compulsory psychiatric treatment at liberty (1), work in the public interest (1), suspended sentence (7), restraining order art. 77a (1), prison sentence (5)]. Basic Court in Cetinje (4) - [imprisonment in residential premises (1), suspended sentence (1), prison sentence (2)], Basic Court in Danilovgrad (2) - [imprisonment in residential premises (1) and prison sentence (1)], Basic Court in Herceg Novi (17), [imprisonment in residential premises (2), mandatory psychiatric treatment at liberty (2), special obligation to perform socially useful or humanitarian work (1), removal from an apartment or other living space art. 77b (1), suspended sentence (5), prison sentence (6)]. Basic court in Kolašin (8) [imprisonment in residential premises (2), mandatory psychiatric treatment in a health facility (1), suspended sentence (3) prison sentence (2)], Basic Court in Kotor (9) [measure of enhanced supervision (1), work in the public interest (1), removal from an apartment or other living space art. 77b (1), suspended sentence (6)]. Basic court in Nikšić (10) - [imprisonment in residential premises (2), fine (1), suspended sentence (6), prison sentence (1)] Basic court in Plav (3) [increased supervision by authorities custody (1), conditional sentence (2)]. Basic Court in Pljevlja (7) [suspended sentence (2), prison sentence (5)]. Basic court in Podgorica (80)-[imprisonment in residential premises (3), compulsory treatment of alcoholics (5), compulsory psychiatric treatment (2), compulsory psychiatric treatment at liberty (1), confiscation of weapons (1), confiscation of other items (1), special obligation to perform socially useful or humanitarian work (1), work in the public interest (5), removal from an apartment or other living space, Article 77b (1), conditional sentence (28), restraining order Article 77a (9), prison sentence (23)]. Basic court in Rožaje (12) - prison sentence in residential premises (2), suspended sentence (9), prison sentence (1)] Basic court in Ulcinj (5) - [prison sentence in residential premises (4), prison penalty (1). A total of 202 subjects were selected according to this criterion. In terms of final cases, the following punishments/security measures were adopted: Basic Court in Bar (10) - [imprisonment in residential premises (1), compulsory treatment of alcoholics and drug addicts (1), work in the public interest (1), suspended sentence (4), restraining order art. 77a (1), prison sentence (2)] Basic Court in Berane (12) - [compulsory treatment of alcoholics and drug addicts (1), mandatory psychiatric treatment in a health facility (2), suspended sentence (4), prison sentence (5)], Basic Court in Bijelo Polje (12) - mandatory psychiatric treatment on release (1), work in the public interest (1), suspended sentence (6), prison sentence (4)]. Basic court in Cetinje (3) - prison sentence in residential premises (1), conditional 230 sentence (1), prison sentence (1)]. Basic Court in Herceg Novi (13) - [sentence of imprisonment in residential premises (1), mandatory psychiatric treatment at liberty (2), special obligation to perform socially useful or humanitarian work (1), removal from an apartment or other living space, Article 77b (1), suspended sentence (5), prison sentence (3)]. Basic court in Kolašin (5), [imprisonment in residential premises (2), suspended sentence (2), prison sentence (1)]. Basic Court in Kotor (2) - community service (1), suspended sentence (1). Basic court in Nikšić (8)- [imprisonment in residential premises (1), fine (1), suspended sentence (5), prison sentence (1)]. Basic court in Plav (2) - [suspended sentence (2)]. Basic court in Pljevlja (6) - [suspended sentence (2), prison sentence (4)]. Basic court in Podgorica (71) - [imprisonment in residential premises (1), mandatory treatment of alcoholics (5), mandatory psychiatric treatment in facility (2), mandatory psychiatric treatment in prison (1), confiscation of weapons (1), confiscation of other items (1), special obligation to perform socially useful or humanitarian work (1), work in the public interest (5), removal from the apartment or other living space Article 77b (1), suspended sentence (25), restraining order Article 77a (8), prison sentence (20)]. Basic court in Rožaje (10) - imprisonment in residential premises (2), suspended sentence (8)]. Basic court in Ulcinj (1) [imprisonment in residential premises (1). A total of 155 cases were selected according to this criterion.

Data on free legal aid for this year have not been submitted.

According to the **Annual Report on the work of misdemeanor courts** in cases under the Law on Domestic Violence Protection, in 2021 the courts had 2 176 cases (2 133 in 2020, 2 059 in 2019, 1 972 in 2018 and 1 790 in 2017), of which 1 338 cases were before the Misdemeanor Court in Podgorica, 431 cases before the Misdemeanor Court in Budva and 407 cases before the Misdemeanor Court in Bijelo Polje. 1 539 cases or 70.73% were completed (1 449 in 2020, 1 487 in 2019, 1 563 in

2018 and 1 366 in 2017), of which 863 were completed in the Podgorica Misdemeanor Court; Budva Misdemeanor Court - 351 and Bijelo Polje Misdemeanor Court - 325 cases.

The cases were concluded as follows: 443 fines; 106 imprisonments; 289 suspended sentences; 119 warnings; 11 educational measures; in 21 cases the request was rejected; proceedings were suspended in 89 cases; in 344 cases an acquittal decision was made, while 117 cases were resolved in another way. 426 protective measures were imposed (408 in 2020, 438 in 2019, 408 in 2018, and 302 in 2017), namely: removal from an apartment or other living space - 49; restraining order - 120; prohibition of harassment and stalking - 192; mandatory addiction treatment - 22; mandatory psychiatric treatment - 38 and mandatory psychosocial treatment - 11. In 1 539 completed cases, proceedings were conducted against 1 825 abusers, of which 1 825 were adults or 98.14% and 34 or 1.86% were minors. According to the gender structure of adults, there were 1 408 males or 78.62% and 383 or 21.38% females, and according to the gender structure of minors, there were 30 males and four (4) females.

According to the available data, on a sample of 1 531 abusers, i.e. 83.89% of the total number of abusers, 817 or 53.36% of the cases that have been completed are unemployed persons. In a sample of 1 138 abusers or 62.36% of the total number of abusers, 385 or 33.83% of them have primary education, 660 or 58% have secondary education, while 93 or 8.17% have higher or higher vocational education. Out of 1 539 completed cases, there were a total of 1 821 victims of violence, of which 1 554 or 85.34% were adults and 267 or 14.67% were minors. Out of a total of 1 554 adult victims of violence, in 1 016 cases or 65.38% the victims were women, and in 538 or 34.62% men. Out of a total of 267 minor victims of violence, in 159 cases the victims were men, and in 108 cases women.

In appeal proceedings, the High Misdemeanor Court of Montenegro had 116 cases pending in the reporting period in 2021 (95 cases in 2020, 136 cases in 2019, 139 cases in 2018 and 96 cases in 2017) due to offenses from the Law on Domestic Violence Protection, of which 102 cases were in regular proceedings; 6 (six) cases in proceedings for the imposition of a protective measure before the initiation of misdemeanor proceedings; two (2) cases in execution proceedings, four (4) from the group of other cases and two (2) in appeal proceedings in proceedings against minors. Out of a total of 116 cases that were resolved by appeal in the regular misdemeanor procedure, 76 cases were confirmed. In two cases, the appeal was dismissed, while in 17 cases the proceedings were terminated. 14 cases were changed, five (5) cases were resolved in another way, while two (2) cases were not completed.

The **Police Directorate** submitted registered cases of violence in the family and the family union - a criminal offense from Article 220 of the Criminal Code of Montenegro as well as offenses under the Law on Domestic Violence Protection. Pursuant to Article 64 of the Law on Internal Affairs, which prescribes the records that the police keep on processed data, in 2021, 294 criminal offenses from Article 220 of the Criminal Code of Montenegro were committed on the territory of Montenegro, for which 311 criminal reports were filed. The stated number of criminal offenses was committed by 325 persons, of which 288 were male (eight of whom were minors), and 37 were female (one of whom was a minor). Of all committed criminal acts from Article 220 of the Criminal Code of Montenegro, almost a third of them were carried out in the jurisdiction of the Security Department Podgorica. The victims of committed criminal acts of domestic violence are 373 persons, 135 male and 238 females. Of the total number of victims, 54 were minors (26 male and 28 female). 31 criminal offenses related to domestic violence were recorded, and they were qualified differently (1 x Article 143/20; 1 x Article 143; 1 x Article 144; 2 x Article 168; 4 x Article 168a; 1 x Article 208; 2 x Article 216; 7 x Article 217; 8 x Article 221 and 4 x Article 403). In 2021, the Police Directorate filed 1 454 misdemeanor reports due to the 1 744 offenses under the Law on Domestic Violence Protection. The stated number of offenses was committed by 1 518 perpetrators, of which 1 215 were male (of which 19 were minors), and 303 were female (of which four were minors). The victims of committed offenses are 1,706 persons, of which 761 are male and 945 are female. Of the total number of victims of committed offenses, 273 were minors (105 males and 79 females). 297 returnees were registered for committing criminal acts and misdemeanors related to domestic violence.

APPENDIX

Table 1: Initial training (education or professional training)

Please fill in the table and list the professionals (in the area of healthcare, law enforcement, criminal justice, social welfare, education, asylum and migration, media/journalism and support services) which have received initial training on violence against women. Please place each category of professional in a separate line.

Experts	Do they benefit from initial training on violence against women and domestic violence?	Is this training mandatory?	Are the training efforts supported by guidelines and protocols?	Who finances the training?	Please describe the content and duration of the training?
Candidates for basic court judges, candidates for misdemeanor judges, candidates for state prosecutors 2021: trained 6 candidates for state prosecutors 2022: trained 19 candidates for basic court judges and 8 candidates for misdemeanor judges	yes	yes	yes	Center for Training in Judiciary and State Prosecution	The training is two days long, i.e. 12 hours of training, and the topics are: International documents (UN and EU), the Istanbul Convention, relevant judgments of the ECtHR, analysis of the Law on Prevention of Domestic Violence and court decisions from the implementation of this law

Table 2: In-service training

Please fill in the table and list the professionals (in the area of healthcare, law enforcement, criminal justice, social welfare, education, asylum and migration, media/journalism and support services) which receive in-service training on violence against women. Please place each category of professional in a separate line.

TRAINING CONDUCTED IN CENTRE FOR TRAINING IN JUDICIARY AND STATE PROSECUTION

Experts	Number of trained experts	Is this training mandatory?	Frequency	Improvement efforts supported by guidelines and protocols	Please describe the content and duration of the training?
Judges and state prosecutors, as well as advisers in courts and state prosecutor's offices	<p>2021: 24 participants participated in the training, of which 14 were judges, 5 state prosecutors, 1 judicial advisor and 4 prosecutor advisors. In addition to the above, a total of 40 participants, of which 27 judges, 9 judicial advisors and 4 prosecutor advisors, participated in the trainings in which one of the topics was dedicated to the Istanbul Convention.</p> <p>2022: 18 participants participated in the training, of which 14 were judges, 3 state prosecutors and 1 prosecutor's advisor. In addition to the above, a total of 59 judges participated in</p>	<p>No</p> <p>Pursuant to the Law on the Center for Training in the Judiciary and State Prosecution, continuous training is organized for the purpose of professional training and professional development of judges and state prosecutors and is carried out according to training programs, in accordance with this law. Judges and state prosecutors have the right and obligation to attend the training for which they apply according to their own interest, at least two</p>	<p>At least 1 training session lasting two days at the annual meeting.</p> <p>Also, during the calendar year, within one or more trainings concerning the application of the ECHR or gender-based violence, the topic related to the Istanbul Convention will be represented in the same.</p>	Yes	<p>The training is two days long, so 12 hours of training, and the topics are:</p> <p>Council of Europe Convention on Preventing and Combating of Violence against Women and Domestic Violence / Istanbul Convention and its application in Montenegro - Values and objectives of the Convention, Obligations of the state Strategy, operational goals and cooperation protocol; Concept of domestic violence and gender-based violence, forms and dynamics; Characteristics of the victim and the abuser; Criminalization (distinction between a criminal offense and a</p>

	the trainings in which one of the topics was dedicated to the Istanbul Convention.	working days a year.			misdemeanor), Investigation and prosecution for the criminal offense of violence in the family or in the family union; Protection measures - the latest examples from prosecutorial practice and problems in working on cases of domestic violence; Partner violence and partner conflict - differences; Sexual violence as a form of violence against women; The practice of courts for misdemeanors in cases of domestic violence; Examples from practice with case studies; The Istanbul Convention and the practice of the European Court of Human Rights.

SACCREDITED TRAINING OF THE INSTITUTE FOR SOCIAL AND CHILD PROTECTION

Experts	Number of trained experts	Is this training mandatory?	Frequency	Improvement efforts supported by guidelines and protocols	Please describe the content and duration of the training?
13 female social workers, 8	42 participants				"Standard operating

female psychologists, 3 female pedagogues, one specialist female pedagogue, 11 female and male police officers, a female lawyer and male lawyer, 3 participants whose profession was not specified					procedures for intersectoral cooperation in working with children who are victims of violence and exploitation", organized by UNICEF, was implemented in the period from 28-29 January, 2021.
In the first term: 7 female social workers, two female sociologists; a female pedagogue; a female psychologist; a female lawyer; female political scientist; female philologist; female manager; 3 female students and one participant whose occupation was not specified.	In the first term, 19 participants attended the training. In the second session, 12 participants attended the training				An accredited training program entitled "Training program for providing support to women with experience of domestic violence in accordance with the principles of due diligence" authored by the NGO SOS telephone for women and children victims of violence Podgorica, was implemented in the period from 11-13 March and 18- 19 March 2021 and another group of participants in the period from 29-31 October 2021.
Two female social workers, a female sociologist, a female political scientist and a female pedagogue. Occupations were not specified for four participants.	In the first term, 9 participants attended the training. In the second session, 12 participants attended the training.				An accredited training program entitled "Training program for leading educational and experiential groups for women with experience of violence" authored by the NGO SOS telephone for women and children victims of violence Podgorica was realized on 01-02 April and 05 April 2021 and

					another group of participants in the period from 05-07 November 2021
4 female social workers; 4 female psychologists, 3 female lawyers and a male lawyer, a female sociologist, a female economist, a female PR manager, a female physiotherapist and two female students.	18 participants attended the training.				The accredited training program entitled "Concept and basic knowledge for the organization of the SOS telephone service for women with disabilities who have experienced violence" authored by Lepojka Čarević-Mitanovski and Lidija Milanović, was implemented in the period from 22-23 November 2021
3 female social workers, 3 female psychologists, two female lawyers, a female student and a participant whose occupation was not specified.	10 participants attended the training.				An accredited training program entitled: "Advanced training program: skills and knowledge for providing an SOS phone service for women with disabilities who have experienced violence" and whose authors are: Lepojka Čarević-Mitanovski and Lidija Milanović, was implemented from 24-26 November 2021
3 social workers, 2 sociologists, a female pedagogue and a female psychologist.	7 participants attended the training.				The accredited training program entitled "Participation of beneficiaries with experience of violence and risk assessment in cases of domestic violence against women and children", authored by SOS telephone for women and children victims of violence Nikšić, was implemented

					in the period from 19-20 March 2022.
7 female psychologists, 3 female pedagogues, two female social workers, 4 participants whose occupations were not specified. three social workers and two female social workers, a female psychologist, a pedagogue, an economist and two participants whose occupations were not specified.	In the first session of the said training, 16 participants attended. In the second session, 10 participants attended the training.				Accredited training program called "Basics of psychological counseling" authored by the Association "O.L.I. Montenegro", was realized in the period from 28-30 April 2022 and in the period from 16-17 April 2022 and 30-31 May 2022
6 male lawyers and female 3 lawyers, 5 male police officers, a male doctor and 3 female doctors, a female psychologist, a female social worker, a biologist; female philosopher and female expert for the sustainable development of tourism. 7 male lawyers and 6 female lawyers, 3 female psychologists, 3 police officers, 2 male doctors and two female doctors, a female andragogist, a female social worker, a female journalist and a student.	In the first session, 24 participants attended the training. In the second session, 27 participants attended the training.				The accredited training program entitled "Training program for the implementation of the Protocol on treatment, prevention and protection against violence against women and domestic violence" authored by the NGO SOS telephone for women and children victims of violence Podgorica, was implemented twice during 2022 and in the dates: 23–25 September 2022 and 28–30 September 2022.
8 social workers, one female	The round table was				The round table "Violence against

psychologist, a professor of German language and literature, a female participant who graduated from medical school and a pensioner.	attended by 12 participants.				the elderly - it's time to react", organized by Public Institution Old People's Home "Podgorica", was realized on 15 June 15 2022
4 female social workers, 3 female psychologists, two female sociologists, a female pedagogue, a female lawyer and 6 female students	17 participants attended the training.				The accredited training program called Interventions in Crisis was implemented in the period from 21-22 December 2022, authored by the Association "Impuls".

Note: Pursuant to Article 121 of the Law on Social and Child Protection, one of the Institute's activities is the organization of professional training for professional workers and professional associates. Professional workers and professional associates in social and child protection have the right and duty to follow the development of science and the profession during their professional work and to improve professionally in order to maintain and improve professional competences and the quality of professional work.

Through training programs accredited by the Institute, licensing of professional workers and supervisory support, as well as through an annual plan and program of professional development, the Institute continuously provides support to professional workers, professional associates and associates in acquiring and improving professional knowledge and improving their skills to provide the highest quality customer service.

Professional workers and professional associates, although they have the right and duty to upgrade themselves professionally, do not have the obligation to attend certain trainings, but this depends on the assessment of the management staff of the institution from which the professional worker comes, as well as the personal preferences of the employees, i.e. their desire for further professional development.

The Institute for Social and Child Protection is responsible for improving the professional competences of all employees in the social and child protection system who work directly with beneficiaries. Accreditation of the training program is one of the basic steps that ensures the quality of professional training, and it refers to the professional assessment of the quality of the training program. It is a procedure in which it is assessed whether the training program or the service provision program meets the established standards for accreditation. (regulated by the Law on Social and Child Protection and the Rulebook on Standards for the Accreditation of Training Programs, i.e. Service Provision Programs, the Method of Implementing the Program Accreditation Procedure, and the Content and Form of the Certificate).

The Institute for Social and Child Protection formed a five-member Commission for the Accreditation of Training Programs, which performs expert evaluation based on the fulfillment of standards. This means that the training program cannot be accredited, and therefore not implemented, if it does not meet the prescribed standards related to the topic covered by the program.

The content of the training programs on the topic of domestic violence that we have accredited and implemented are based on the definition of domestic violence (violence against women and children), the widespread forms, mechanisms and strategies for recognizing different forms of violence, as well as the competences of the relevant services, i.e. the ways of dealing with them in specific case, and all through the prism of internationally recognized standards. It is extremely important that all actors in society, who deal with the protection of victims, but also the treatment of perpetrators of violence, clearly recognize their role, as well as the roles of other actors through a multidisciplinary approach that guarantees a comprehensive approach to the protection of these vulnerable categories.