



**Report submitted by Montenegro
pursuant to Article 68, paragraph 1
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

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The Secretariat of the Council of Europe Convention on preventing and action against violence against women and domestic violence (GREVIO and the Committee of the States Members)

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I. INTRODUCTION

Montenegro is one of the first countries that have signed and ratified the Istanbul Convention, which entered into force on 1 August 2014. It is the first legally binding international instrument in Europe in the field of violence against women and domestic violence, and most far-reaching international agreement that deals with this type of human rights violations

During the preparation of this report the authors had in mind all the principles stated in Chapter I of the Convention and Articles contained in Chapters II to VII.

- It is a fundamental human right for everyone, especially for women, to live a life free of violence in the public and private spheres.
- The principle of equality between women and men must be accomplished in the Constitution and other relevant laws and effectively achieved in practice.
- Discrimination against women must be prohibited, including the use of sanctions, when necessary and the laws and practices that discriminate women must be abolished.
- The Convention must be implemented without discrimination on any basis and the possibility, concerning occurring of the effects of multiple discrimination, should be taken into account.
- Special measures, necessary to prevent and protect women from gender-based violence, are not considered as discrimination.
- States Members must include a gender perspective in the implementation and evaluation of the impact of the Convention and implement policies to promote equality between women and men and the empowerment of women.

This report includes all forms of violence against women incriminated (or, where applicable, sentenced) pursuant to Chapter V of the Convention, where they include psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, mutilation, forced abortion, forced sterilization and sexual harassment. It also relates to domestic violence against women, which is defined as physical, sexual, psychological or economic violence that occurs in the family or household or between former or current spouses or partners, regardless of whether or not the offender shares or has shared household with the victim.

All data within the report were made for the period from 2014 to 2016.

All available statistical data within this report are specified in the Annexes of the report.

The authorized body responsible to coordinate the collection of information as the response to this questionnaire and the preparation of reports is the Coordinating Committee for coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.



Government agencies, other bodies, institutions or organizations which have contributed to the preparation of this report are:

- The Ministry of Labour and Social Welfare;
- The Ministry of Justice;
- The Ministry of Internal Affairs;
- The Ministry for Human and Minority Rights;
- The Ministry of Health;
- The Supreme Court of Montenegro;
- Basic State Prosecutor's Office in Podgorica;
- Association of Municipalities of Montenegro;
- The Ministry of Public Administration;
- The Ministry of Culture;
- The Ministry of Education;

II. Integrated policies and data collection

(Chapter II of the Convention, Articles 7-11)

In this part of the questionnaire we have stipulated the crucial data of overall and coordinated policies on violence against women, financial resources intended for the implementation of these policies, and support to the work of non-governmental organizations and other civil society actors.

The most significant instrument for the implementation of the Istanbul Convention and the most important strategy that includes protection from violence against women and domestic violence is the strategy of protection against domestic violence.

The Ministry of Labour and Social Welfare is accountable to monitor the implementation of the Strategy for protection against domestic violence (the second one, which includes the period of validity of 2016 to 2020), as well as to monitor the implementation of the Istanbul Convention. This Strategy defines the goals, by which the following needs to be achieved - first goal relates to the harmonization of national legislation with Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Under the second goal, they want to achieve strengthened professional capacity and a multidisciplinary approach in the implementation of regulations within the area of protection from domestic violence. The implementation of ten comprehensive measures is foreseen in order to establish better coordination between the institutions, including the collection and exchange of data. On the other hand, measures are used to achieve standardizing procedures for work of professionals, through continuous training and supervision of their work in order to provide them fast, efficient and convenient help to the circumstances and personal features of the victim. The third goal is to increase public awareness regarding violence against women and domestic violence, which would, at the end of the strategic period, reflect in the increased level of information and knowledge to the public concerning the causes, extent and consequences of violence against women and domestic violence, as well as actual mechanisms of protection from violence. Through seven measures, within the scope of the fourth goal, an enhanced system of institutional protection against domestic violence seeks to be established. The measures imply the invigoration of existing services of general and specialized support in order to comply with the standards stipulated by the Council of Europe Convention on preventing and combating violence against women and domestic violence, as well as



the UN Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. The next goal is to achieve improved access to justice and legal protection from domestic violence, which will be reflected through the implementation of effective measures of protection and support to victims and witnesses in proceedings before investigative and judicial authorities.

In addition to the strategy, the Ministry for Human and Minority Rights, pursuant to the Law on Protection from Domestic Violence, collects data on cases of violence from the competent institutions and publishes them in the annual report on the implementation of the Action Plan for achieving gender equality. This Department monitors the implementation of the National Strategic document for gender equality in the part concerning gender-based violence. The issue of combating and protection of domestic violence and violence against women is particularly emphasized in the Action Plan for Chapter 23: Judiciary and Fundamental Rights, which has provided a set of measures and activities for the operation of the institutions in this field. The new plan of activities for Gender Equality 2017-2021 was adopted in March 2017 and the most important measures, relating to combating violence against women and domestic violence, will be funded from the regular budget resources and through international donations

By respecting the obligation under the Convention, Montenegro has formed the main body for coordination and implementation of policies and measures for preventing and combating all forms of violence covered by the Convention, and it is called Coordinating Board for coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the council of Europe Convention on preventing and combating violence against women and domestic violence. It coordinates, implements, monitors and evaluates policies and measures to prevent and combat all forms of violence covered by Istanbul Convention, and it gathers data in accordance with Article 11 of the Convention, performs analysis and publishes the results and submits annual reports to the Government of Montenegro regarding completed activities, accompanied by the assessment of the conditions and the proposal of further measures.

The members of this Board are:

KEMAL PURIŠIĆ, Minister of Labour and Social Welfare, President
GORAN KUŠEVIJA, General Manager of Social Welfare and Child Protection,
Ministry of Labour and Social Welfare,
NIKOLA ŠARANOVIĆ, General Manager for International Legal Cooperation and
European Integration, Ministry of Justice,
Doc. Dr DANILO ĆUPIĆ, General Manager of Inspection, the Ministry of Internal
Affairs,
BILJANA PEJOVIĆ, Head of the Directorate for Gender Equality, Ministry for
Human and Minority Rights,
SENKA KLIKOVAC, Senior Adviser, Ministry of Health,
BOJANA BANDOVIĆ, Counselor, Supreme Court of Montenegro,
JELENA PROTIĆ, State Prosecutor, Basic State Prosecutor's Office in Podgorica,
SONJA NIKČEVIĆ, President of Nikšić Municipal Assembly, Association of
Municipalities of Montenegro,
JOVANA RADIFKOVIĆ, Senior Adviser, Ministry of Labour and Social Welfare,
Secretary.

Members of this Board have no special compensation regarding participation in this Board.



Records of identified cases of violence, victims, perpetrators of violence, imposed protective measures, as well as other measures to protect and help, are kept by the authorities and institutions (Police, authority for violations, the State Prosecution, the Centre for Social Work or other social and child protection, health facility), pursuant to the law on protection from domestic violence, and send them to the ministry accountable for the protection of human and minority rights.

The records shall be duly submitted to the competent Ministry and thus allows monitoring of the statistics in this field, and implementation of the Law in practice.

One of the most significant bodies, which help the victim after the perpetration of acts of violence, is the Ministry of Internal Affairs - Police Administration. This authority also collects information and submits them to the competent Ministry. These data are as follows:

The number of registered criminal offences in **2014**, regarding domestic violence and family community, was 205 (183), in comparison to the previous year, increased by 12%. Prosecutors processed 204 (179) criminal charges, which were reported to 210 (184) persons, of which 88% of men. Among the prosecuted persons there were 74 or 35% of persons who had been previously processed as perpetrators of these criminal offences.

The number of victims of domestic violence is 231 (208) persons, of whom 158 (155) women and 16 (9) of juveniles. On January 19, 2014 the offence of domestic violence was committed in Rožaje at the expense of D.I. by D.E. and D.S., resulting in death.

The Police Officials in 2014 submitted to the competent authority for misdemeanours 1249 (1052) misdemeanour charges for violations concerning 1347 misdemeanours under Article 36 of the Law on Protection from Domestic Violence. The defined number of offences was committed by 1336 (1137) perpetrators, 1103 (1052) male and 233 female. The number of victims of committed offences was 1372 (1155), 472 (370) male and 900 (785) female...

The Police officers, in accordance with Article 28 of the Law on Protection from Domestic Violence, in 22 cases ordered the eviction from the apartment or other living accommodation, and in accordance with Article 37 they submitted 39 charges for neglect.

In **2015**, there were registered 180 criminal offences concerning domestic violence, and 167 criminal charges were submitted. The criminal offences were committed by 185 persons, 169 male and 16 female. Regarding the total number of perpetrators, four of them were juveniles, while 19 persons returned to a criminal offences scene. There were 203 victims of committed criminal offences of domestic violence, 62 male and 141 female. Concerning the total number of victims, there were 14 juveniles.

Due to committed 1326 misdemeanours pursuant to Article 36 of the Law on protection from domestic violence, the Police Department submitted 1238 misdemeanour charges in 2015. Misdemeanours were committed by 1,306 perpetrators, 1,069 male and 237 female. There were 137 persons who returned to a criminal offences scene. There were 1386 victims of committed misdemeanours, 544 male and 842 female. Concerning the total number of victims, there were 27 juveniles.



In 2015, pursuant to Article 28 of the Law on Protection from Domestic Violence, the Police officers in 24 cases issued the perpetrator of violence an order of eviction from the apartment or prohibition to return to the apartment or other living accommodation.

In accordance with Article 37 of the Law on Protection from Domestic Violence, 68 charges for neglect were submitted.

During 2015, 11 multidisciplinary teams held 76 meetings in which the Police officers actively participated, too.

The table of the number of protective measures and a series of measures, which execution, according to Article 33, Paragraph 2 of the Law on Protection from Domestic Violence, is in the field of competence of Police:

| Type of protective measure | Eviction from the apartment, Article 21 | Restraining, Article 22 | Prohibition of harassment and stalking, Article 23 |
|-----------------------------------|--|--------------------------------|---|
| TOTAL | 32 | 46 | 88 |

During **2016**, 198 criminal offences were committed, and 197 criminal charges were submitted. The stated number of criminal offences was committed by 203 persons, 186 male (five of them were juveniles) and 17 female. During this period, 25 persons returned to a criminal offences scene concerning domestic violence, and one of them was juvenile.

293 persons were victims of criminal offences concerning domestic violence, 93 male and 200 female. Regarding the total number of victims, 14 of them were juveniles (seven male and seven female).

In 2016, the Police Administration submitted 1335 misdemeanour charges for 1458 committed misdemeanours pursuant to the Law on Protection from Domestic Violence. The stated number of misdemeanours was committed by 1479 perpetrators, 1,218 male and 261 female. There were 175 returnees to a criminal offences scene pursuant to the Law on Protection from Domestic Violence.

1560 persons were victims of committed misdemeanours, 600 male and 960 female. Regarding the total number of victims of committed misdemeanours, 149 were juveniles (78 males and 71 females).

Also, the officers of the Police Administration, in accordance with Article 37 of the Law on Protection from Domestic Violence, submitted 52 charges for neglect.

The table of the number of protective measures and a series of measures, which execution, according to Article 33, Paragraph 2 of the Law on Protection from Domestic Violence, is in the field of competence of Police:

| Type of protective measure | Eviction from the apartment, Article 21 | Restraining, Article 22 | Prohibition of harassment and stalking, Article 23 |
|-----------------------------------|--|--------------------------------|---|
| TOTAL | 19 | 26 | 54 |



Regarding a unique database, the Police keep separate records on criminal offences concerning domestic violence and misdemeanours in the same field.

The criminal offences of domestic violence are updated the electronic database, with all the attributes of this criminal offences. As for the misdemeanour of domestic violence, electronic database for entry of this misdemeanour is not suitable for the details and characteristics of it. Preparation of this database is ongoing. In this regard, information on misdemeanours of domestic violence is not recorded electronically.

Ministry for Human and Minority Rights collects these data on the two-year level through the publication "Women and Men", in cooperation with the Statistical Office of Montenegro - MONSTAT.

Publications for 2012, 2014 and 2016 can be downloaded from the link:

<http://www.minmanj.gov.me/ResourceManager/FileDownload.aspx?rId=117934&rType=2>

<http://www.minmanj.gov.me/ResourceManager/FileDownload.aspx?rId=190015&rType=2>

<http://www.minmanj.gov.me/ResourceManager/FileDownload.aspx?rId=258192&rType=2>

These data are published through reports on negotiation chapters 19 and 23, reports on the implementation of APAGE, a report on the implementation of the Strategy for protection against domestic violence, reports on the implementation of the Strategy for combating human trafficking, reports on the implementation of international conventions - CEDAW, GRETA.

The Ministry for Human and Minority Rights, at least once every two years, conducts surveys in the field of all forms of violence covered by the Istanbul Convention in order to observe the essential causes and effects, the incidence and rate of convictions, as well as the effectiveness of measures taken in implementation of the Convention. Surveys were conducted through previous Gender Programme - IPA 2010, as well as through the project "Support to anti-discrimination and gender equality policies" - IPA 2014. Previous IPA 2010 and IPA 2014, which is currently being implemented, are implemented by the Ministry of Human and Minority Rights in cooperation with the UNDP Office in Montenegro, with financial support from the EU Delegation.

In addition to official statistics, within the scope of the IPA Programme for Gender Equality 2010, in partnership implemented by the Ministry of Human and Minority Rights and UNDP, in 2012 was conducted the study on domestic violence in Montenegro. The purpose of the implementation of the study was to point out the perception, intensity and forms of domestic violence and violence against women in Montenegro to get familiar with the current situation and to take the appropriate measures to combat and prevent these occurrences. Also, the survey served as a significant source of information in the implementation of activities in the field of achieving sustainable and efficient system of protection for victims of domestic violence and measures to combat domestic violence. The study on violence against women and domestic violence in Montenegro is implemented by applying several different methods (desk methods, qualitative and quantitative methods of survey, case studies) in order to gain further insight into the problem and get an objective data. Some of study results are as follows: "Every third person in Montenegro would not be ready to report domestic violence. Every fourth person in Montenegro believes that the victim is



responsible for the violence because it “provokes” it by its actions”. Victims of domestic violence are usually women and children, while the men were identified as abusers. “The survey, which was conducted on a sample of 1,103 respondents in 17 Montenegrin municipalities, shows that Montenegrins are sufficiently familiar with the responsibilities of institutions dealing with the protection of victims of violence. Also, every third person in Montenegro would not be ready to report domestic violence because of low confidence in the quality of institutions, fear, and patriarchal conception of family relations, as well as doubts about the fact that the problem of domestic violence could be stopped and overcome. The study served as a good ground for planning future policies in this area, particularly in defining measures in the field of combating violence against women in the context of the Action Plan for achieving gender equality, which was adopted in January 2013.

Data regarding the latest survey on perception, prevalence, cost, and institutional response to the violence, which was conducted within the scope of the mentioned programme in 2016 indicate that 42% of women, i.e. almost every second woman in Montenegro, have experienced some form of violence (psychological, physical, economic or sexual) by a husband or partner in the course of life. The same study indicates that 18% of women (almost every fifth), have experienced one of the four forms of violence in the last 12 months. The violence in 38% of cases is psychologically, in 20% of cases economically, in 17% physically and sexually 7%. More detailed survey results - obtained from a representative sample showed that patriarchal attitudes and traditional models of behaviour, which are discriminatory and encouraged by stereotypes, and gender-based, are still very widespread, with a high level of tolerance for domestic violence. Namely:

- Every second citizen of Montenegro considers that each case and type of violence should not be reported and that some problems should be resolved within the family. 67% of citizens believe that if violence is reported, there might be a divorce, which is additional reason not to report the violence.
- Regarding those who personally know the victim of violence, only 68% of them have offered help, but most of them have talked with the perpetrator or the victim trying to reconcile them. Half of those who are familiar with the case of violence did not want to interfere, considering that it was a matter of personal nature.

Lack of trust in institutions is evident from the fact that 62% of those who believe that most cases are not reported consider that the reason for this is fear of bully and his revenge. In other words, victims do not feel sufficiently protected when they decide to report the violence.

Even more worrying is that the experts involved in the case of violence make decisions based on their own beliefs and values - decisions that are either motivated by a desire to keep families together or a tendency to protect the privacy of victims. These data are consistent with research data in the judiciary from 2015, which show that every second judge believes that violence is a private matter.

By respecting Article 11, Paragraph 2 of the Convention that States shall endeavour to conduct a survey among the population at regular intervals to assess the prevalence and trends of all forms of violence covered by the Convention, as part of the 16 Days of Activism against Violence in Nikšić, the survey was performed as follows:

1. The survey included **all forms of violence**, in a way that the respondent (male or female) expressed an attitude regarding forms of violence (verbal, psychological, physical, sexual, and economic), identity of the perpetrator, criminal offences scene and the reason that led perpetrator to commit the violence.



2. The survey was conducted in the municipality of Nikšić, the number of respondents (male or female) was 300. **The geographical scope of the survey was local.**

3. The **basic results** of the survey:

The opinions of the respondents (male or female) on the concept of gender equality:

- Most of respondents (male or female) believe that gender equality is achieving the same financial power of both genders;
- Most of respondents (male or female) have not felt vulnerability in terms of gender;
- Considering those who have felt vulnerability in terms of gender, most of them have felt the vulnerability in the family and during the use of health services;
- Most of respondents (male or female), who are married and who are not married, believe that gender equality is achieving the same financial power of both genders and achieving equal representation of both genders in management positions;

The opinions of the respondents (male or female) on violence against women:

- Most of respondents (male or female) believe that violence against women is not a common occurrence in our society;
- Respondents (male or female) who believe that violence against women is common in our society believe that it is most often due to the need of a man to categorize a woman as subordinate and the traditional supremacy of men in our society;
- Most of respondents (male or female) consider that blackmail and coercion in sexual relationships are acts of violence;
- Most of respondents (male or female), regarding the obtaining of information on violence against women, are not interested in this issue;

Respondents who were witnesses and / or victims of violence:

- Most of respondents (male or female) have not been witnesses and/or victims of violence;
- 15 respondents (male) were witnesses of violence against women, 19 respondents (female) were witnesses of violence against women, and 14 respondents (female) were victims of violence;
- Most of respondents (male or female) point out that they were witnesses of violence in the family of relatives / friends;
- Most of respondents (female), who were victims of violence, points out that it occurred in the family;
- Most of respondents (male or female) witnessed physical and verbal violence against women, where the bully was a partner (spouse, lover ...), due to a cause - discord in the family;
- The largest number of respondents (female)- victims of violence, were victims of psychological violence where the bully was a partner (spouse, lover...), due to causes - discord in the family and the influence of psycho-active substances;
- Most of respondents (male or female) – witnesses of violence against women and / or the victim, have not talked to anyone about it;



Knowledge of the mechanisms of the victims of violence:

- Most of respondents (male or female) are not familiar with the mechanisms that are legally defined for reporting violence and for the protection of victims of violence, as well as forms of punishments stipulated for the perpetrator of criminal offences, and to a lesser extent, they are not familiar with the existence of the Protector of Human Rights (more of them are not familiar, but there are some familiar only with the legal mechanisms of protection);

Characteristics of respondents (male or female) - witnesses and / or victims of violence against women:

- Most of respondents (male) – witnesses of violence against women are from suburban area;
- Most of respondents (female) – witnesses of violence against women are from urban areas, while there is an equal number of respondents (female) - victims of violence from suburban and urban areas;
- Most of respondents (male) – witnesses of violence against women are married, 38-47 years old;
- Most of respondents (female) – witnesses of violence against women are married, as well as respondents (female) – witnesses of violence, 18-47 years old.

4. The whole campaign was covered by media, the results were presented at the press conference and after that all issues concerning the campaign and the survey were published in several daily newspapers. Also, a report on all activities, together with tables and graphs and survey results, was published and distributed to relevant parties.

III. Prevention

(Chapter III of the Convention, Articles 12-17)

A special chapter of the Istanbul Convention relates to the prevention which includes the obligation of Montenegro to take all necessary measures to prevent all forms of violence covered by the Convention. In this context, the Member States are required to provide, respectively, enhance appropriate trainings for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the Convention, concerning: prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as prevention of secondary victimization. Furthermore, States shall ensure that such training include the training of coordinated cooperation of various bodies for the purpose of a comprehensive and appropriate introduction regarding the cases of violence covered by the Convention (Article 15 of the Convention).

The Ministry for Human and Minority Rights annually conducts campaign "16 days of activism against violence against women and domestic violence." The campaign is being conducted in cooperation with the UNDP, the OSCE Mission, NGOs, and within it are held round tables, released video clips on the subject of the prohibition and prevention of violence, hosted in news programmes, held public lessons throughout Montenegro



for high school students on the theme „ The fight against violence against women and domestic violence“. Also, there is a published brochure in Montenegrin, Albanian and Roma language with a directory of institutions to which victims may contact in case of violence, and all over Montenegro are organized events on the occasion of the mentioned campaign. Within the campaign are organized workshops for different target groups involved in the prevention and protection from violence against women and domestic violence.

The Ministry for Human and Minority Rights, the Office for Combating Human Trafficking and the NGO "Montenegrin Women's Lobby" signed a Memorandum on mutual cooperation in the field of prevention and providing assistance and protection to potential victims and victims of trafficking in Montenegro, May 2016.

The Ministry for Human and Minority Rights continuously organizes trainings on the topic of combating violence against women and domestic violence for different target groups (judicial officials, members of multidisciplinary teams, teachers, media representatives, students, etc.)

Article 14, Paragraph 1, is the subject of the responsibility of introduction of teaching materials to the official curricula at all education levels concerning issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the rights to personal integrity, and accordingly, the Institute of education approved the programme "Gender equality in education with special emphasis on gender-based violence, non-violent forms of behaviour and conflict resolution". The programme effectively helps to raise awareness of teachers (male or female) on the importance of respect for gender equality, the integration of gender equality into curricula, the adoption of these principles in their daily work and life, preventing all forms of gender-based violence, in family, school, society, and it offers introduction to international and Montenegrin legal framework of gender equality and anti-discrimination legislation.

In accordance with Article 15 of the Convention, a lot of trainings on the prevention and detection of violence, equality between women and men, the needs and rights of victims, as well as the prevention of secondary victimization, were organized.

The Ministry for Human and Minority Rights, concerning gender equality and raising awareness about the importance of preventing and combating violence against women, continuously conducts campaigns, surveys, public perception, and education for different target groups: employees in the education sector, the judiciary, prosecution, Police, centres for social work etc. Every year, in partnership with the NGO sector, in the framework of the campaign "16 days of activism to combat violence against women", it organizes public forums, lessons and conferences on the subject of the combat against gender-based violence.

The training programme, prepared by the Ministry for Human and Minority Rights and developed in partnership with the Centre for the training of the judiciary and the state prosecution, refers to the domestic and international documents in the field of gender equality, with a special focus on the meaning of CEDAW.

Another programme, prepared by the NGO "Centre for Women's Rights" in cooperation with the Ministry for Human and Minority Rights and UNDP Office in Montenegro, is



implemented in partnership with the Centre for Education in the judiciary and state prosecutor's office and the Ministry. This programme emphasizes the implementation of the Istanbul Convention. In relation to this programme, the Memorandum of the Ministry for Human and Minority Rights and the NGO "Centre for Women's Rights" was signed - Memorandum on intensifying cooperation with regard to taking further strategic measures to provide the prevention of domestic violence and violence against women, and ensuring high-quality, effective and credible mechanisms for protection of victims and efficient prosecution of perpetrators in order to reduce the tolerance of violence both by individuals, whether they are perpetrators or victims, relevant institutions and society as a whole. On a basis of Training Programme for the Judiciary and Police officers on the topic of violence, prepared by the NGO "Centre for Women's Rights in cooperation with the Ministry for Human and Minority Rights, the first two-day training on domestic violence and violence against women for judges of **CMOs** in Montenegro and representatives of the Police, was organized on December 28 and 29, 2016, in Podgorica. The training was organized with the support of the Supreme Court of Montenegro, UNDP and UNICEF, and with the support of the Training Centre of the judiciary and the state prosecutor's office, which approved the programme and included it in regular training of judiciary. Training for Police officers was supported by the US Embassy in Podgorica.

Regarding trainings in judicial authorities in Montenegro, such training have been carried out within the scope of the Training Centre of the judiciary and the state prosecutor's office, which as an independent organization, as a legal entity, has existed since October 17, 2015, i.e. by the entry into force of the Law on the Training Centre in the judiciary and the state prosecutor's office.

Training for judges and public prosecutors is organized and implemented as an initial and continued. The goal of the training is to acquire and develop knowledge, abilities and skills that will enable independent, autonomous, impartial, professional and efficient performance of the functions of judges and state prosecutors in accordance with the principles of independence and autonomy and ethical standards of profession. Trainings are conducted on a variety of topics from various legal and other areas depending on the needs of the judiciary in accordance with the work programme and reform activities in the judiciary.

They include a variety of legal areas, such as the implementation of laws and regulations with an emphasis on new legislation, knowledge of the most important area of international law, international standards and recommendations, including EU law and human rights issue.

The following text will be referred to training by the Centre, implemented in the period from 2014 to 2016 for the representatives of the judiciary. During 2014, the Centre for the training of the judiciary and the state prosecutor's office has organized three seminars for judges on the topic: "Children as victims and witnesses of criminal offences - international instruments developed in the framework of the UN". The seminars were organized with the technical and financial support of the UNICEF Office in Montenegro. Meetings were attended by 12 judges, two representatives of the Professional Service of the High Courts in Podgorica and Bijelo Polje, as well as (20) Twenty Magistrate. The same year, the Centre, in cooperation with the Office for Technical Assistance and exchange of information of the European Commission (TAIEX), organized a regional



conference on the topic: "Strengthening the dialogue and exchange of experiences of judges and prosecutors for juveniles of the Western Balkans and the EU". The conference was attended by 10 judges.

In 2015, the Centre has organized three seminars in cooperation with the Office of United Nations Development Programme (UNDP) and NGO Centre for Women's Rights in the framework of the project "Access to Justice for Victims of Domestic Violence". The seminars were attended by 42 representatives of the judiciary.

In November 2015, the Department for Gender Equality of the Ministry for Human and Minority Rights, in cooperation with the Office for Technical Assistance and Information Exchange (TAIEX) and the Centre for the training of the judiciary and the state prosecutor's office, organized a workshop on the topic: " Council of Europe Convention on preventing and combating violence against women and domestic violence - Istanbul Convention ". The workshop aimed to provide support to the competent authorities in taking adequate measures to prevent and combat violence against women and domestic violence in accordance with the Istanbul Convention and the Convention of the Council of Europe on preventing and combating violence against women and domestic violence, which was ratified by the Government of Montenegro and which entered into force on 1 August 2014. The event was attended by nine representatives of the judiciary. On 27 March 2015, in Podgorica, the Centre in cooperation with the Ministry for Human and Minority Rights organized a conference on the topic: "Anti-discrimination legislation in Montenegro with a special emphasis on the obligations of Montenegro by the CEDAW Convention and Convention on the protection of domestic violence against women ". The goal of the event was enhancement of knowledge of Judicial, complete implementation and practical application of equal national regulations and international standards of protection in this area, primarily the Law on Protection from Domestic Violence, CEDOW Convention and the Istanbul Convention. The conference was attended by 13 representatives of the judiciary.

In November 2016, the Centre for the training of the judiciary and the public prosecutors in cooperation with the Ministry for Human and Minority Rights and the NGO Centre for Women's Rights organized a seminar for Magistrates under the Programme of training on domestic violence and violence against women in the judiciary. The seminar was financially supported by UNDP and UNICEF in Montenegro. The programme aimed to support the process of establishing a sustainable and efficient system of protection and support to victims of domestic violence and violence against women by supporting judicial institutions in the implementation of international standards and national legislation in this field. The seminar was attended by 10 representatives of the judiciary (10 Magistrates).

In accordance with Article 16 of the Istanbul Convention, with the aim of preventing re-commission of the criminal offences, in the previous period within the Sector for Treatment of the Correctional Facility, several workshops were conducted on the topic "Violence and types of violence", assertive communication and control of aggressive behaviour in the Sector for Juveniles, and in Separate Sector of Correctional Facility Podgorica, and those workshops were a result of their personal initiative and acquired professional titles and achievements.



Action Plan for implementation of the strategy for execution of criminal sanctions for the period of 2017-2021 in order to raise the quality of the treatment of prisoners recognized the obligation of making special rehabilitation programme for certain categories of prisoners such as addicts, perpetrators of violent and sexual offences, people with mental disorders, etc., and the implementation of training of officials in the Department for treatment on the implementation of specific programmes.

<http://www.pravda.gov.me/ResourceManager/FileDownload.aspx?rid=273962&rType=2&file=Strategija%20za%20izvr%C5%A1enje%20krivi%C4%8Dnih%20sankcija%202017-2021.docx>

Acting in accordance with Article 17 of the Istanbul Convention, which states encouragement of the sector for information and communication technologies and the media concerning the establishment of standards and regulations for the prevention of violence against women, Montenegro, within the Ministry of Public Administration established a Directorate for the Protection of computer and security incidents on the Internet (CIRT) to provide guidance for protection on the Internet to all categories of the population, not just women.

The concept of security refers to the importance of security and protection of information and data in cyberspace. Awareness of the possibilities of misuse of information and awareness on the procedures and means of protection of information is of great importance for cyber security. Education of final users and sharing of information are very important components in process safety.

The Ministry of Culture is preparing media regulations and continuously complying with standards, noting that the media laws are interpreted and applied in accordance with the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Also, media legislation affirms the right to freedom of expression without discrimination.

Electronic Media Law stipulates a ban of broadcasting programmes containing pornography or whose content emphasize or support violence, drug abuse or other forms of criminal behaviour, as well as programmes that abuse the credulity of viewers and listeners, which is closer regulated by the Rulebook on amendments of the Rulebook on programme standards of electronic media. Moreover, these issues are regulated by the Code of Ethics which is made by journalistic self-regulatory bodies, which include professionalism and ethics of behaviour of journalists.

In 2015 and 2016, in order to promote gender equality in various spheres of social life and affirmative action to achieve factual equality between men and women and the elimination of discrimination, numerous memoranda of cooperation with NGOs, the Police Academy, and the municipalities were signed. Certainly, a memorandum on cooperation in the field of protection from violence against women and domestic violence, which was signed between the Ministry for Human and Minority Rights and 9 non-governmental organizations which provide SOS services and accommodation for women and children victims of violence, is very important. The signing of this



Memorandum was preceded by the establishment of national SOS lines for women and children, victims of domestic violence.¹

IV. Protection and support

(Chapter IV of the Convention, Articles 18 to 28)

Article 18 of the Istanbul Convention, requires that Member States take the necessary legislative or other measures to protect all victims from further violence, with the aim of avoiding secondary victimization. Those measures include the provision of appropriate mechanisms for effective cooperation between all relevant state authorities, including the Courts, public prosecutors, law enforcement agencies, local and regional authorities, as well as non-governmental organizations and other relevant organizations and entities, in providing protection and support to victims and witnesses of all forms of violence covered by the Convention, including the reference to general and specialized support services referred to in Article 20 and 22 of the Convention.

In the context of protecting the rights of victims, an important standard refers to the right of victims to receive adequate and timely information on available support services and legal measures in a language they understand.

With the implementation of positive experiences and best practices of developed European Police services in relation to domestic violence and family community, the Police department, within its competence, gives special attention to preventive action, the operational work in the field, continuing education of Police officers, improving the statistical and analytical monitoring and reporting.

By taking measures to combat all forms of violence, the Police Department pays special attention to victims of domestic violence, by providing them adequate assistance and support in order to protect them.

Pursuant to the legal obligation (Article 5 of the Law), Police have been establishing and developing cooperation with social welfare centres, as well as with other institutions dealing with the protection of human rights - domestic violence.

Also, the Police department have been actively cooperating with all social actors, international and non-governmental organizations involved in the prevention, protection of victims, the prevention and control of domestic violence.

In addition to the Police Administration, the essential service support are Centres for Social Work, whose role, as well as the role of all bodies and institutions dealing with the protection of victims of domestic violence, is defined in the context of national legislation by the Law on Protection from Domestic Violence, Family Law, the Law on Social and Child Protection etc., but also international laws that our country has signed (in particular the Convention on the rights of the child and the Convention of the Council of Europe, Convention on preventing and combating violence against women and domestic violence). Also the responsibilities of the Social Work Centre were comprehensive in order to protect the victims, and they are defined by the Protocol on acting, prevention and protection from domestic violence.

¹ For more information about SOS line, see Chapter IV Protection and Support



Professional associates of the Social Work Centre are obliged, if in any way find out that there are signs of domestic violence, to make official note and immediately inform the Police. When violence is reported to the Social Work Centre, the files of the cases shall be formed, and a risk assessment shall be constituted, as well as a plan of protection and support to victims of domestic violence. In cases where the violence is reported by other institutions, the victim of violence shall be immediately and without delay contacted. Working with the family includes advisory conversations by which clients are informed about their rights, providing them psychosocial support, field visits, cooperation with educational and health institutions as well as material assistance in accordance with the law. If the victim has to be separated from the family, the Centre notifies the NGO / shelter that provides services.

The Social Work Centre also cooperates with the Police, Public Prosecution Office and the judicial authorities to protect victims. If necessary, the victim of violence is followed to the Court, or upon the Police call they go to the family to support it. The Centre, at the request of the Court, submits a report and opinion on the purposefulness of the protective measures (eviction from the apartment, restraining order, etc.).

Regarding protective measures of criminal proceedings, by the amendments to the Criminal Code - 2013, two new security measures were introduced: restraining and eviction from the apartment or other living accommodation. They eliminate the risk of repeated commission of certain criminal activities by prohibiting the perpetrator to approach the victim of the criminal proceeding or to a particular place. It is explicitly stipulated that measures may be imposed against the perpetrator who, among others, commits the criminal offences of domestic violence in the family or community. By the introduction of these measures, the provisions of the Criminal Code have been harmonized with the Istanbul Convention.

Regarding the criminal offences of concluding a void marriage, a more severe form is envisaged if the other person is forced or coerced to enter into marriage. Regarding the criminal offences of extra-marital community with a juvenile, a more severe form is supplemented with a qualifying circumstance when the criminal offences were committed by use of force or threats.

In order to prevent and protect women from violence and domestic violence, health system of Montenegro performs its activities within three levels, primary (health centres), secondary (general and special hospitals) and tertiary level (Clinical Centre of Montenegro). However, the initial basis for the identification of all forms of violence is the primary level of health care, the Department of Emergency Medical Care and Emergency Centre of the Clinical Centre of Montenegro. Concerning all forms of violence against women and domestic violence in order to prevent the level of primary health care, there are provided preventive measures through appropriate centres for support and adequate counselling (Counselling for reproductive health, Counselling for psychological support, Counselling for young people including cooperation with the Counselling for reproductive health, particularly concerned to girls under the age of 18) and the Institute of Public Health of Montenegro there are support centres particularly interested in education and testing for HIV / AIDS. If a particular type of rape of a woman or girl occurs, the selected doctors recommend and advice performing the tests as a prevention of the relevant infectious diseases.



Respecting the standards of the right to information of witnesses and victims, the Supreme Court of Montenegro in 2011 issued Informer for witnesses of victims of criminal offences of domestic violence or family community and trafficking. Its aim is to provide accurate and implicit information on rights and obligations of victims who appear as witnesses / witnesses in Court proceedings in cases of domestic violence and people trafficking. Informer provides answers to questions concerning the protection of the Court proceedings and support to victims of witnesses provided by Support Services. These services exist within all misdemeanours, basic and higher Courts of Montenegro, so the Informer contains contacts of responsible persons to whom witnesses and victims may address for information and support during the proceedings in which they are the witnesses (male or female). In March 2017 an innovated and revised edition of the Informer was published, which is the result of cooperation of the Supreme Court of Montenegro and the NGO Centre for Women's Rights. It is a comprehensive text including the detailed overview of all the rights of the witnesses and victims during the procedure, measures of protection and services provided by specially authorized persons within the Support Services. This edition represents an important step forward in achieving more quality and overall protection system, in particular the rights of the victims to be timely and duly informed. Also, in accordance with the Protocol on Acting, prevention and protection from violence, Courts are obliged to explain the rights to the victims (selection of a confident person, free legal aid, and shelter).

<http://sudovi.me/podaci/vrhs/dokumenta/641.pdf>

Free legal aid

Institute of legal aid in Montenegro is regulated by the Law on Legal Aid applicable from 1 January 2012. The Law regulates the comprehensive system of providing free legal aid and allows persons of lower economic status to have access to Court.

According to the Law on Free Legal Aid "Official Gazette of Montenegro", No. 020/11 of April 15, 2011, 020/15 of April 24, 2015), the victims of the criminal offences of domestic violence in the family or community and people trafficking, as well as the victims of domestic violence in accordance with the law regulating the protection of domestic violence are entitled to free legal aid, while victims are entitled to assistance without assessing of their financial status.

In order to implement the measures provided for Judiciary Reform Strategy (2014-2018) and the accompanying action plan, which is in the context of the strategic goal "to strengthen the availability, transparency and public confidence in the judiciary", as one of the strategic guidelines, development and enhancement of the system of free legal aid has been anticipated. Consequently, in 2015 the following activities were undertaken:

- Association of Judges of Montenegro created a brochure on the right to free legal aid, which was submitted to the basic Courts and published on their website and info-flyer on the free legal aid was made with the support of UNDP and delivered to all basic Courts, centres for social work and post offices;
- Television of Montenegro on several occasions, in the morning programme, organized inserts and visits with the theme of free legal aid;
- The manner of collecting and analyzing data on the provision of free legal aid has been enhanced, in a way that the Ministry of Justice is allowed to have access to the data from the Judicial Information System (PRIS). The Judicial Information System (PRIS) in a real



time allows you to view data overview concerning obtaining free legal aid in such a way as to each individual Court on a daily basis may get information on the number of submitted applications for free legal aid, decision-making upon requests, statistics by persons who have been granted free legal aid, statistics by users, as well as the form of the legal aid and the total amount of paid and refunded on a ground of providing legal aid.

- In order to promote free legal aid system among students of law faculties in Montenegro, on the basis of the Memorandum of Understanding signed by the Supreme Court of Montenegro and the Faculty of Law of the University of Donja Gorica, two teaching assistants were sent to the Basic Court in Podgorica due to obtaining professional practice.

Pursuant to Article 24 of the Istanbul Convention, Montenegro has established a free SOS phone line which covers the whole country, in order to provide advice to callers, confidentially or preserving their anonymity, in relation to all forms of violence covered by this Convention.

The unique, national, free SOS line for victims of domestic violence began with its work on 1 September 2015. For the purpose of organizing the work of the national line, SOS line for women and children, victims of violence, Nikšić provided the necessary infrastructure and technical preconditions during August. The necessary premise is provided for the operation of the line and it is equipped with appropriate furniture: desks and shelves for placing dossier files of beneficiaries. During September, two computers for work of telephone operators and telecommunication system with two telephone apparatus for receiving calls were provided. During October, a separate electronic database for recording and storing data obtained by received calls on national SOS line for victims of domestic violence was revised and adapted to its needs. The laptop was provided to keep track of calls and the necessary forms were redesigned: the recording of calls, note after call, form for assessment of acute risk, an evaluation of security, form for acute evaluation of needs, body maps, follow up the case, mediation form, and checklist. During the project implementation, the archive of cases was formed in hard copy and electronic version, and it keeps and updates the dossier files of beneficiaries.

The team of seven people is in charge regarding direct work on the line for assistance, and it is made up of a female coordinator, three female operators - consultants, two female volunteers and a professional female associate - psychologist.

Three female consultants are engaged on the line in the period from 09:00h - 17:00h, when the call rate is highest.

The period from 17:00h - 21:00h is covered by two female volunteers of the organization, as well as a female assistant (psychologist), who is on the line twice a week (Tuesdays and Thursdays) and provides psychological counselling.

In the period from 21:00h - 09:00h and at weekend, calls for help are diverted to a mobile line, and engaged staff (three female consultants and a female coordinator) cover this period alternately from home.

Also, Montenegro has begun the process of licensing of all providers of social and child protection, in accordance with the Law on Social and Child Protection, which is aimed at unification of the quality of services provided.

<http://sosnk.org/>



In order to provide support to victims of violence, special attention is given to **children who have witnessed** violence against women.

The Law on Protection from Domestic Violence (“Official Gazette of Montenegro”, No. 46/2010) stipulates taking particular actions and protective measures, in order to provide support to victims of violence, especially with respect to the rights and needs of children (Articles 11 and 12).

The Family Law (“Official Gazette of the Republic of Montenegro”, No. 001/07 of January 9, 2007, “Official Gazette of Montenegro”, No. 053/16 of November 8, 2016) in the proceedings concerning family relations, the Court may, if it finds that it is required by the intensity of the conflict between the child and parents or between parents, set up a support person to a child without his consent if this child is under the age of 14, and regarding a child who is older than 14, the Court needs his/her consent. The support person is chosen from the list of the support that is determined by the state administration of Justice.

The support person is obliged to the careful and conscientious care of the personality and interests of the child, to build a relationship of trust with the child, introduce the child with his/her rights, provide information regarding the case, the course and the possible outcome of the proceedings and provide explanations concerning the possible consequences of expressing an opinion of the child. The support person shall, with the consent of the child, notify the Court about child's opinion, attend the hearing at which the child will be interrogated and directly asked for the opinion, and explain to that child the content of the decision and its consequences. The support person has a right of access to the case file, they submit to him all the submissions and he/she is entitled to attend all hearings. The rights and obligations of support persons cease by the adoption of a final Court decision. Criminal legislation of Montenegro pays special attention to specific treatment of children who find themselves in the role of witnesses during criminal proceedings. The Criminal Procedure Code stipulates that a child who is interrogated as a witness has the right to testify in a separate premise before the judge and a Court reporter and the prosecutor, the accused and attorney may watch broadcasting from another room, with the possibility to ask questions to the witness, about what the Court is obliged to inform them (Article 113, Paragraph 5 of the Code of Criminal Procedure). Furthermore, the hearing of a juvenile, particularly if it is injured by a criminal offence, shall be carried out in order not to have a detrimental effect on the mental state of the juvenile. If necessary, the juvenile may have a help of a psychologist or other professional. The Code of Criminal Procedure expressly prohibits the testimony of a juvenile, who, concerning the age and mental development, is unable to comprehend the importance of his/her privilege not to testify (Article 113, Paragraph 4 of the Code of Criminal Procedure).

V. Substantive right

(Chapter V of the Convention, Articles 29-48)

Pursuant to the Istanbul Convention, State Members shall take the necessary legislative measures to enable victims the right to compensation from perpetrators for any criminal offence under this Convention.



The laws that enter into force the provisions of the Convention, including actions taken to avoid legal gaps are:

Criminal Code of Montenegro; The Criminal Procedure Code, the Code of Civil Procedure; the Law on Extra-Judicial Proceedings; the Law on Provision and Enforcement; the Law on Mediation; the Law on Free Legal Aid; the Family Law of Montenegro; the Law on Social and Child Protection; the Law on Execution of Prison Sentences, Fines and Security Measures.

Regarding procedure for determining and conducting protective measures shall apply the provisions of the law governing the operation and powers of the Police, misdemeanour procedure, criminal procedure, criminal sanctions and their implementation and enforcement.

Gender Equality Committee of the Parliament of Montenegro presented in November 2014, Opinion on the impact of confirmed Convention on preventing and combating violence against women and domestic violence on the legislation in Montenegro, drafted by experts of ODIHR from Warsaw, with the support of the OSCE Mission in Montenegro. The following Montenegrin laws were analyzed during the preparation of the Opinion: Criminal Code, Criminal Procedure Code, the Law on Protection from Domestic Violence, Law on Social and Child Protection, the Law on Health Care, the Law on the Emergency Medical Services, the Law on Internal Affairs, the Law on Gender Equality, Anti-Discrimination Law, Family law, the Social Housing Law, the Law on the Right of Unemployment Insurance, the Law on Free Legal Aid, the Law on Foreigners, the Law on Asylum and Draft Law on Compensation of Victims of Criminal Offences in Montenegro. As a conclusion is stated Montenegro's commitment to solving this problem and the need to carry out some changes in the legislative and strategic framework necessary to fully implement the standards contained in the Convention.

P: Please indicate in Annex the compilation of excerpts or summaries of the relevant legal texts, including special laws dealing with violence against women. These texts shall be submitted in one of the official languages of the Council of Europe (English or French), as well as the original language, where possible.

O: Material will be subsequently submitted because we do not have a translated law.

P: What actions have been taken to provide relevant experts with **guidelines on how to implement the aforementioned legal framework** (for example, drafting a protocol for the Police and other Police officers, guidelines for prosecutors, and setting up special units)?

O: In social work centres were formed multidisciplinary teams for protection against domestic violence in accordance with the Law on Protection from Domestic Violence in 2010. These teams are composed of representatives (male or female) of the relevant institutions (Police, Judiciary and Prosecutor's Office, the Ministry of Health, Ministry of Education, NGOs, the Misdemeanour Court, the Ministry of Labour and Social Welfare). In 2011, the Protocol on the Treatment, Prevention and Protection against Domestic Violence was signed (the signatories of the Protocol were: Ministry of Justice, Supreme Court of Montenegro, Supreme State Prosecutor's Office, Ministry of Education, Ministry



of Health, Ministry of Labour and Social Welfare, Police Directorate and Council For Misdemeanour Offences of Montenegro). Also, in 2014, a protocol on inter-sectoral cooperation on preventing the abandonment of children was prepared (developed by the Ministry of Education, Ministry of Health, Ministry of Labour and Social Welfare), as well as the Agreement on Cooperation between State Institutions, the Office for Combating People Trafficking and six non-governmental organizations (signed on October 18, 2013) and relating to it the Annex of the Agreement on Cross-Sectoral Cooperation in the field of health care.

<http://sudovi.me/podaci/vrhs/dokumenta/641.pdf>

<http://www.mrs.gov.me/ResourceManager/FileDownload.aspx?rid=164295&rType=2>

P: Please provide detailed information on the procedures that are available to women victims of violence in order to achieve the rights in **civil proceedings**:

1. **against the perpetrators** (Article 29, Paragraph 1);
2. where possible, against the **national authorities** which have not fulfilled their duty to take the necessary preventive or protective measures within its powers (Article 29, Paragraph 2).

Please provide detailed information on the procedures that are available to women victims of violence:

1. to claim compensation **from perpetrators** for any of the offences established in accordance with the Convention (Article 30, Paragraph 1);
2. to obtain, where appropriate, compensation **from the state** when any such criminal offence involves permanent serious bodily injury or damage to health (Article 30, Paragraph 2).

O: Criminal Procedure Code sets forth the possibility of submission of a property claim that has arisen due to the criminal offence, if this does not considerably delay proceedings. Property claim may pertain to compensation, restitution of objects or annulment of a particular legal transaction. Proposal to assert property claim in criminal proceedings may be submitted by a person authorized to pursue that claim in civil proceedings and submitted to the state prosecutor or the Court before the criminal proceedings are conducted. The proposal may be submitted no later than the completion of the main trial before the Court of First Instance. The person authorized for submitting the proposal is obliged to designate request and submit evidence.

This right to claim compensation for damages applies to all victims of criminal offence. In accordance with the rules of national legislation, the Court shall decide on a claim for damages in the criminal proceedings if it would not "substantially delay the proceedings". Therefore, the assessment of the Court depends on how long a criminal proceeding will last. In a verdict pronouncing the defendant guilty, the Court may award the claim to the authorized person in whole or in part, and refer the matter to the litigation procedure for the remainder. If the facts established in the criminal procedure do not provide a reliable basis for either full or partial verdict, and their determination



would lead to a significant delay in the procedure, the Court will instruct the authorized person to enforce the claim in the civil proceedings.

If the Court instructed the injured to assert property claim in civil proceedings, judicial protection in accordance with these provisions would be achieved before the Court as a really competent Court in accordance with the general rules of the Civil Procedure. In civil proceedings the Court shall conduct the procedure without delay and with the least possible cost, and prevent any abuse of the rights belonging to the parties in the proceedings. The enforcement process is typically an emergency. In this case, the burden of proof is on the prosecutor and the costs of evidence and other Court costs during the procedure advanced by the party that proposed them, although the final outcome costs of the proceedings shall be borne by the party that lost the dispute. The party which, according to its general financial situation is not able to bear the costs of the proceedings without prejudice to the necessary support to themselves and their families, the Court may exempt from payment of Court fees, or also from the advance payment for the costs of witnesses, experts, crime scene investigation and the execution of other evidence. Regarding victims of criminal offences and domestic violence, they may accomplish free legal aid, which automatically implied the liberation of legal aid.

In the case of enforceable Awarding damages, execution of Court decisions is carried out according to the rules of the Law on Enforcement and Security. In accordance with the obligation of submission of the answer to the question about the number of initiated litigation against the perpetrator, during the reporting period, before all Courts in Montenegro women injured have submitted a total of 12 claims for non-pecuniary damage from the offender. In two cases the claim is approved, the two cases are legally finalized Court settlement, while in seven cases, proceedings are still pending. In one remaining case, the Court has issued a decision that the complaint was withdrawn due to the absence of duly invited the offender's attorney.

P: Please indicate how national legislation criminalizes the following forms of violence:

1. **psychological violence**, as defined in Article 33;

Law on Protection against Domestic Violence ("Official Gazette of Montenegro", No. 46/2010)

Article 36 - A fine of 150 euro or imprisonment of at least ten days shall be imposed on a member of the family if threatened with attack or causes a danger that may provoke a feeling of personal insecurity or mental pain of a family member;

2. **Persecution**, as defined in Article 34;

Law on Protection against Domestic Violence ("Official Gazette of Montenegro", No. 46/2010)

Article 36 - A fine of 150 euro or imprisonment of at least ten days shall be imposed on a member of the family if stalking and otherwise grossly disturb another family member.



3. **physical violence**, as defined in Article 35;

Law on Protection against Domestic Violence ("Official Gazette of Montenegro", No. 46/2010)

Article 36 - A fine of 150 euro or imprisonment of at least ten days shall be imposed on a member of the family regardless of whether or not it results in physical injury of a family member.

4. **sexual violence, including rape**, as defined in Article 36, Paragraph 1, taking into account the definition of consent in Article 36, Paragraph 2.

Law on Protection against Domestic Violence ("Official Gazette of Montenegro", No. 46/2010)

Article 36 - A fine of 150 euro or imprisonment of at least ten days shall be imposed on a member of the family if sexually harassing another family member.

Criminal Code of Montenegro ("Official Gazette of Montenegro", No. 070/03 of December 25, 2003, 013/04 of February 26, 2004, 047/06 of July 25, 2006, ("Official Gazette of Montenegro", No. 040/08 of June 27, 2008, 025/10 of May 5, 2010, 073/10 of December 10, 2010, 032/11 of July 1, 2011, 064/11 of December 29, 2011, 040/13 of August 13, 2013, 056/13 of December 6, 2013, 014/15 of March 26, 2015, 042/15 of July 29, 2015, 058/15 of October 9, 2015)

Article 204 - Anyone who forces another into a sex act or other act of equivalent nature by using force or threatening to take life and harm the body of that or of other person shall be punished by a prison term from two to ten years; where the offence under Paragraph 1 above was committed under a threat of revealing information about that or other person that would harm their honour or tarnish their reputation or by a threat of committing other grave wrong, the perpetrator shall be punished by a prison term from one to eight years; where as a result of the offences under Paragraphs 1 and 2 above a serious bodily injury was inflicted on a person, or where the offence was committed by several persons in an especially cruel or especially degrading manner, or upon a juvenile, or where the offence resulted in pregnancy, the perpetrator shall be punished by a prison term from three to fifteen years; If the offence referred to Paragraphs 1 and 2 above, the death of the person against whom the offence was committed or if the offence was committed against a child, the perpetrator shall be punished with at least ten years.

P: Please also indicate how your national legislation criminalises acts of sexual violence, including rape, committed against former or current spouses or partners (Article 36, Paragraph 3).

5. **forced marriage**, as defined in Article 37;

Criminal Code of Montenegro ("Official Gazette of Montenegro", No. 070/03 of December 25, 2003, 013/04 of February 26, 2004, 047/06 of July 25, 2006, ("Official Gazette of Montenegro", No. 040/08 of June 27, 2008, 025/10 of May 5, 2010, 073/10 of December



10, 2010, 032/11 of July 1, 2011, 064/11 of December 29, 2011, 040/13 of August 13, 2013, 056/13 of December 6, 2013, 014/15 of March 26, 2015, 042/15 of July 29, 2015, 058/15 of October 9, 2015)

Article 214 - Anyone who concludes a marriage concealing from the other party a fact which makes marriage void or who misleads or keeps the other party mislead on that fact shall be punished by a prison term from three months to three years.

Anyone who forces or threatens another person to marry shall be punished by imprisonment of six months to five years. Prosecution may be undertaken only if the marriage thus concluded is declared void for reasons referred to in Paragraphs 1 and 2 of this Article.

6. **genital mutilation** of female persons as defined in Article 38;

Criminal Code of Montenegro

Article 151a – Anyone who mutilates parts of female genitalia shall be punished by a prison term from one to eight years.

7. **forced abortion**, as defined in Article 39a;

Criminal Code of Montenegro ("Official Gazette of Montenegro", No. 070/03 of December 25, 2003, 013/04 of February 26, 2004, 047/06 of July 25, 2006, ("Official Gazette of Montenegro", No. 040/08 of June 27, 2008, 025/10 of May 5, 2010, 073/10 of December 10, 2010, 032/11 of July 1, 2011, 064/11 of December 29, 2011, 040/13 of August 13, 2013, 056/13 of December 6, 2013, 014/15 of March 26, 2015, 042/15 of July 29, 2015, 058/15 of October 9, 2015)

Article 150 - Anyone who, in breach of the regulations governing the termination of pregnancy, carries out an abortion with the pregnant woman's consent, starts carrying out an abortion or assists a pregnant woman in terminating her pregnancy shall be punished by a prison term from three months to three years; anyone who carries out or starts carrying out an abortion without the consent of a pregnant woman and, where she is younger than eighteen, without her consent or a written agreement of her parent, adoptive parent or guardian shall be punished by a prison term from one to eight years; where, due to the acts referred to in Paragraphs 1 and 2 above, the woman subjected to abortion dies or her health is heavily impaired or another serious bodily injury is inflicted upon her, the perpetrator shall be punished for the offence referred to in Paragraph 1 above by a prison term from six months to six years and for the offence referred to in Paragraph 2 above by a prison term from two to twelve years.

8. **forced sterilization**, as defined in Article 39b.

Criminal Code of Montenegro Article 151b - Anyone who forces or threatens to carry out sterilization of another person in order to prevent its reproduction, shall be punished by imprisonment from three months to five years.



P: How does your national legislation criminalize or otherwise resolves **sexual harassment**, as defined in Article 40?

O: The Law on Protection from Domestic Violence, Article 36 stipulates misdemeanour liability to family members for sexual harassment of a family member. Family member responsible for sexual harassment shall be fined not less than three times the minimum wage in Montenegro or by imprisonment of at least ten days.

P: How does your domestic legislation solve **aiding and abetting** in relation to psychological violence, stalking, physical violence, sexual violence (including rape), forced marriage, the act of female genital mutilation, forced abortion and forced sterilization (Article 41, Paragraph 1)?

O: Article 25 of the Criminal Code provides that anyone who acts with wrongful intent to aid another in the commission of a criminal offence shall be punished as if he committed it himself, but may receive a lighter punishment. The following, in particular, shall be considered as aiding in the commission of a criminal offence: giving counsel or instructions on how to commit the crime, supplying the perpetrator with the means for commission of the crime, creating conditions or removing obstacles to the commission of crime as well as promising one prior to the commission to conceal the crime, a perpetrator, the means by which the crime was committed, any traces of the crime, or the proceeds of crime.

Article 26 of the Criminal Code defines the limits of responsibility and punishability of accomplices. Co-principal liability is defined by his wrongful intent or negligence, and instigator and aider liability by their wrongful intent. Where a co-principal, instigator or an aider voluntarily prevented the commission of a criminal offence, punishment may be remitted. Personal relations, capacity and circumstances for which the law excludes culpability or allows for the remission of punishment and which serve as ground to qualify an offence as serious or juvenile, or have an impact on the punishment imposed, may apply only to the principal, co-principal, instigator or aider with whom such relations, capacity and circumstances exist.

P: How does your domestic legislation solve **the attempts** of physical violence, sexual violence (including rape), forced marriage, female genital mutilation, forced abortion and forced sterilization (Article 41, Paragraph 2)?

O: Article 20 of the Criminal Code of Montenegro provides that anyone who commences the commission of a criminal offence with wrongful intent but does not complete it shall be punished for attempted criminal offence punishable under law by a prison term of five years or longer, whereas other attempted criminal offences shall only be punishable where it is explicitly provided for by law that the punishment also applies to an attempt. Also considered to be the commencement of a crime is the use of a specific tool or the application of a specific method of commission provided that they are defined by law as elements of the crime. A perpetrator shall be punished for an attempt by the punishment laid down for the criminal offence, but may also receive a lighter punishment.

Article 220 of the Criminal Code of Montenegro-(1) Anyone who uses gross violence to violate bodily and mental integrity of his family members or members of a family community shall be punished by a fine or a prison term up to one year.(2) Where the offence under Paragraph 1 above was committed by means of weapons, dangerous tools



or other instruments suitable for inflicting serious bodily injury or for seriously impairing one's health the perpetrator shall be punished by a prison term from three months to three years. (3) Where the offences under Paragraph 1 and 2 above resulted in serious bodily injury or harm to one's health or where such offences were committed against a juvenile, the perpetrator shall be punished by a prison term from one to five years. (4) Where the offences under Paragraphs 1, 2 and 3 above resulted in the death of a family member of a member of family community the perpetrator shall be punished by a prison term from three to twelve years. (5) Anyone who violates the measures which were ordered on the basis of law by Court or other state authority as protection against domestic violence shall be punished by a fine or a prison term up to six months.

Article 150 of the Criminal Code of Montenegro - Anyone who, in breach of the regulations governing the termination of pregnancy, carries out an abortion with the pregnant woman's consent, starts carrying out an abortion or assists a pregnant woman in terminating her pregnancy shall be punished by a prison term from three months to three years; anyone who carries out or starts carrying out an abortion without the consent of a pregnant woman and, where she is younger than eighteen, without her consent or a written agreement of her parent, adoptive parent or guardian shall be punished by a prison term from one to eight years; where, due to the acts referred to in Paragraphs 1 and 2 above, the woman subjected to abortion dies or her health is heavily impaired or another serious bodily injury is inflicted upon her, the perpetrator shall be punished for the offence referred to in Paragraph 1 above by a prison term from six months to six years and for the offence referred to in Paragraph 2 above by a prison term from two to twelve years.

Article 204 of the Criminal Code of Montenegro - Rape - Anyone who forces another into a sex act or other act of equivalent nature by using force or threatening to take life and harm the body of that or of other person shall be punished by a prison term from two to ten years; where the offence under Paragraph 1 above was committed under a threat of revealing information about that or other person that would harm their honour or tarnish their reputation or by a threat of committing other grave wrong, the perpetrator shall be punished by a prison term from one to eight years; where as a result of the offences under Paragraphs 1 and 2 above a serious bodily injury was inflicted on a person, or where the offence was committed by several persons in an especially cruel or especially degrading manner, or upon a juvenile, or where the offence resulted in pregnancy, the perpetrator shall be punished by a prison term from three to fifteen years; If the offence referred to par. 1 and 2 above, the death of the person against whom the offence was committed or if the offence was committed against a child, the perpetrator shall be punished with at least ten years.

Article 214 of the Criminal Code of Montenegro - Anyone who concludes a marriage concealing from the other party a fact which makes marriage void or who misleads or keeps the other party mislead on that fact shall be punished by a prison term from three months to three years. Anyone who forces or threatens another person to marry shall be punished by imprisonment of six months to five years. Prosecution may be undertaken only if the marriage thus concluded is declared void for reasons referred to in Paragraphs 1 and 2 of this Article.



Article 151a of the Criminal Code of Montenegro– Anyone who mutilates parts of female genitalia shall be punished by a prison term from one to eight years.

Criminal Code of Montenegro Article 151b - Anyone who forces or threatens to carry out sterilization of another person in order to prevent its reproduction, shall be punished by imprisonment from three months to five years.

P: For each form of violence, which includes the Convention, please indicate:

Applicable **sanctions**, including sanctions which are not criminal, and, if necessary, when sanctions include deprivation of liberty which can give rise to extradition (Article 45, Paragraph 1);

The Law on Protection from Domestic Violence ("Official Gazette of Montenegro", No. 46/2010) in Article 36 stipulates:

A fine of 150 euro or a prison term of minimum ten days shall be imposed for the offence on a family member who: uses physical force, irrespective of whether it inflicts a bodily injury on other family member; threatens to use force or induces danger that may provoke a feeling of personal insecurity or cause physical pain in other family member; assaults verbally, swears, calls names or otherwise insults other family member; denies other family member freedom of communication with third persons; exhausts through labour, deprives of sleep or other rest, threatens to expel from residence or take away children; sexually abuses other family member; stalks and otherwise severely abuses other family member; damages or destroys joint property or property of other family member or makes an attempt to do so; denies means of subsistence to other family member;) behaves rudely and so disturbs family peace of a family member that he does not share family community with (Article 8, Paragraph 1).

A fine of minimum 250 or a prison term of minimum twenty days shall be imposed for the offence on an adult family member who commits violence from Paragraph 1 of this Article in the presence of a juvenile.

A fine of minimum 500 euro or a prison term of minimum thirty days shall be imposed for the offence on a family member who commits violence from Paragraph 1 of this Article and victim is a juvenile.

A fine of minimum 1000 euro or a prison term of minimum sixty days shall be imposed for the offence on a family member who fails to report (hides) family member with special needs (Article 8, Paragraph3).

2. relevant further **measures** that can be taken into account in relation to perpetrators, such as:

a. monitoring or supervision of convicted persons;

Rulebook on the manner of execution of security measures of restraining ("Official Gazette of Montenegro 034", No. 012/17 of February 24, 2017)



Rulebook on the manner of execution of security measures eviction from the apartment or other living accommodation (“Official Gazette of Montenegro” No. 012/17 of February 24, 2017).

b. deprivation of parental rights, if it is in the best interest of the child, which may include the safety of female victim if it cannot be guaranteed in any other manner (Article 45, Paragraph 2).

Family Law of Montenegro (“Official Gazette of the Republic of Montenegro”, No. 001/07 of January 9, 2007, “Official Gazette of Montenegro”, No. 053/16 of August 11, 2016) in Article 87 provides the following: a parent, who abuses the exercising of the parental right or neglects seriously the performance of parental duties, shall be deprived of the parental right.

Abuse of the right is present in particular if a parent: abuses the child in a physical, sexual or emotional manner, exploits the child by forcing it to excessive work or to work that threatens morality, health and education of the child, or work which is forbidden by law; instigates the child to perpetrate criminal acts; develops bad habits and tendencies and the like.

Serious neglect of the duty is present in particular if a parent: abandons the child or does not take care at all of the basic living necessities of the child s/he lives with; avoids to support the child or to maintain personal relationships with the child s/he does not live with, i.e. prevents the maintenance of personal relations between child and the parent the child is not living with; if deliberately and in an unjustified manner s/he avoids to create conditions for joint life with the child who is accommodated in social and child protection institution.

The procedure for deprivation of the parental right may be initiated by the other parent, the custodial body or the state prosecutor. The custodial body is under an obligation to initiate the procedure for deprivation of the parental right when in any manner whatsoever it learns that there are reasons for this established in this law. If the custodial body learns that there is a danger of abuse of the parental right or a danger of serious neglect of parental duties, it is under an obligation to take urgent measures to protect the personality, rights and interests of the child (Article 89)

P: How does your national legislation provides that the circumstances referred to in Article 46, if they do not already form part of the constituent elements of criminal acts, can be considered as **aggravating circumstances**?

O: The Court shall fix the punishment for the perpetrator of a criminal offence within the statutory limits for that particular offence taking into account the purpose of punishment and giving due consideration to any circumstances which result in lighter or more severe punishment (mitigating and aggravating circumstances) as well as the following, in particular: degree of culpability, motives for the commission of offence, degree of peril or injury to the protected good, circumstances under which the offence was committed, perpetrator's history, his personal situation, his behaviour after the commission of criminal offence, particularly his attitude towards the victim of the criminal offence as well as any other circumstances concerning the perpetrator's personality (Article 42).



If a criminal offence is committed by hatred for reasons of race, religion, national or ethnic origin, sex, sexual orientation or gender identity of another person, the Court shall consider this circumstance as aggravating unless it is stipulated as a characteristic of a basic or more serious form of criminal offence. (Article 42a)

When fixing punishment for a perpetrator who has reoffended after he has served a punishment, been forgiven a punishment, had his punishment barred by the statute of limitations, or has had his punishment remitted after the deadline for revocation of parole has expired, or after he has been imposed judicial admonition, the Court can take this as an aggravating circumstance while at the same time giving due consideration to the seriousness of the prior offence, whether his prior offence is of the same kind as the new one, whether both offences were committed out of the same motives, as well as to the circumstances under which the offences were committed and how much time has passed since the earlier conviction or since the punishment imposed, forgiven or barred by the statute of limitations, since the remission of punishment, expiry of the deadline for revocation of an earlier suspended sentence or since the judicial admonition imposed. (Article 43)

For a criminal offence which was committed with wrongful intent and which is punishable by a prison term, the Court may impose a more severe punishment than the punishment provided for by law on condition that: the perpetrator has already been convicted twice or more times for criminal offences committed with wrongful intent to a prison term of minimum one year, and that he shows propensity for offending; less than five years passed from his release from service of the previous punishment to the commission of the new criminal offence. The more severe punishment may be pronounced for maximum twice the amount of the punishment provided for by law, and for maximum twenty year prison term. In assessing whether to impose a more severe punishment than the punishment provided for by law, the Court shall give due consideration in particular to the number of prior convictions, any relations between such prior criminal offences, motives out of which they were committed, circumstances under which the offences were committed, and the need to impose such punishment in view of the purpose of punishment to be achieved (Article 43).

P: How does your national legislation - in the criminal and civil law - prohibit mandatory alternative dispute resolution, including mediation and conciliation, in relation to all forms of violence covered by the Convention (Article 48)?

O: Family Law of Montenegro “Official Gazette of the Republic of Montenegro”, No. 001/07 of January 9, 2007, “Official Gazette of Montenegro”, No. 053/16 of August 11, 2016) within Article 326 stipulates in the disputes for divorce of marriage upon the action of one of the spouses, the procedure of mediation shall be conducted in accordance with the Law on Mediation and this Law, except in cases where there are circumstances that point to the existence of any form of domestic violence.



NOTE: Statistical data required in section Substantive Right are in part ANNEX 1

VI. Investigation, prosecution and procedural law and protective measures

In accordance with the Convention, the competent authorities must be able to quickly and adequately respond to all forms of violence covered by the Convention, issued emergency orders banning or provisional measures restraining or protection and take measures for protection during investigations and criminal proceedings.

Acting in accordance with the principles of Article 49 of the Convention, the Montenegrin Prosecution has undertaken and takes actions in order to ensure that the investigation and inquest are conducted without undue delay, and that the criminal offences of violence against women are investigated and prosecuted effectively. To that end, State Prosecutor's Office without delay takes evidence collection and collect evidence, which provides short terms in which prosecutors require the submission of evidence and determination of a short deadline for submission of evidence, then the effective and continuous cooperation with all state bodies, particularly the Police, which give binding orders to collect valid evidence for the detection and prosecution of perpetrators. Concerning efficiency of the prosecutor's office, respecting the principles of Article 49 of the Convention, the better the data that most of the investigation and the investigation are completed within the statutory period, and that in the short terms the perpetrators are prosecuted to the Court.

In this section will be shown: the number of temporary prohibitive measures issued by the authorities; the number of violations of such provisional measures, as well as the number of sanctions imposed as a result of these violations.

P: Please specify which bodies have been given the authority to issue an **temporary restraining measure** when the woman victim (or at risk of) domestic violence is in a situation of imminent danger, as stated in Article 52 (i.e., Ordering the offender to immediately leave the apartment of female victims and / or prohibit the perpetrator from entering the apartment or contact the related woman).

2. Please indicate:

- a. The time required to issue a temporary restraining order;
- b. The maximum duration of the temporary restraining order;
- c. Whether the duration can be extended up to the time when the provisional protective measure can be issued;
- d. whether temporary restraining measures can be applied to all women victims of domestic violence; If not, please indicate any exceptions;
- e. The type of measures used to execute urgent bail orders in order to ensure the safety of women victims of violence;
- f. which sanctions may be imposed in the event of a breach of such a temporary restraining measure;
- g. support and advice available to women seeking this kind of protection.



O: Eviction from the apartment may be imposed on the perpetrator of violence who lives with the victim in an apartment or other living accommodation, regardless of the property and other rights of the perpetrator of violence and of the victim at the apartment or other living accommodation, if there is a risk of re-engaging in violence. The perpetrator of the violation who has been sentenced to leave the apartment is obliged to immediately leave the apartment or other living accommodation. The eviction from the apartment is pronounced for a duration that cannot be shorter than thirty days or longer than six months.

Restraining order may be imposed on the perpetrator if there is a risk of re-violence or if the presence of the perpetrator of violence near the victim creates a high level of mental suffering at victim that, for a shorter or longer time, prevents the normal psychological activities of the victim. The Misdemeanour Authority is obliged in the decision on prohibition of approximation to determine the place or area in which the perpetrator of violence must not approach the victim. The Prohibition of Accession shall be imposed neither for a period which shall not be shorter than thirty days nor for more than one year.

The prohibition of harassment and stalking may be imposed on the perpetrator if there is a risk to re-commit violence. The protective measures shall be imposed for a term which may not be shorter than thirty days nor more than one year.

A request for the determination of protective measures may be submitted by the victim or her representative, centre for social work, and other institutions of social and child protection, Police or public prosecutor. Protective measure may be ordered ex officio by misdemeanour authority.

If it considers it necessary to protect the victim without delay, the misdemeanour authority may impose a protective measure before the initiation and during the procedure, no later than 48 hours after the receipt of the request. The Misdemeanour Authority may request the Centre for Social Work or other institutions of social and child protection to provide assistance in obtaining the necessary evidence and to give its opinion on the appropriateness of the required protective measures. If the request is submitted before the initiation of the procedure, and the applicant does not file a request within five days to initiate the procedure, the misdemeanour authority shall abolish the imposed protective measure. The Misdemeanour Authority is obliged to warn the applicant of the consequences of failing to submit a request.

P: How are **temporary measures of prohibition or protection** available to women victims of all forms of violence covered by the Convention (Article 53, Paragraph 1)?

Please indicate:

1. procedures that have been established in order to apply for a temporary measure of prohibition or protection;
2. whether temporary measures of prohibition or protection can be applied to all the victims of violence covered by the Convention; If not, please indicate any exceptions;



3. whether there are any costs that are imposed against the applicant / women victims of violence (with an indication of their amounts);
4. delay between the issuance of such temporary measures and the time when it enters into force;
5. The maximum duration of temporary restraining or protective measures;
6. whether such temporary measures are available irrespective of, or in addition to, other legal proceedings;
7. whether such temporary restraining or protective measures of the individual may be set forth to subsequent legal proceedings
8. criminal and other legal sanctions that may be imposed (including deprivation of liberty, fines, etc.) in the event of violations; and
9. support and advice available to women seeking this kind of protection.

O: A request for the determination of protective measures may be submitted by the victim or her representative, centre for social work, and other institutions of social and child protection, Police or public prosecutor. Protective measure may be ordered ex officio by misdemeanour authority

If it considers it necessary to protect the victim without delay, the misdemeanour authority may impose a protective measure before the initiation and during the procedure, no later than 48 hours after the receipt of the request. The Misdemeanour Authority may request the Centre for Social Work or other institutions of social and child protection to provide assistance in obtaining the necessary evidence and to give its opinion on the appropriateness of the required protective measures. If the request is submitted before the initiation of the procedure, and the applicant does not file a request within five days to initiate the procedure, the misdemeanour authority shall abolish the imposed protective measure. The Misdemeanour Authority is obliged to warn the applicant of the consequences of failing to submit a request.

The perpetrator is obliged to comply with the stipulated protective measure.

A person who, in the scope of his work, finds that the perpetrator of violence does not act in accordance with the imposed protective measure, is obliged to inform the misdemeanour body, the social welfare centre, or other institution for social and child protection, the Police or the state prosecutor. A decision on the imposed protective measure shall be submitted by the misdemeanour body immediately to the body or institution responsible for the execution of the enforcement, and at the latest within three days from the day of issuing the decision.

A decision on the imposed protective measure shall be submitted by the misdemeanour authority to the Centre for Social Work on whose territory the victim and the perpetrator of violence have their place of residence or residence.

The records on reported cases of violence, victims, perpetrators of violence, imposed protective measures, as well as other measures of protection and assistance are managed by the authorities and institutions referred to in Article 5, Paragraph 1 of this Law, in accordance with their competencies, and they are submitted to the Ministry responsible for the protection of human and minority rights



P: How does your national legislation provides **legal actions ex officio (ex officio)** (in a way that initiation of such a procedure would not burden women victims of violence) in relation to each of the forms of violence covered by the Convention (Article 55, Paragraph 1)?

O: The Law on Protection against Domestic Violence stipulates that the state body, other body, health, education and other institutions are obliged to report to the Police the violence they have learned in carrying out activities within their jurisdiction or activity. The report on the committed violence shall be submitted to the Police by a responsible person in the body or institution referred to in Paragraph 1 of this Article, as well as the health and social worker, teacher, educator and other person who finds out about the violence committed in the performance of his / her duties. The Misdemeanour Authority and the Police are obliged to inform the Centre for Social Work about the reported violence.

After getting acquainted with the violence, the Police will take actions and measures without delay to protect the victim, in accordance with this law and laws regulating the work and powers of the Police, misdemeanour procedure, criminal proceedings and witness protection. The Centre for Social Work, that is, other institutions for social and child care, a health institution, as well as other body and institutions dealing with protection, shall, without delay, provide protection and assistance to the victim in accordance with its competencies. Bodies and institutions are obliged to take care of all the needs of the victim and allow her access to all forms of assistance and protection.

The Code of Criminal Procedure explicitly stipulates when proceedings are initiated ex officio, and when the private prosecution. Specifically, Article 44 of the Code provides that the basic right and duty of the public prosecutor prosecution of criminal offences and stipulates the responsibility of the public prosecutor for criminal offences which are prosecuted ex officio, while Chapter V of the CPA stipulates the rights and obligations of the private prosecutor and the injured party. Also, the Criminal Code is for certain offences stipulated to be taken by private prosecution and the law explicitly defines it. Thus, the criminal offence light bodily injuries from Article 152 Paragraph 1 of the Criminal Code of Montenegro, in accordance with Paragraph 4 of the same Article stipulates that is stipulated that prosecution is undertaken on a private charge, while in relation to Paragraph 2, criminal prosecution is undertaken ex officio . Montenegrin legislation, by prescribing criminal offences as criminal offences prosecuted ex officio, or prosecuted by the state prosecutor, has determined that the prosecution of these crimes is in the public interest. Therefore, all criminal offences relating to all forms of violence covered by the Convention are criminal offences whose prosecution is in the public interest and the state prosecutor is the sole authorized Prosecutor for the prosecution of perpetrators of these criminal offences, except in the case of the criminal offence referred to in Article 152, Paragraph 1 of the Criminal Code of Montenegro.

P: Please indicate which authorities have the authority to initiate such a procedure.

O: The state body, other body, health, education and other institutions are obliged to report to the Police the violence they have learned in carrying out activities within their competence or activity.



P: How does your national legislation provides the continuation of the **Court proceedings ex parte** (even if, for example, the woman victim of violence withdraws statement or complaint) as referred to in Article 55, Paragraph 1?

O: The State Prosecution, as the criminal prosecution authorities, is obliged to take all measures and actions within its competence to gather evidence in the context of investigation and investigation of crime and the perpetrator. This obligation of the State Prosecutor is based on the law and is independent of the fact whether it is a woman victim of violence, abandoned the application or not. The state prosecutor has a duty to, regardless of whether the offences for which the public prosecution collects evidence and information on which to make a decision on the initiation of proceedings before a Court.

P: How does your national legislation provides **NGOs or other civil society actors and advisors for domestic violence** to assist or support the victims of violence in Court proceedings (Article 55, Paragraph 2)?

O: The Law on Protection against Domestic Violence stipulates that the Centre for Social Work is formed by an expert team from representatives of that institution, bodies and services of local administration, Police, non-governmental organizations and experts dealing with family issues in order to determine the victim assistance plan and coordination of activities in the assistance process to victim, in accordance with its needs and choice.

The victim assistance plan specifically includes measures to be taken in accordance with the law governing social and child protection. If the victim is a child, the victim assistance plan also contains measures for the protection of the child in accordance with the law governing family relations.

In order to carry out the activities, the expert team may also be educated by another body, institution or organization dealing with protection.

P: Please indicate the conditions for such participation, as well as their legal status in the course of these proceedings.

O: For the purpose of organizing, monitoring and promoting of the coordinated and effective protection authority or institution a team of experts may be trained in the field of social and child protection, health care, justice, Police protection, protection of human rights and freedoms, as well as representatives of non-governmental organizations dealing with the protection.

P: Which protective measures are available during the investigation and Court proceedings (Article 56, Paragraph 1)?

O: Protective measures are imposed in order to prevent and combat violence, elimination of the consequences of abuse and taking efficient measures of re-education of the perpetrator of violence and eliminate the conditions that favour or promote the exercise of new violence.



Perpetrator may be imposed on one or more protective measures: eviction from the apartment or other living accommodation; restraining; prohibition of harassment and stalking; mandatory treatment of addiction; mandatory psychosocial treatment.

P: Please indicate details of any measures under Article 56, Paragraph 1, and in particular to:

- inform women victims of violence, when they and their families might be in danger, when the perpetrator escapes or is temporarily or permanently released;
- provide women victims of violence in order to "be free", to submit evidence and present their views, needs and concerns (directly or through an intermediary);
- provide women victims of violence appropriate support services so that their rights and interests are duly presented and taken into account;
- provide that contact between women victims of violence and perpetrators in the law enforcement agency and Court premises is avoided whenever possible.

O: Eviction from the apartment may be imposed to a person with whom victim lives in an apartment or other living accommodation, regardless of ownership and other rights of the perpetrator of violence and victims of an apartment or another area of the apartment, if there is a risk to re-commit violence. The perpetrator of violence who has been evicted from the apartment is obliged to immediately leave the apartment or other living accommodation. Eviction from the apartment shall be imposed for a term which may not be shorter than thirty days nor more than six months.

Restraining order may be imposed on the perpetrator if there is a risk of re-violence or if the presence of the perpetrator of violence near the victim creates a high level of mental suffering at victim that, for a shorter or longer time, prevents the normal psychological activities of the victim. The Misdemeanour Authority is obliged in the decision on prohibition of approximation to determine the place or area in which the perpetrator of violence must not approach the victim. The Prohibition of Accession shall be pronounced neither for a period which shall not be shorter than thirty days nor for more than one year.

The prohibition of harassment and stalking may be imposed on the perpetrator if there is a risk to re-commit violence. The protective measures shall be imposed for a term which may not be shorter than thirty days nor more than one year.

Mandatory treatment of addiction may be imposed on the perpetrator of violence as a result of addiction to alcohol, narcotics or psychotropic substances do violence, and there is a danger that due to such addiction to commit violence again. Protective measures last until there is a need for treatment, but not more than one year.

Mandatory psychosocial treatment may be imposed to the perpetrator in order to eliminate the causes of violent behaviour and re-education, and to reduce and eliminate the danger of re-committing the violence. Protective measure lasts until the end of the reason, but not more than six months. Detailed manner for determining and implementing protective measures is stipulated by the ministry responsible for social welfare.



P: Please indicate which special measures are available in order to provide protection to children who are victims of violence and children to witnesses of violence covered by the Convention (Article 56, Paragraph 2)

O: The victim assistance plan specifically includes measures to be taken in accordance with the law governing social and child protection. If the victim is a child, the victim assistance plan also contains measures for the protection of the child in accordance with the law governing family relations.

In family relationship procedures of the Family Law ("Official Gazette of the Republic of Montenegro", No. 001/07 of January 9, 2007, Official Gazette of Montenegro, No. 053/16 of August 11, 2016) provides that the Court and all participants in the procedure are obliged to treat the child participating in the procedure with special care, taking into account the situation in which the child is, about his needs and well-being, with full respect for his dignity, personality and individuality. Information and advice are provided to the child in a timely manner, in a child's understandable way, adapted to his age and maturity.

The Court may *sua sponte* one or more temporary measures to protect the child, if it deems necessary for the timely protection of the rights and interests of the child. Regarding conditions and procedure for the determination of provisional measures, the provisions of the law governing enforcement and security shall be applied.

When making decisions concerning the child, the Court, taking into account all the circumstances, and the legitimate interests of all parties, shall ensure that decisions taken by the largely, contributes to achieving the best interests of children.

When making decisions concerning the child, the Court, taking into account all the circumstances, and the legitimate interests of all parties, shall ensure that decisions taken by the largely contributes to achieving the best interests of children.

The support person is obliged to carefully and conscientiously care about the personality and interests of the child, to build a relationship of trust with the child, to acquaint him with his / her rights, to provide information about the case, the course and the possible outcome of the proceedings, and provide explanations concerning the possible consequences of expressing opinions Child. The support person is obliged, with the consent of the child, to transfer the Court's opinion to the Court, to attend the hearing where the child is interrogated, or directly express an opinion, and to explain the content of the decision and its consequences to the child. The support person has the right to inspect the case files, all submissions are submitted to him and he is authorized to attend all the hearings. The rights and obligations of support persons cease by the adoption of a final Court decision.

P: Please indicate details on the availability of **free legal aid for women victims of violence**, in accordance with Article 57, including eligibility criteria.

O: According to the Law on Free Legal Aid "Official Gazette of Montenegro", No. 020/11 of April 15, 2011, 020/15 of April 24, 2015), the victims of the crime of domestic violence in the family or community and human trafficking, as well as a victim of



domestic violence in accordance with the law governing the protection of domestic violence are entitled to free legal aid.²

NOTE: Statistical data in the field of investigation, prosecution and procedural law and protective measures are in part ANNEX 2

VII. Migrations and asylum

(Chapter VII of the Convention, Articles 59-61)

The diversity and complexity of migration and asylum phenomena require the development and establishment of a system that requires a coordinated action of all relevant institutions that have a specific role, or that relate their activities to a category of migrants or particularly vulnerable groups among them.

International norms and standards in the area of protection of migrants are extremely important because the Constitution of Montenegro proclaims that the generally accepted rules of international law and the confirmed international agreements are an integral part of the internal legal order of Montenegro. International conventions and standards in the field of the protection of migrants' rights are legally binding for Montenegro and have provided a framework for the establishment of a migrants' protection system.³

In addition to the relevant provisions of the Constitution and ratified specialized universal and regional conventions, the legal framework of Montenegro, in the area of migration and asylum completes a new Law on the temporary protection of foreigners, which will apply from 1 January 2017, as well as the new Law on foreigners, which is currently being drafted and whose adoption is planned for this year.

The ultimate goal to be achieved by the implementation of reforms in these areas is the compatibility of national legislation with the EU legal frameworks and international standards in the field of asylum and migration, which shall, among other things, guarantee all the rights of women, with particular emphasis on basic human rights, the situation of mothers with children as well as the preservation of family unity.

Taking into account the fact that women migrants and refugees are particularly vulnerable to violence, in this sense, Montenegro undertakes measures obliging the provision of international protection to victims it needs, regardless of their status, and preventing their return to countries where they are exposed to risk or may be subjected to torture, inhuman or degrading treatment or punishment, since the principle of the prohibition of the expulsion of asylum backbones and international protection of refugees. The Constitution of Montenegro, as the highest legal act, contains a whole series of provisions important for the protection of the rights of migrants, including women. Article 44 of the Constitution, in which the right to asylum is guaranteed, contains two important guarantees for dealing with migrants. In the first place, it is the right to seek asylum, where it is stipulated that "a foreigner who has been basically

² See IV Protection and Support, part Free Legal Aid

³ Monitoring over the implementation of the Convention relating to the Status of Refugees in 1951 by UNHCR. Istanbul Convention relies on this Convention.



afraid of persecution because of his race, language, religion or affiliation to a nation or group, or because of political convictions, may seek asylum in Montenegro." Then, Paragraph 2 and Paragraph 3 guarantee another very important postulate of international law, which is a restraining ban. Under these provisions, a foreigner cannot be expelled from Montenegro where, due to race, religion, language or nationality, he is threatened with death sentences, torture, inhumane humiliation, persecution or serious violation of the rights guaranteed by the Constitution.

Also, the existing Law on Asylum provides that the person who has been granted asylum or whose asylum has ceased or been revoked may not be returned or expelled to the border of the state where his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion, in which it will be subjected to torture, inhuman or degrading treatment or punishment, or in which order his life, safety or freedom would be threatened on account of generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which seriously threaten life, safety or freedom.

The new Law on International and Temporary Protection of Foreigners stipulates that it is forbidden to expel or in any way return a third-country national or stateless person to a country in which his life or freedom would be endangered by racial, religious or national affiliation, membership of a particular social group, For political opinion or in which he could be subjected to torture, inhuman or degrading treatment or who could extradite that person to another country in which his life or freedom would be endangered by racial, religious or national affiliation, membership of a particular social group, or Political opinion, or in which he could be subjected to torture, inhuman or degrading treatment.

Women who seek asylum are particularly concerned about the protection, which makes them different from men. In this regard, in the asylum procedure in Montenegro women are particularly informed about the rights and special services available to women who apply for asylum, with particular emphasis on women's right to apply for asylum independently from their spouse, i.e. the right to submit individual application for asylum and thus they are allowed to request asylum independently from the situation of other family members, as well as the right to choose half the officers and an interpreter during the proceedings.

In this context, the new Law on International and temporary protection of foreigners, a foreigner who is seeking international protection, including women seeking international protection, and that, with regard to their personal characteristics and circumstances (age, sex, full orientation, gender identity, heavy diseases, mental health or consequences of torture, rape or other serious forms of psychological, physical or gender-based violence and gender) are not fully able to exercise the rights and fulfils the obligations in accordance with this law, without adequate assistance, shall be provided special procedural guarantees.

Currently, in Montenegro there are 11 women with approved protection, of which 4 have additional protection and 7 refugee status. In current practice, since 2007, 803 women have submitted applications for asylum in Montenegro.



The Law on Foreigners ("Official Gazette of Montenegro", No. 56/14, and 28/15 16/16) regulates the conditions for entry, exit, movement, stay and work of foreigners in Montenegro. The residence of a foreigner in Montenegro, within the meaning of Article 32 of this Law, is: stay up to 90 days, temporary stay and permanent stay. The Law on Foreigners stipulates that the Ministry of Internal Affairs approves temporary stay. Temporary residence is granted with a validity period of up to one year. A foreigner shall apply for a temporary residence permit personally to the Ministry of the place of residence. Also, a temporary stay may be granted to a foreigner who intends to stay in Montenegro for more than 90 days, among other things, for humanitarian reasons.

Article 50 of the Law on Foreigners, in order to fully comply with Council of Europe Convention on preventing and combating violence against women and domestic violence explicitly recognizes victims of violence against women and domestic violence, as well as persons who are issued a temporary residence permit on humanitarian grounds. In this regard, Article 50 of the Law on Foreigners stipulates that a temporary residence permit for humanitarian reasons can, inter alia, issued to a foreigner who is supposed to be the victim of the crime of human trafficking or victim of the crime of domestic violence or family community. This permit is issued on the basis of adequate evidence, international organizations, non-governmental organizations or the state body which foreigner provide assistance and protection or evidence of the state body confirming that the foreigner is working to clarify the criminal offences.

Accordingly, the prevention of violence against women in Montenegro, directly or indirectly, is regulated by a number of legal acts, both national and international, and reform in the area of migration and asylum, contributes to the prevention of violence against women which constitutes a serious violation of human rights and a major obstacle to the achievement of equality between women and men.

Pursuant to the obligations assumed in international treaties as well as the obligations set forth in the Action Plan for Chapter 24 in the process of joining the European Union, Montenegro has committed itself to building a modern Asylum Centre. The Asylum Seekers Centre was opened on February 3, 2014, and was put into operation on February 20, 2014. The capacity of the Centre is 80 seats. Appropriate conditions have been provided that fully meet the standards for receiving and disposing of asylum seekers and persons with recognized refugee status, approved additional protection and temporary protection.

In addition to providing basic living necessities, special attention is paid to health and psycho-social services.

Among other things, persons from the asylum system are provided in the Centre with:

- separate accommodation of men, families and vulnerable groups (women unaccompanied, juveniles unaccompanied and others);
- Adequate health care within the Centre, hired twenty-four-hour medical technicians, as well as the work of the doctor in one shift;



- three meals, with the possibility of adjusting the health needs of the user, as well as adequate nutrition adapted for juveniles to 3, as well as the inclusion of snack: two for juveniles under 14 years of age and one for juveniles aged 14-18 years;
- Help in supplying wardrobe and clothes;
- Means for personal and collective hygiene;
- transport in order to achieve health care and interviews in the Ministry of Internal Affairs (monthly ticket on public transport, as well as a company car if necessary);
- Rulebook on the rights and obligations of asylum seekers, flyers for legal help of users and the house rules in multiple languages and other useful flyers;
- Translation from English, French and Arabic language during an interview with a social worker and psychologist, during medical examinations and if necessary;

The admission procedure for all vulnerable categories, including victims of violence, is carried out with the special attention of the team members of the Centre (social worker, medical worker and psychologist). Within the reception, attention is paid not to cause additional stress to the asylum seeker, to understand the procedure and to provide support from the start. Upon receipt of asylum seekers, it is ensured that vulnerable categories are placed in a separate block of the Centre, separated from other asylum seekers.

* At the end of the report, we note that if there are no answers to some of the key questions from the Questionnaire, we can post the same later, and we can also provide the answers verbally during the official visit.



ANNEX

ANNEX 1

4.1. The total number of criminal offences with the elements of violence against women

4.1. The structure of the number of cases in Courts

| Court | The total number of cases |
|-----------------------------|----------------------------------|
| High Court in Bijelo Polje | 6 |
| High Court in Podgorica | 14 |
| Basic Court in Bar | 25 |
| Basic Court in Bijelo Polje | 26 |
| Basic Court in Berane | 20 |
| Basic Court in Cetinje | 20 |
| Basic Court in Danilovgrad | 5 |
| Basic Court in Herceg Novi | 17 |
| Basic Court in Kolašin | 7 |
| Basic Court in Kotor | 3 |
| Basic Court in Nikšić | 34 |
| Basic Court in Plav | 3 |
| Basic Court in Pljevlja | 0 |
| Basic Court in Podgorica | 33 |



| | |
|------------------------|------------|
| Basic Court in Rožaje | 12 |
| Basic Court in Ulcinj | 18 |
| Basic Court in Žabljak | 3 |
| TOTAL: | 246 |

4.2. Structure of the type of criminal offences

| Articles of Criminal Code | The total number of cases |
|--|---------------------------|
| 144 –grave types of murder | 8 |
| 143- murder | 7 |
| 206- sexual intercourse with a child | 5 |
| 152- light bodily injury | 52 |
| 151- serious bodily injury | 25 |
| 168 – threat to security | 111 |
| 205- sexual intercourse with a helpless person | 2 |
| 154 – threat by dangerous tools in affrays or brawls | 2 |
| 210 – mediation in prostitution | 4 |
| 166 a – abuse | 12 |
| 208 – prohibited sexual acts | 15 |
| 399 – acts of violence | 1 |
| 165 – coercion | 1 |
| TOTAL: | 246 |

Note: 4 cases deal with the criminal offence of murder, and in 6 cases it is about the attempts of murder (the High Court in Podgorica). Before the High Court in Bijelo Polje, in one case, occurred the death of the victim, and in three cases the criminal offence was murder or grave type of murder and remained in attempt.



4.3. Types of decisions

| Liberating | Convicting | Rejecting | Cases that are still in progress | Suspension of proceeding |
|------------|------------|-----------|----------------------------------|--------------------------|
| 20 | 190 | 13 | 15 | 8 |

4.4. The structure of convicting decisions

| Suspended sentences | Imprisonment sentences | Public interest work | Safety measures | Fines | Corrective measure - increased supervision by guardianship authority |
|---------------------|------------------------|----------------------|-----------------|-------|--|
| 91 | 71 | 4 | 3 | 20 | 1 |

Within all these procedures is not used any form of alternative dispute resolution.

Note: Regarding criminal offences under Articles 220 and 204 of the Criminal Code of Montenegro (criminal offences of violence in the family or extended family and rape), detailed statistics will be attached as a separate annex to this Report. Also, statistical review of the violations - domestic violence, will be shown in the annex. During the reporting period, there were no cases in respect of discrimination against women for sexual harassment.



ANNEX 2

Misdemeanour Court in Podgorica

Overview of the protective measures imposed with the sentences

| Type of imposed protective measures | Number of imposed protective measures | | |
|--|---------------------------------------|------|------|
| | 2014 | 2015 | 2016 |
| Prohibition of harassment and stalking | 46 | 24 | 48 |
| Mandatory psychosocial treatment | 2 | 2 | 3 |
| Eviction from the apartment | 25 | 27 | 22 |
| Restraining | 23 | 48 | 24 |
| Mandatory psychiatric treatment | 9 | 3 | 12 |
| Mandatory treatment on alcohol addiction | 10 | 11 | 12 |
| Mandatory treatment of drug addiction | 2 | 6 | 12 |

In the Misdemeanour Court in Podgorica- headquarters of the Court, in 2014 upon requests for the imposition of protective measures, two protective measures were imposed - restraining order. During 2015, three requests for the imposition of protective measures received and were rejected. In 2016, upon requests for the imposition of protective measures, two protective measures were imposed-restraining order, 1 eviction from the apartment and two protective measures were rejected.

Misdemeanour Court in Podgorica- Department in Cetinje

Overview of the protective measures imposed with the sentences

| Type of imposed protective measures | Number of imposed protective measures | | |
|--|---------------------------------------|------|------|
| | 2014 | 2015 | 2016 |
| Prohibition of harassment and stalking | | | |
| Mandatory psychosocial treatment | | | |
| Eviction from the apartment | | | |
| Restraining | 1 | 1 | |
| Mandatory psychiatric treatment | | | 1 |
| Mandatory treatment on alcohol addiction | | | |
| Mandatory treatment of drug addiction | | | |



Misdemeanour Court in Podgorica- Department in Danilovgrad

Overview of the protective measures imposed with the sentences

| Type of imposed protective measures | Number of imposed protective measures | | |
|--|---------------------------------------|------|------|
| | 2014 | 2015 | 2016 |
| Prohibition of harassment and stalking | 1 | 1 | |
| Mandatory psychosocial treatment | | | |
| Eviction from the apartment | | 2 | |
| Restraining | 5 | 3 | |
| Mandatory psychiatric treatment | | | |
| Mandatory treatment on alcohol addiction | | | |
| Mandatory treatment of drug addiction | | | |

In the Misdemeanour Court in Podgorica- Department in Danilovgrad, in 2014 one urgent protective measure was imposed- restraining. In 2015 there were 4 urgent protective measures- 2 eviction from the apartment and 2 restraining order.

Misdemeanour Court in Podgorica- Department in Nikšić

Overview of the protective measures imposed with the sentences

| Type of imposed protective measures | Number of imposed protective measures | | |
|--|---------------------------------------|------|------|
| | 2014 | 2015 | 2016 |
| Prohibition of harassment and stalking | 1 | 1 | 5 |
| Mandatory psychosocial treatment | | 1 | |
| Eviction from the apartment | 2 | 1 | 6 |
| Restraining | 1 | 1 | 11 |
| Mandatory psychiatric treatment | | | 1 |
| Mandatory treatment on alcohol addiction | | 1 | 1 |
| Mandatory treatment of drug addiction | | | |

Regarding the cases in the field of the Law on Protection from Domestic Violence, therein to act as expeditiously as possible, and despite the large number of cases they are prioritized with the aim of protecting victims. Regarding the requests for the imposition of protective measures, such cases shall be treated urgently, in accordance with the legal provisions. **In the Misdemeanour Court in Podgorica, with the departments established within it, there was no violation of protective measures.**

MISDEMEANOUR COURT IN BIJELO POLJE

| Type of imposed protective measure | Number of imposed protective measures | Number of performed protective measures | TOTAL: |
|--|---------------------------------------|---|--------|
| Mandatory treatment on alcohol addiction | 15 | 3 | 18 |
| Prohibition of harassment and stalking | 116 | 80 | 196 |



| | | | |
|--|---|---|----|
| Restraining | 9 | 8 | 17 |
| Mandatory psychiatric treatment at liberty | 5 | | 5 |
| Expulsion from the territory of Montenegro | 1 | 1 | 2 |
| Eviction from the apartment | 6 | 1 | 2 |
| Enhanced supervision of the guardianship authority | 2 | | 7 |

Misdemeanour Court in Budva

| Protective measures | | | | | | |
|---|------------------------------------|--------------------|---|---|--|---|
| Misdemeanour Court Budva | Eviction from the apartment | Restraining | Prohibition of harassment and stalking | Mandatory treatment of addiction | Mandatory psychiatric treatment | Mandatory psychosocial treatment |
| Headquarters of the Court in Budva | 11 | 2 | 1 | 1 | | |
| Department in Kotor | 2 | 2 | 3 | 5 | 3 | |
| Department in Herceg Novi | 4 | 3 | 49 | 6 | | |
| Department in Bar | 6 | | | | 5 | |
| Depart | | 4 | | | | |



| | | | | | | |
|-------------------------------|-----------|-----------|-----------|-----------|----------|----------|
| ment in Ulcinj | | | | | | |
| Total: | 23 | 11 | 53 | 12 | 8 | 1 |

Data from the State Prosecutor's Office

By year data on the total number of cases for criminal offences relating to all forms of violence against women.

2014 2015 2016

| Arti cle | No. of case | Inque st | Investig ation | No. of case | Inquest | Investi gation | No. of case | Inquest | Inves tigati on |
|-------------|----------------|-------------|-------------------|----------------|---------|-------------------|----------------|---------|-----------------------|
| 143 | 3 | | 114 days | 2 | | 140 days | | | |
| 144 | 3 | | 120 days | 4 | | 114 days | 1 | | 120 days |
| 151 | 6 | | | 7 | | | 5 | | |
| 152 | 10 | | | 6 | | | 7 | | |
| 154 | 1 | | | | | | | | |
| 155 | | | | | | | | | |
| 165 | | | | | | | | | |
| 166 a | 5 | | | 2 | | | 3 | | |
| 168 | 34 | | | 17 | | | 32 | | |
| 204 | 1 | | | 1 | | | 2 | | 44 days |
| 205 | | | | 1 | | | | | |
| 206 | 1 | | | 2 | | | | | |
| 207 | | | | | | | | | |
| 208 | 3 | | | 2 | | | 3 | | |
| 209 | | | | | | | | | |
| 210 | 1 | | | | | | | | |
| 211 | | | | | | | | | |
| 220 | 122 | | | 85 | | | 95 | | |
| 223 | | | | | | | | | |
| 443 | | | | | | | | | |

Basic State Prosecutor's Office KOTOR – A total of 185 cases.

Basic State Prosecutor's Office PLJEVLJA- A total of 18 cases for 2014.

14 cases for 2015.

20 cases for 2016

Inquests concerning criminal cases, related to all forms of violence against women, covered by the Convention, on average, were completed within the statutory period.