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**Committee on the Elimination of Discrimination
against Women**

Sixty-seventh session

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Item 4 of the provisional agenda

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

**List of issues in relation to the second periodic report of
Montenegro**

Constitutional and institutional mechanism

1. Please provide information on measures taken to implement the provision preventing direct and indirect discrimination based on sex, sexual orientation, gender identity of the Law on the Prohibition of Discrimination (2010) (para. 4). Please also provide information on court proceedings during which the provisions of the Convention were directly invoked or applied.

Access to justice and legal complaint mechanisms

2. It is indicated in the report that the Law on Protector of Human Rights and Freedoms of Montenegro grants it with the authority to dispose of the funds earmarked for them through the Law on the Budget (para. 31)¹. It is also indicated that matters of direct and indirect gender-based discrimination (besides all other forms of discrimination) are dealt with by the Protector (para. 28). Please provide details about the budget earmarked for the Protector and activities implemented by this institution. The State party also indicates in the report that CEDAW has priority in trainings, campaigns, presentations and publications of the Ministry of Human and Minority Rights (para. 24). However, the report is silent on efforts made to translate the Convention and its Optional protocol into Montenegrin. Please provide information in regards to dissemination of the Convention. Please also provide information on the possibility to directly file a complaint before a court in cases of discrimination by a state authority, individuals or by a private entity.

National machinery for the advancement of women

3. In response to the previous concluding observations (CEDAW/C/MNE/CO/1, para. 15), the State party reported on an initiative to create a National Council for the monitoring of the implementation of gender equality policies. Please provide information on the position this National Council takes within the government structure, its mandate, the

¹ Unless otherwise indicated, paragraph numbers refer to the second periodic report of the State party.

distribution of responsibilities between the Council and the Gender Equality Department, coordination mechanisms between them and with local structures for Gender Equality, such as municipal Councils and Offices for Gender equality, as well as on human and financial resources assigned to the two national structures. Please provide updated information on the collection of gender-specific statistical data, as a lack of such data was underlined in the previous concluding observations (CEDAW/C/MNE/CO/1, para. 2).

Temporary special measures

4. It is indicated in the report that laws and strategic documents ensure gender equality through general and special measures (para. 252). In addition to the measures indicated in paragraphs 134 – 136 and 264 of the report, please provide information on existing temporary special measures to promote substantive gender equality in areas in which women are underrepresented or disadvantaged and their impact on the situation of women in all areas covered by the Convention, in line with art. 4, paragraph 1, of the Convention and the Committee's General Recommendation No 25 (2004) on temporary special measures.

Stereotypes

5. In its previous concluding observations (CEDAW/C/MNE/CO/1, para. 16), the Committee raised a concern about the persistence of gender stereotypes in the media, political life and society at large. Please provide information on the impacts of measures aiming to address gender stereotypes which are discriminating against women, including through education and the media, as outlined in paragraphs 51 – 65 of the report and give examples of media taking a proactive role in the implementation of gender sensitive policies, as defined in the NAP for Gender Equality and mentioned in the report (para. 66).

Violence against women

6. According to the report (para. 67), following the adoption of the Law on Protection from Violence in Family, an increase in the number of processed and solved cases of violence has been noted. The UNDP Survey on perceptions of Judiciary on violence against women and violence in the family however indicates that sexual abuse in family relations continues to be rarely reported, owing to the stigma attached to victims and high tolerance for violence in the family. In this regard, please provide information on measures taken to encourage women to report cases of sexual abuse and other forms of abuse in family relations and to eliminate stigmatization of women victims of sexual abuse.

7. Please indicate whether capacity building provided to police officers and social and health workers for the implementation of the legislative framework on prevention and prosecution of violence against women is mandatory, as recommended in the previous concluding observations (CEDAW/C/MNE/CO/1, para. 19), and whether such capacity building as well as the mandatory capacity building for the judiciary, have led to an increase in the number of investigations, prosecutions, including ex-officio prosecutions, and convictions of perpetrators of domestic and sexual violence, including marital rape.

8. Please provide data on the number of protection orders issued with regard to domestic violence since the introduction of the Rulebook on closer content and appearance of forms for restraining orders or prohibition of coming back to apartments or other housing space (para. 70), as well as of the Rulebook on the way of execution of protective measures of eviction from apartment, restraining order and prohibition of harassment and stalking of victims (para. 71). Please also provide follow-up data on those orders, the percentage of orders violated, the percentage of violations of orders leading to prosecution and the outcome of prosecutions.

9. Please provide updated information on the establishment of a "unique data base" on victims of violence through the Integrated Social Welfare Information System of the

Ministry of Labour and Social Welfare (para. 80) and on eventual plans to expand this data base to cases of violence against women outside the family and to cases reported through alternative sources. Please also provide information on means of collecting this data and on corresponding trainings of data collecting agents.

10. The Parliament of Montenegro adopted the Crime victim Compensation Act in June 2015 (para. 105), which envisages financial compensations to protect and assist victims of criminal acts of violence. Please comment on the possibility of applying this law immediately, independently from the date of accession of Montenegro to the European Union.

Trafficking in women and girls

11. Please inform on the effectiveness of the implementation of the anti-trafficking law in curtailing trafficking for sexual exploitation. Also, the report is silent on the number of temporary residence permits granted to victims of trafficking, including where those victims are unwilling or unable to cooperate with the prosecution authorities. Please provide relevant data, in line with the previous concluding observations (CEDAW/C/MNE/CO/1, para. 21 (e)). Moreover, please provide information on the fate of victims who have not obtained temporary residence permit.

12. According to information before the Committee, the provision of licenses to private and NGO service providers is planned within the framework of the Bylaw on Minimum Standards for Shelters and Emergency Reception Units. Please provide more detailed information, in line with the previous concluding observations (CEDAW/C/MNE/CO/1, para. 21), on funding provided for anti-trafficking activities of NGOs, shelters and assistance available for victims of trafficking for purposes of sexual exploitation.

Participation in political and public life

13. It is indicated in the report that amendments to the Law on Election of Counsellors and members of Parliament have been adopted in March 2014, introducing regulation for end of mandate replacement of counsellors and members of Parliament with a candidate from the less represented sex, as well on positioning of men and women on electoral lists (para. 134). Please inform on measures taken to ensure implementation of regulations to improve women's representation, such as rejection of electoral candidate lists that do not comply, in line with the previous concluding observations (CEDAW/C/MNE/CO/1, para. 23). Please also comment on initiatives taken to create an enabling environment for political participation of women, including Roma, Ashkali and Egyptian women, e.g. by adequately funding campaigns of women candidates, educating young women leaders, and strengthening women's wings of political parties, in line with the previous concluding observations (CEDAW/C/MNE/CO/1, para. 23).

Education

14. Please describe the efforts made by the State party to promote diversification of educational and vocational choices for women and men and to address underrepresentation of women among full-time professors. Also, according to the Montenegro Multiple Indicator Cluster Survey (MICS) of 2013, only 40% of female Roma and Egyptian in Montenegro are able to read a short and simple statement about everyday life, compared to 62.9% of Roma and Egyptian males, 99.2% of all women and 90% of all men in Montenegro. Information before the Committee shows that progress has been made in the enrolment of children, but that the stated difference is related to high drop-out rates among Roma and Egyptian children. Please inform on specific measures taken to ensure the enrolment and presence of Roma, Ashkali and Egyptian in primary and secondary school.

Employment

15. It is indicated in the report that the Law on Labour Code contains provisions on the principle of equal pay for work of equal value (para. 168). However, according to the Statistical Office of Montenegro and its publication “Women and men in Montenegro” (2014), earnings of men are on average 16% higher than earnings of women in Montenegro. Please provide information on measures taken to ensure respect of the principle of equal pay in the public and private sector. Please also provide detailed information on measures taken to support and protect women employed in the informal sector.

16. The State party informed on the definition of harassment, sexual harassment and racial discrimination in the Law on Prohibition of Discrimination (para. 241 and 248) and the adoption of a special Law on Prohibition of Harassment at Work (para. 40). Please provide sex-disaggregated data on court cases and on administrative complaints related to sex-based labour discrimination and sexual harassment, in line with the previous concluding observations (CEDAW/C/MNE/CO/1, para. 29 (c)).

17. The State party reports on awareness raising activities on women’s political and economic empowerment (para. 17), as well as on active employment policies, through plans, programmes and measures aimed at increasing employment (para. 179). Please provide specific information, in line with the previous concluding observations (CEDAW/C/MNE/CO/1, para. 29 (d)), on measures targeted specifically at the employment of women, including time-bound targets and indicators aiming to achieve substantive equality of men and women in the labour market, to eliminate occupational segregation and to close the gender wage gap. Please also refer to the measures planned and implemented in the framework of the Strategy for Development of Women Entrepreneurship. Moreover, please provide information on the outcomes of the Study on women entrepreneurship in Montenegro (para. 154), as well as on financial commitments attached to the implementation of both the National Action Plan for Gender Equality and the Strategy for women’s entrepreneurship (para. 155).

18. The report refers to regulation of parental leave in the Law on Labour, with the option to share this leave between parents (para 171). Please provide data on beneficiaries of parental leave and on shared parental leave, as well as on available flexible working arrangements promoted by the Employers’ Union (para 176). Please also indicate updated information on specific measures taken to guarantee sharing of family responsibilities and describe measures targeting employers to encourage male employees to fully utilize flexible working arrangements and paternity leave.

Health

19. In the report, it is indicated that based on the Law on Health Protection all women have free and adequate access to health services, including women with disability, Roma, Ashkali and Egyptian women and refugee and displaced women (para 188). According to a WHO survey from 2014, private household out of pocket expenditures however take an important proportion of total health expenditures. Please inform on measures contemplated to enforce the legal provision of women’s free access to health services. Also, please provide information on central issues of women’s health in Montenegro.

Rural women

20. The report makes reference to a specific programme for improving employability of women in rural areas (para. 254), as well as to awareness raising activities in relation to their active contribution to economy (para. 25). Please provide additional information on measures taken to positively impact the situation of rural women in all areas covered by the Convention, in line with art. 14 of the Convention and the Committee’s General recommendation No 34 (2016) on the rights of rural women.

Disadvantaged groups of women

21. Please provide information on measures taken to produce specific statistical data in relation to access to employment in all sectors of Roma, Ashkali and Egyptian women, as well as rural and older women, in line with the previous concluding observations (CEDAW/C/MNE/CO/1, para. 35). Please also comment on measures implemented in the framework of the Strategy for the Improvement of the Status of the Roma, Ashkali and Egyptian Community in Montenegro (2008 – 2012), including measures to prevent child marriage. Please also indicate if a new strategic framework in this sense is being developed and implemented.

22. The State party refers to a specific directive ensuring health protection of refugee Roma, Ashkali and Egyptian women (para 191). Information before the Committee however indicates that refugee women encounter obstacles in the access to providers of reproductive health services and to the services themselves, as well as difficulties to cover the related expenses. The MICS moreover provides troubling data in terms of the use of contraceptive methods and on awareness on HIV/AIDS in Roma and Egyptian women: In 2013, only 4.1% Roma and Egyptian women aged 15-49 who were married or in a union were using (or their partner was using) a contraceptive method, compared to 23.3% in the general population. Moreover, 46.2% of Roma and Egyptian women had heard of HIV/AIDS, compared to 72.9% Roma and Egyptian men, and compared to 97.4% women from the general population and 98.1% men. Please provide updated information on access of Roma, Ashkali, Egyptian, as well as refugee women to reproductive health services and information on relevant health issues. Please also provide information on the activities led in terms of monitoring the health situation of Roma, Ashkali and Egyptian population (para. 194).

Marriage and family relations

23. The State party indicates that the new Law on Social and Child Protection provides for material and employment related support to single parents (para. 200). Please provide data on the number of women benefitting from this provision and inform on the steps taken by the State party to increase levels of family benefits for single mothers to ensure an adequate standard of living for them and their children, in line with previous concluding recommendations (CEDAW/C/MNE/CO/1, para. 33 (a)). Please also report on measures taken by the State party to guarantee all single parents, regardless of the number of their children, access to the necessary support to ensure adequate standard of living for them and their children. Please also indicate measures taken and programmes implemented to economically empower single mothers, in line with previous concluding observations (CEDAW/C/MNE/CO/1, para. 33 (b)). Moreover, please provide updated information on amendments to the Family Law in regards to previous concluding observations (CEDAW/C/CO/1, para 37), and specify whether the law recognizes intangible property, including pension and insurance benefits and other career assets, as joint marital property to be distributed.