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MONTENEGRO: Domestic Violence Joint Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights
a non-governmental organization in special consultative status
SOS Hotline for Women and Children Victims of Violence-Nikšić
and
Women's Rights Center

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The Advocates for Human Rights was founded in 1983 and is a volunteer-based non-governmental organization (NGO) committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates has produced more than 80 reports documenting human rights practices in more than 25 countries, and works with partners overseas and in the United States to restore and protect human rights. The Advocates for Human Rights holds Special Consultative Status with the United Nations.

SOS Hotline for Women and Children Victims of Violence Nikšić was founded in 1998 by a group of activists, who dream about a society in which equality and social justice are core values. SOS Hotline is recognized as one of the leading NGOs in Montenegro in the fight for women's rights. SOS Hotline seeks to be a powerful instrument for women in economic, social and political empowerment. SOS Hotline's vision is a world where all women and all children live in peace and dignity. Its mission is to help the positive development and application of capacity and potential of women and children in the family and society, through the promotion and protection of women's and children's rights in order to create a dedicated, responsible, and open community.

Women's Rights Center was established in 2012, on the basis of the founders' long-term experience in providing support to women survivors of gender-based violence and other violations of women's human rights. The Women's Rights Center (WRC) empowers women to fight for a better position in society and access to justice, offering them counselling, psychological and legal assistance. Through advocacy, monitoring and promotion of women's creativity, the Women's Rights Center improves conditions and the social atmosphere in which women exercise their rights. WRC advocates for gender equality as one of the priorities of Montenegro in the European integration process.

I. Executive Summary

1. Domestic violence is a pervasive problem in Montenegro. Research indicates every third woman in Montenegro has suffered physical violence or another form of abuse in her family.¹ A recent survey of approximately 1,000 Montenegrins identified a common belief that domestic violence victims do not feel they can safely report abuse to government authorities.² The survey further found widespread distrust of institutions responsible for protecting victims of domestic violence.³ Other studies confirm that key actors, such as prosecutors, judges, police officers and social workers, frequently do not understand the dynamics of domestic violence, are insensitive to victims, and fail to hold offenders accountable.⁴
2. Domestic and sexual violence are human rights violations. Domestic and sexual violence violate a woman's rights to freedom from discrimination, equal protection before the law, liberty and security of person, equality before the courts and equality with men before the law, recognition as a person before the law, and freedom from torture. In addition, when a State fails to ensure its laws adequately protect women and to consistently hold abusers accountable, or fails to ensure that its agents—such as police, prosecutors and judges—implement the laws that protect victims of domestic and sexual violence, that State has not acted with due diligence to prevent, investigate, and punish violations of women's rights.
3. This joint stakeholder report addresses Montenegro's compliance with its human rights obligations regarding domestic violence. The government of Montenegro has taken critical steps toward protecting victims and holding offenders accountable including adopting the Law on Domestic Violence Protection (LDVP) and a Protocol on Actions, Prevention of and Protection Against Family Violence.⁵ The authors commend the State, many system actors, and the NGOs who work together to protect the victims. Additional efforts are needed, however, for Montenegro to fulfill its obligation to address domestic violence. This report sets forth remaining challenges and recommends additional measures to more fully achieve victim safety and ensure offender accountability.

II. LEGAL FRAMEWORK

A. International Obligations

4. During its 2012 Universal Periodic Review, Montenegro accepted recommendations pertaining to domestic violence.⁶ Several countries made recommendations, which have yet to be implemented, including: allocating adequate personnel and financial resources so that the Strategy for the Protection from Domestic Violence and the Law on Juvenile Justice System can properly ensure the protection of the rights of child and women, filling

those gaps that still hinder the prevention of domestic violence and other abuses, as well as the fair prosecution of their perpetrators (Italy); ensuring the effective investigation of all reports of domestic and sexual violence against women and girls, the prosecution of perpetrators and the delivery of sentences that are commensurate with the gravity of the crimes committed (Liechtenstein); providing for an adequate number of publicly funded shelter facilities for victims of domestic violence (Liechtenstein); establishing a mechanism for monitoring the number of cases and scope of abuse and strengthen the measures of protection from domestic violence (Republic of Moldova); developing the support and protection system for the victims of domestic violence, including by providing an adequate number of safe houses (Slovenia); continuing and strengthening the efforts to combat against all kinds of gender violence and approve education and awareness-raising policies in that area (Spain).⁷

Status of Implementation: Accepted, Not implemented

5. One country made a recommendation pertaining to completing the procedure of ratification of the European Convention on Preventing and Combating Violence against Women and Domestic Violence (Republic of Moldova).⁸

Status of Implementation: Accepted, Implemented

6. One country made a recommendation pertaining to domestic violence, which has been partially implemented: taking all necessary legal and other measures to curb violence against women and to provide support for victims of violence against women, and their children (Germany).⁹

Status of Implementation: Accepted, Partially implemented

7. As noted above, the government of Montenegro has taken limited steps to implement the recommendations.¹⁰ Systems actors continue to share harmful attitudes, a lack of knowledge, and inadequate responses to domestic violence. Many police do not effectively implement the laws, prosecutors prosecute few offenders, and judges lack familiarity with the laws and fail to properly enforce them.¹¹ Center for Social Welfare (CSW) workers do not prioritize victim safety or comply with established protocols.¹² Health care responses and shelters for victims are inadequate and insufficient.¹³ Montenegro must take additional measures to fully achieve victim safety and support and to ensure offender accountability.

B. National Legal Framework

8. **Montenegro's adoption of the Law on Domestic Violence Protection (LDVP) in 2010 represented a crucial first step toward promoting**

victim safety and holding domestic violence offenders accountable. The LDVP contains many provisions critical to protecting Montenegrin women from domestic violence, including orders for protection and eviction of the offender.¹⁴ While domestic violence is defined as a misdemeanor under the LDVP, some forms are considered crimes under the Criminal Code.¹⁵ The Criminal Code imposes steeper penalties for domestic violence, but criminal cases present more hurdles and take longer to resolve.¹⁶ The LDVP defines domestic violence more broadly, and misdemeanor court proceedings are simpler and quicker; penalties, however, are limited to 60 days in jail and fines.¹⁷ In 2011, the government promulgated a Protocol to establish clearly defined procedures for each system and to facilitate cooperation between systems actors.¹⁸ And in 2016, the government amended the Family Code to provide an exception to mediation requirements in domestic violence cases.¹⁹

9. **To fully implement its domestic violence laws, Montenegro must prioritize victim safety and offender accountability.** Despite the progress represented by the LDVP and the Protocol, the government must do more to effectively respond to domestic violence. The criminal law, misdemeanor law, and family legislation must be reformed and harmonized with the LDVP. The Protocol provisions must be implemented in their entirety. Systems actors, including the police, judges, prosecutors, health care professionals, and staff at the CSWs need training and standardized guidance to effectively implement the laws and respond to violence against women. The government must allocate sufficient resources to shelters and other support services to properly protect victims and their children.

III. COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS OBLIGATIONS²⁰

10. **Multiple barriers impede efforts to combat domestic violence in Montenegro.** Many actors responsible for implementing the LDVP lack education, awareness, and an understanding of how to interpret and apply the law.²¹ Responsible institutions and stakeholders fail to coordinate and collaborate, and financial, operational, and human resources are insufficient.²²

A. Systems Actors' Responses

i. Police

11. **Police do not fully exercise their power to investigate domestic violence and protect the victims.** Police present a first response to domestic violence, and they have the power to arrest offenders, issue temporary eviction orders, as well as seek, monitor, and enforce protective measures.²³ They are also responsible for conducting investigations and communicating with prosecutors.²⁴ Yet, many police do not recognize domestic violence as a

human rights violation, misunderstand the dynamics, or distrust victims.²⁵ They may attribute the violence to alcoholism or even the victim herself for so-called provoking the violence.²⁶ NGOs report that police may treat victims with disrespect and encourage them to reconcile with their abusers.²⁷ Police do not consistently follow the Protocol, and they often fail to ensure victim safety by evicting the offender or referring the victim to services; instead, they may simply warn the offender to stop the abuse.²⁸ Police do not consistently seek orders for protection or even advise victims of their availability.²⁹ Due to lack of training and failure to follow the Protocol, police investigative practices can re-traumatize victims, impede collection of evidence and inhibit the successful prosecution of offenders.³⁰ As a consequence, victims are deterred from reporting further incidents of violence, and some offenders may continue to abuse with impunity.³¹

ii. Centers for Social Work

12. **Centers for Social Work fail to meet their obligations to victims of domestic violence.** The LDVP designates Centers for Social Work (CSW) as first responders to reports of domestic violence, along with the police, but in practice, few victims contact the CSW directly.³² The LDVP and the Protocol further direct CSWs to help prevent and detect domestic violence, eliminate causes, and to provide protection and assistance to victims.³³ Yet, CSWs lack both the capacity and resources to fulfill their mandate.³⁴ Many CSW workers do not follow Protocol directions, such as conducting risk assessments and formulating safety plans for victims.³⁵ Research indicates many CSW workers do not understand the dynamics and effects of domestic violence, and as a result, they fail in their obligation to protect victims and provide them with material support.³⁶ Misperceptions, distrust of victims, and fears for their own safety impede effective responses by CSW staff.³⁷

13. **CSW reports to courts and CSW responses do not prioritize victim safety.** The LDVP and the Protocol mandate close cooperation between the CSW and courts, which rely on CSW opinions in matters, such as orders for protection, punishment of perpetrators, and child custody and visitation.³⁸ CSW reports carry great weight in child custody and divorce cases, yet they often fail to flag domestic violence issues or prioritize victim safety.³⁹ NGOs reported instances of CSWs giving preference to the violent abuser as a parent and blaming victims for allowing children to witness domestic violence.⁴⁰ Some CSW workers believe they are not permitted to recommend supervised visitation or to recommend custody restrictions unless the children are victims of abuse.⁴¹ And while CSWs must provide a safe place for visitation, CSW staff do not always supervise properly, allowing abusers to manipulate and intimidate the victim and the children.⁴²

iii. Misdemeanor Judges

- 14. Implementation of the LDVP by judges is insufficient.** Most domestic violence cases in Montenegro are brought in misdemeanor court under the LDVP.⁴³ Yet, according to 41 percent of misdemeanor judges surveyed, the LDVP is not being implemented correctly due to inadequate knowledge of the law, insufficient protection for victims, and lack of institutional capacity.⁴⁴ Lack of training is a “huge problem.”⁴⁵ The absence of a standard risk assessment guide for judges is another.⁴⁶ A UNDP Montenegro study found it was not uncommon for misdemeanor judges, prosecutors, and lawyers to believe violence against women is sometimes justified and partly the woman’s fault.⁴⁷ Many judges excuse perpetrators by blaming substance abuse, poverty, or mental illness.⁴⁸ Even though the LDVP requires judges to “provide [the] victim with full and coordinated protection,” they at times focus on preserving the family and encourage reconciliation.⁴⁹
- 15. The misdemeanor legal system fails to address chronic violence.** When victims who suffer ongoing violence finally seek help, they face a variety of barriers. Misdemeanor judges often require victims to confront their abuser, which traumatizes the victim and may impede her ability to remember details and testify coherently about her experience.⁵⁰ Misdemeanor judges usually fail to consider the offender’s history of domestic violence in adjudicating and sentencing for several reasons.⁵¹ First, CSW reports generally lack any history of domestic violence.⁵² Second, misdemeanor courts cannot easily access criminal court records to see an offender’s prior history of violence.⁵³ Finally, repeat offenders may appear before several different misdemeanor judges who do not necessarily have access to these records, thus precluding them from considering other incidents of violence.⁵⁴ Judges are also reluctant to admit evidence, such as photographs of injuries and testimony of witnesses, including children of the victim.⁵⁵
- 16. Available means for protecting victims are underutilized by misdemeanor judges.** While the LDVP empowers misdemeanor judges to issue orders for protection before or during proceedings, i.e. “emergency orders,” they rarely do.⁵⁶ Emergency orders for protection are particularly effective, yet judges sometimes insist on assessing all the evidence or obtaining CSW opinions first, both of which create delays that expose victims to unnecessary danger.⁵⁷ In addition, judges themselves reported they are least likely to issue eviction orders, an important remedy to protect victims.⁵⁸ Instead of issuing an order for protection, judges may choose to direct victims to shelters or safe houses, yet many towns lack adequate shelters.⁵⁹ Some judges are unfamiliar with orders for protection, while others are skeptical of victims’ veracity, prioritize the offenders’ welfare over the victims’ safety, or view the order for protection as a sanction that requires a guilty verdict.⁶⁰ Still other judges divert responsibility for victim safety to the police.⁶¹

17. Treatment alone is not an effective deterrent to domestic violence.

Judges in some areas sanction offenders by ordering mandatory addiction treatment, but it is not an effective sanction, nor does it protect the victims.⁶² The same can be said for psycho-social therapy because of inadequate policies, facilities, personnel, and standards.⁶³ In fact, very few psycho-social programs exist, and those that do function do not appear to effectively change offender behavior.⁶⁴

iv. Health Care Sector

18. Health care institutions need trainings to effectively implement the LDVP.

Health care institutions have an important role to play in response to domestic violence. In addition to treating victims' injuries and helping protect them, health care workers are responsible for documenting the injuries, preparing expert reports, and providing addiction and psycho-social treatment to offenders.⁶⁵ Yet, interviews revealed many health care professionals hold misperceptions about the causes of domestic violence, attributing it to addiction or mental illness.⁶⁶ While the Protocol describes 11 actions to be taken by the health sector, many health care workers did not indicate any knowledge of it.⁶⁷ In addition, the Ministry of Justice recently concluded that health care institutions lack sufficient capacity, resources, and training to implement the LDVP.⁶⁸ Doctors interviewed expressed an overall urgent need for standardized procedures to respond to domestic violence among their patients.⁶⁹

B. Enforcement of LDVP Remedies and Sanctions

19. The system fails to hold offenders who violate orders for protection accountable.

When restraining orders are issued, police and prosecutors usually fail to enforce compliance or prosecute people who violate such orders.⁷⁰ In the rare cases holding violators accountable, sanctions under the LDVP are often little more than a suspended sentence.⁷¹ Judges may also impose fines, which can potentially punish the victim when she must pay it herself or from the household resources. This systematic failure to protect victims of domestic violence encourages offender impunity as well as victim reluctance to seek protection from the legal system.⁷²

C. Criminal proceedings

20. Prosecutors need specialization and training.

Prosecutors are not specifically trained or assigned to domestic violence cases and lack knowledge about violence against women and international standards in the field.⁷³ Recently, prosecutors have chosen to prosecute more cases as misdemeanors under the LDVP than as crimes under the Criminal Code, even in cases of severe violence.⁷⁴ In charging decisions, prosecutors rarely consider the offender's history of domestic violence even though many

women who report violence for the first time have experienced it before.⁷⁵ Consequently, in adjudication and sentencing, courts are unable to consider the full scope of the violence perpetrated by the abuser.⁷⁶

21. **The law and court practices are not adequate to keep victims safe during criminal proceedings.** Domestic violence cases under Article 220 of the Criminal Code can take months to resolve.⁷⁷ Delays expose victims to further harm, especially since protective measures are not available to protect victims during the criminal proceedings.⁷⁸ 2013 Criminal Code amendments allow judges to issue restraining and eviction orders, but only upon conviction, leaving the victim vulnerable throughout the proceedings when she may need protection the most.⁷⁹ Even after the proceeding is finished, criminal judges almost never issue post-conviction restraining orders or evictions.⁸⁰ Ignorance of available social services and entitlement to legal counsel also prevent criminal court judges from taking available steps to protect victims from violence during the proceedings.⁸¹

22. **The Ministry of Justice has not promulgated specific domestic violence protocols for criminal judges, and most judges have limited, if any, training.**⁸² Some judges display insensitivity toward victims of domestic violence while others intimidate them.⁸³ While acknowledging it is their “primary duty” to protect victims of domestic violence, judges expressed concern that sanctioning the offender could interfere with reconciliation between the offender and the victim.⁸⁴ Such harmful attitudes can diminish victim confidence in the judicial system and even cause them to give up. Tools are needed to further judicial reform to increase knowledge and to incorporate it into actual bench practices. NGOs have sought to fill an important gap by helping train these actors.⁸⁵

23. **Punitive measures must be strengthened.** The most common penalties for domestic violence are fines and suspended sentences.⁸⁶ Fines are counterproductive because they reduce funds available for necessities and other living expenses, thus deterring victims from reporting subsequent abuse.⁸⁷ Suspended sentences also encourage impunity and continued violence.⁸⁸ According to the Ministry of Justice, between 2010 and 2015, offenders received prison sentences in only 8.76 percent of all LDVP cases.⁸⁹ More than 9 percent of offenders received only warnings.⁹⁰ In 2015, courts in 128 criminal cases issued 69 suspended sentences and only 45 prison terms.⁹¹ The remaining sentences included fines, community service, and warnings.⁹²

D. Family Law Proceedings

24. **Many family law judges do not understand the harmful effects of domestic violence and their handling of divorce and custody matters may actually further endanger victims and their children.**⁹³ Most judges

prioritize reconciliation, but neither screen for abuse nor conduct risk assessments for violence. When ordering custody and visitation, judges “almost never” take domestic violence into account.⁹⁴ Because there is no communication between the misdemeanor court and the judges hearing family law cases, the latter may be unaware of orders for protection or simply ignore them.⁹⁵ No ministry regulations or bench guides exist to inform judges how to assess risk and protect the victims and their children from further violence.⁹⁶ In addition, judges appear unaware of the Istanbul Convention’s requirements that visitation rights not endanger the victim or the children.⁹⁷

25. The Istanbul Convention and Montenegro’s 2016 Family Law amendment both **prohibit mediation and mandatory reconciliation in cases of domestic violence, yet family court judges widely use both.**⁹⁸ Although women can disclose domestic violence as a reason to circumvent mediation, there is no formal opportunity for them to inform the court, and many women do not know they can.⁹⁹ Mediators are not required to screen for domestic violence, and they take no known steps to protect victims during the process.¹⁰⁰ Because they are paid per *successful* mediation, they have an incentive to push reconciliation whether or not it is appropriate.¹⁰¹

E. Support and Assistance to Victims

26. **NGOs support and help the system function appropriately but are underfunded.** The LDVP formally recognizes the role of a supportive advocate for victims, or a “confidant” to attend all LDVP procedures.¹⁰² The most effective confidants come from NGOs, and the support they provide is critical.¹⁰³ Confidants advise victims of their rights, including orders for protection and the ability to refuse mediation, informally monitor proceedings, and gain insight as to how institutions are functioning.¹⁰⁴ Despite their usefulness, there are few confidants throughout the country.¹⁰⁵ Most victims do not have access to confidants, and many victims do not even know they are permitted.¹⁰⁶
27. Even the best confidants cannot remedy every problem that may arise in court, and **victims of domestic violence need legal representation.**¹⁰⁷ NGOs provide legal representation and support to victims undergoing divorce, child custody disputes, division of marital property, and non-payment of alimony.¹⁰⁸ They can also help train system actors and hold them accountable.¹⁰⁹ Victims may also obtain a legal aid attorney through a court-maintained roster. They are not permitted to choose their counsel, however, but are simply assigned the next lawyer on the list.¹¹⁰ As a result, the quality of legal representation varies, and NGOs still find it necessary to defend their beneficiaries’ interests when those attorneys underperform.¹¹¹

28. Montenegro has only three shelters for women, all run and funded by women's NGOs.¹¹² The shelters provide approximately 38 places, as well as food, counseling, individual and group therapy work, legal assistance, transportation in emergency situations, and confidant services.¹¹³ These limited spaces are inadequate, and women in need are turned away for lack of space.¹¹⁴ Many of these shelters do not receive state funding and must rely on foreign and foundation funding.¹¹⁵ NGOs noted they would operate additional shelters if they had funding. To meet the standards set by the Council of Europe Taskforce Recommendations, Montenegro needs 25 additional spaces.¹¹⁶

IV. SUGGESTED RECOMMENDATIONS

The authors offer the following recommendations for the Government of Montenegro:

29. Strengthen Montenegro's legislation by:

- a. Amending criminal laws to provide for measures of protection for victim safety during criminal proceedings and prior to a verdict;
- b. Expediting all orders for protection proceedings, issuing orders quickly and for the maximum time allowed;
- c. Issuing orders for protection based solely on victim's stated fears for her safety and not on offender status;
- d. Swiftly arresting, detaining, prosecuting, and incarcerating violators of protection orders.

30. Require regular and comprehensive training, led by or in consultation with NGOs that serve victims, based on best practices including the dynamics of domestic violence, Montenegrin laws and the Protocol relating to domestic violence, sensitivity to victims, risk assessment, and promoting victim safety for all system actors including police, CSW personnel, prosecutors, and judges in misdemeanor and basic courts.

31. Establish an independent mechanism to receive and handle complaints on authorities conduct in carrying out their duties under Montenegro's laws with the goal of ending impunity for officials who fail to carry out their duties in domestic violence cases.

32. Develop a standardized form/checklist for domestic violence police reports that includes a requirement that written reports be filed in all instances of police responding to reports of domestic violence, as well as information required to document in victim/witness interviews.

33. Develop a comprehensive and mandatory risk and lethality assessment, in consultation with NGOs, for systems actors to use for all domestic violence cases.

34. Develop an information sharing system between misdemeanor and basic courts to ensure that histories of domestic violence are readily accessible among all courts.

35. Develop a **formal and uniform policy** for use by all health care institutions statewide based on best practices and a collaborative interagency approach that is victim-centered.
36. **Remove the outcome of successful mediation** as a condition for mediators to receive compensation.
37. **Prioritize victim safety by:**
 - a. Ensuring that systems actors consistently advise victims of availability of orders for protection, as well as their rights to a confidant and to refuse mediation;
 - b. Assigning priority to remedies that promote victim safety, including eviction, restraining orders, and prohibitions against harassment and stalking;
 - c. Prohibiting the use of “confrontation” by judges in domestic violence cases;
 - d. Favoring placement of children in custody of non-violent parent and appropriately supervising visitation with offending parent;
 - e. Ensuring that the confidant service receives adequate funding, and confidants are granted access to all court proceedings that victims of domestic violence attend;
 - f. Taking steps to enhance victim safety during supervised visitation;
 - g. Adequately funding NGO services for victims of domestic violence including shelters, hot lines, legal assistance and other support.

¹ Source on file with The Advocates for Human Rights.

² Ipsos Group S.A., *Percepcija predstavnika pravosuđa o nasilju nad ženama i porodičnom nasilju*, (Montenegro, November 2015), 48. This research was part of the project implemented by the NGO Women’s Rights Center and UNDP, funded by the Norwegian Embassy in Belgrade.

³ *Id.* 18. This research was part of the project implemented by the NGO Women’s Rights Center and UNDP, funded by the Norwegian Embassy in Belgrade.

⁴ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence – Niksic, and Women’s Rights Center, *Implementation of Montenegro’s Domestic Violence Legislation*, 2017 (in press).

⁵ Law on Domestic Violence Protection, Official Gazette of Montenegro, No. 46/10, August 6, 2010; Protocol on Actions, Prevention of and Protection Against Family Violence, Montenegro (2011).

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Montenegro*, (March 21, 2013), U.N. Doc. A/HRC/23/12, ¶¶ 117.38-117.45, available at <https://documents-dds-ny-un.org/doc/UNDOC/GEN/G13/124/70/PDF/G1312470.pdf>:

117.38. Take all necessary legal and other measures to curb violence against women and to provide support for victims of violence against women, and their children (Germany);

117.39. Allocate adequate personnel and financial resources so that the Strategy for the Protection from Domestic Violence and the Law on Juvenile Justice System can properly ensure the protection of the rights of child and women, filling those gaps that still hinder the prevention of domestic violence and other abuses, as well as the fair prosecution of their perpetrators (Italy);

117.40. Ensure the effective investigation of all reports of domestic and sexual violence against women and girls, the prosecution of perpetrators and the delivery of sentences that are commensurate with the gravity of the crimes committed (Liechtenstein);

117.41. Provide for an adequate number of publicly funded shelter facilities for victims of domestic violence (Liechtenstein);

117.42. Establish a mechanism for monitoring the number of cases and scope of abuse and strengthen the measures of protection from domestic violence (Republic of Moldova);

117.43. Complete the procedure of ratification of the European Convention on Preventing and Combating Violence against Women and Domestic Violence (Republic of Moldova);

117.44. Further develop the support and protection system for the victims of domestic violence, including by providing an adequate number of safe houses (Slovenia);

117.45. Continue and strengthen the efforts to combat against all kinds of gender violence and approve education and awareness-raising policies in that area (Spain);

Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Montenegro Addendum*, (April 18, 2013), U.N. Doc. A/HRC/23/12/Add. 1, ¶ 24, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/132/75/PDF/G1313275.pdf>:

24. Montenegro has set up a sound legislative framework for protection of victims of domestic violence, in particular women and children. In the coming period, efforts will be made towards efficient implementation of the laws and strategies from this field. Further efforts will be made to strengthen interdepartmental cooperation so as to provide all victims of violence with adequate and coordinated protection and assistance; continuous training will be organized for the staff working in institutions, along with awareness raising campaigns, and a database on victims of domestic violence will be set up. Montenegro is already working on setting up a mechanism for monitoring the number of domestic violence cases. The Criminal Code includes provisions aligned with Articles 2 and 3 of the CRC Optional Protocol.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence – Niksic, and Women’s Rights Center, *Implementation of Montenegro’s Domestic Violence Legislation*, 2017 (in press).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Law on Domestic Violence Prevention, Official Gazette of Montenegro, No. 46/10, August 6, 2010, articles 27(1), 28(1).

¹⁵ Criminal Code, Art. 220; Law on Domestic Violence Prevention, Official Gazette of Montenegro, No. 46/10, August 6, 2010, Art. 36.

¹⁶ Criminal Code, Art. 220(1)-(3); The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence – Niksic, and Women’s Rights Center, *Implementation of Montenegro’s Domestic Violence Legislation*, 2017 (in press).

¹⁷ Law on Domestic Violence Prevention, Official Gazette of Montenegro, No. 46/10, August 6, 2010, Art. 36.

¹⁸ Protocol on Actions, Prevention of and Protection Against Family Violence, Montenegro (2011).

¹⁹ Family Law, Art. 326, available at <http://www.paragraf.me/propisi-crnegore/porodicni-zakon.html>.

²⁰ Montenegro has ratified CEDAW (2006), ICCPR (2006), ICESCR (2006), CRC (2006), OHCHR (2006), and the Istanbul Convention (2013).

²¹ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence – Niksic, and Women’s Rights Center, *Implementation of Montenegro’s Domestic Violence Legislation*, 2017 (in press).

²² *Id.*

²³ Law on Domestic Violence Prevention, Official Gazette of Montenegro, No. 46/10, August 6, 2010, articles 5(1), 6.

²⁴ *Id.* Arts. 9(1), 10(1).

²⁵ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence – Niksic, and Women’s Rights Center, *Implementation of Montenegro’s Domestic Violence Legislation*, 2017 (in press).

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Law on Domestic Violence Prevention, Official Gazette of Montenegro, No. 46/10, August 6, 2010, Arts. 5, 10.

³⁴ Ministarstvo Pravde, *Izveštaj O Sprovođenju Zakona O Zaštiti Od Nasilja U Porodici Za Period 2010–2015*, (Podgorica, September 2016), 19-20, available at <http://www.gov.me/ResourceManager/FileDownload.aspx?rId=253391&rType=2>; The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence – Niksic, and Women’s Rights Center, *Implementation of Montenegro’s Domestic Violence Legislation*, 2017 (in press).

³⁵ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence – Niksic, and Women’s Rights Center, *Implementation of Montenegro’s Domestic Violence Legislation*, 2017 (in press).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* (citations omitted).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*; Law on Domestic Violence Prevention, Official Gazette of Montenegro, No. 46/10, August 6, 2010, Art. 5.

⁵⁰ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence – Niksic, and Women’s Rights Center, *Implementation of Montenegro’s Domestic Violence Legislation*, 2017 (in press).

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Criminal Code, Art. 77(a), (b).

⁸⁰ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence – Niksic, and Women’s Rights Center, *Implementation of Montenegro’s Domestic Violence Legislation*, 2017 (in press).

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² Law on Domestic Violence Prevention, Official Gazette of Montenegro, No. 46/10, August 6, 2010, Art. 16; The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence – Niksic, and Women’s Rights Center, *Implementation of Montenegro’s Domestic Violence Legislation*, 2017 (in press).

¹⁰³ The Advocates for Human Rights, SOS Hotline for Women and Children Victims of Violence – Niksic, and Women’s Rights Center, *Implementation of Montenegro’s Domestic Violence Legislation*, 2017 (in press).

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*