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NETWORK WOMEN'S PROGRAM
VAW MONITORING PROGRAM

V I O L E N C E
A G A I N S T
W O M E N

DOES THE GOVERNMENT CARE
IN
M O N T E N E G R O ?

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and Fact Sheets

from
Central and Eastern Europe,
the Commonwealth of
Independent States,
and Mongolia

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Preface

“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,¹ by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.² The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,³ and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

¹ Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

² These are the countries of Central and Eastern Europe and the former Soviet Union.

³ See: www.stopvaw.org.

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.⁴

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

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⁴ The reports are available online at www.soros.org/women and www.stopvaw.org/Country_Pages.

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1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

1.1 National institutions or government bodies responsible for policy coordination and implementation

Two institutional mechanisms for gender equality exist in Montenegro: the Parliament Committee for Gender Equality and the Gender Equality Office of the Government of Montenegro. Under their mandate, there are no concrete policy tasks regarding violence against women.

The Parliament Committee for Gender Equality was established on July 11, 2001 to monitor and promote human rights and freedoms that concern gender equality guaranteed under the Constitution. The Committee's duties include: reviewing draft legislation to ensure the promotion of gender equality; endorsing international documents on gender equality; recommending measures to advance gender equality in the fields of education, healthcare, public awareness, social policies, employment, entrepreneurship, families and decision-making processes; participating in the development of programs on gender equality that coincide with the European Union's standards, and cooperating with NGOs that focus on gender equality.

The Gender Equality Office was established by the decision of the Government of Montenegro on March 27, 2003.⁵ The Office performs expert and other tasks related to the implementation of the principle of gender equality and the implementation of international conventions and contracts. It also coordinates the activities of government bodies within this field and acts as a partner to NGOs dealing with gender equality issues and women's human rights. Since the Office performs tasks related to gender equality and human rights issues, it includes activities related to violence against women. There are no concrete tasks in its mandate regarding violence against women; rather, it addresses the issue as a part of gender equality issues. The Gender Equality Office is financed by the state budget and receives an annual amount for its activities, including projects related to violence against women. Nevertheless, there is no budget allocated specifically for violence against women activities. In 2005 the Gender Equality Office allocated 25 percent of its total annual funding for violence against women projects. The Office intends to provide more funds for these issues immediately after implementation of National Program of Violence Prevention has begun.

The Gender Equality Office, in cooperation with the OSCE Office in Montenegro, organized a training program for employees in nine municipalities in Montenegro to work on the promotion of gender equality principles and the establishment of local

⁵ *Official Gazette of the Republic of Montenegro*, No. 20/03.

mechanisms for gender equality. It is expected that Nikšić will soon be the first municipality to establish a local gender equality mechanism where the aforementioned trained focal points will work.⁶

There is no special government institution or body in charge of implementation of measures to combat violence against women in Montenegro.

1.2 National action plans and other policy documents

The Government of the Republic of Montenegro adopted the *National Program on Violence Prevention (2003–2006)*⁷ in November 2003. The *National Program* establishes the basic principles of state policy for all forms of violence as well as priority activities for the next three-and-a-half-years. The document is based on a gender mainstreaming principle. All forms of violence (physical, psychological, and sexual) in all human relations, within and outside of institutions, fall within the scope of this document. The strategic goals of the *National Program* include the following: improving legislation; raising the educational levels of the population; establishing multidisciplinary cooperation among all who work on addressing violence, including the civil sector; improving the status of women (there is neither a detailed description nor separate budget for this), young people, children, and the elderly; and overcoming poverty and providing all health services necessary for adequate treatment of the problem of violence. The body responsible for implementing these activities is the government, including the Ministry of Health, the Ministry of Interior, the Ministry of Labor and Social Care, the Ministry of Justice, the Ministry of Education and Science as well as other institutions, government bodies and services with the active participation of local communities and the NGO sector. The *National Program* envisages the following priority activities: establishment of a Coordination Council, Educational-Therapy Center, and Crisis Center for Violence; institutional counseling work; establishment of a database; development of a code of conduct; education; campaigns; research projects; legislative reform; trainings for professionals; establishment of an ombudsperson for women and children; and development of a report on human rights. The national program envisaged significant activities, but the majority of planned activities have not yet been implemented, primarily due to a lack of funds and insufficient interest from the implementers. There is no data available on the work of the Coordination Council, no annual reports on the work toward the

⁶ Official data received from an authorized person of the Gender Equality Office of the Government of Montenegro, Podgorica.

⁷ Government of the Republic of Montenegro, Ministry of Health, Commission for development of the project “Violence and Health” (2003), *National Program on Violence Prevention*, Government of the Republic of Montenegro, Podgorica.

realization of the program, and no information available on the results of monitoring and evaluation. The envisaged budget for implementing the Program on Violence Prevention for the period of 3.5 years is 1,660,000 euros.

The draft *National Action Plan for the Achievement of Gender Equality in Montenegro*⁸ (NAP) was developed in 2005. It is to be adopted by the end of 2006. The Gender Equality Office of the Government of Montenegro, together with eleven NGOs and experts, coordinated the development of NAP. It presents a draft document for the implementation of the gender equality policy. NAP will be adopted for a two-year period and will address the areas defined in the Beijing Declaration and Platform for Action. Out of the 12 areas of concern in the Beijing Declaration, Montenegro decided to address seven issues, among which one deals specifically with violence against women. The operational objectives have not yet been elaborated since the document is in draft form. The strategic goals envisaged by the NAP in regard to violence against women and girls include: realization of the *National Program on Violence Prevention*; campaigns and coordination of all bodies responsible for prevention; protection from violence and rehabilitation of victims; adoption of adequate legislation; statistical monitoring of cases of violence; research and data collection on cases of harassment, sexual harassment, and abuse; promotion of Article 6 of CEDAW; and educating the government and civil sectors on UN Resolution 1325 through various means, including seminars. The budget for these draft operational objectives in regard to violence against women is not yet finalized. The *National Action Plan* is to be adopted by the government, and the Gender Equality Office, Members of Parliament, relevant ministries, administrative bodies, public institutions, local self-governments, and the civil sector will participate in its implementation. The document is gender-mainstreamed.

⁸ Government of the Republic of Montenegro, Gender Equality Office (2005) *Draft of the National Action Plan for the Achievement of Gender Equality in Montenegro* (Podgorica: Gender Equality Office).

The NAP is connected to already-adopted development documents, strategies, and policies;⁹ however, with the exceptions of the *Strategy for Combating Trafficking in Human Beings* and the *National Program on Violence Prevention*, there are no specific violence against women-related tasks in the aforementioned documents.

1.3 State monitoring of existing legislation and policies

There are no systematic review mechanisms by the state of existing legislation and policies concerning violence against women in Montenegro.

1.4 State budget earmarked for combating violence against women

A budget line in the state and municipality budgets for the fight against violence against women does not exist in Montenegro. Different law enforcement bodies do not have such a budget line, either.

A committee for the funding of NGOs within the Parliament of Montenegro provides a certain amount of funds for the projects of NGOs (300,000 euros as defined by the Budget Law of November 2005). Also, approximately 300,000 euros are distributed through the 21 municipal committees for funding. There is no special annual amount to support NGOs dealing with issues of violence against women but NGOs receive a certain amount of money for their projects on the basis of open call for proposals.

For example, from 2003 to 2005 five out of nine SOS hotlines received 1,000 euros each for their projects from the Parliamentary Committee (5,000 euros in total).

⁹ *Direction of the Development of Montenegro as an Ecological State; National Program of Environmental Protection; Strategy of Regional Development of Montenegro; Agenda of Economic Reforms of Montenegro 2002–2007; Strategic Plan of Educational Reform for the Period 2002–2004; Strategy of Health Development of Montenegro; Strategy for the Improvement of Mental Health in the Republic of Montenegro; Poverty Reduction and Strategy Paper (PRSP); Strategy of Administration’s Reform of Montenegro 2002–2009; Strategy for Combating Trafficking in Human Beings; Strategy for Combating HIV/AIDS in Montenegro; Action Plan for the Prevention of Drug Addiction in Children and Youth in Montenegro; National Action Plan for “Decade of Roma Inclusion 2005–2015” in the Republic of Montenegro; National Action Plan for the Rights of Children in Montenegro; National Program of Prevention of Unacceptable Behavior of the Youth and Children in Montenegro; National Program on Violence Prevention; Agenda of Economic Reforms and the Program “Inducement of employment”; National Strategy for Permanent Resolution of the Problem of Refugees and Internally Displaced Persons in Montenegro.*

Compared to the total funds distributed to NGOs for this period, the percentage dedicated to violence against women projects was 0.8 percent.¹⁰

According to the research on NGO sector capacity by the NGO Center for Development of NGOs, approximately 80 percent of organizations are funded by foreign donors.¹¹

1.5 State financing system to compensate victims

Regarding the legal regulations in this field, violence in the family is not directly regulated, but general regulations enable the victims to obtain compensation through legal procedures and under the condition that the violator is legally sentenced in the criminal procedure.

Within the Law on Legal Procedure,¹² there are regulations that women victims of violence can use to obtain compensation for damages in the legal procedure and which is regulated by the Law on Obligatory Relations¹³ (state union law). Regulations related to damage compensation in the Law on legal Procedure are defined in Article 49 which regulates the courts' competence in processes for damage compensation and the verdict (Article 220). The verdict establishes the level of compensation according to the judge's determination and the relevant articles of the Law on Obligatory Relations.

Victims of violence – in this case and according to the Law on Obligatory Relations – can request compensation for immaterial damages for suffered and future mental pains, physical pains, and fear, and for disturbances caused as a consequence of the physical injuries suffered (Article 200). Victims can also request compensation for material damages (together with compensation for immaterial damages) in the case of a physical injury or health disturbance (Article 196), including costs of medical treatment and wages lost due to an inability to work during the medical treatment.

¹⁰ Internal data received from an authorized person of the Network of SOS Hotlines in Montenegro.

¹¹ Official data received from a staff member of NGO *CRNVO*, Podgorica.

¹² Law on legal Procedure published in the *Official Gazette of the Republic of Montenegro*, Nos. 22/04 and 28/05.

¹³ Law on Obligatory Relations published in the *Official Gazette of the FR of Montenegro*, Nos. 29/78, 39/85, 57/89, and 31/93.

1.6 Recommendations of the UN CEDAW Committee to the state and their implementation

The Gender Equality Office of the Government coordinated the activities on the development of the initial report of Montenegro according to the UN Convention on Elimination of All Forms of Discrimination against Women (CEDAW). The initial report was adopted by the government in June 2004. After sending the report to the Ministry of Foreign Affairs of Serbia and Montenegro – along with the Serbian report – it was submitted to the CEDAW Committee. However, concluding observations of the CEDAW Committee have not yet been issued in regard to this report (Serbia and Montenegro).¹⁴

2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE

2.1 Laws addressing violence against women or its different forms. Restraining or protection orders

In 2005 the Ministry of Justice, with the help of Save the Children UK Program in Montenegro and Professor Radoje Korac, Ph.D. (Law Faculty in Podgorica, Department of Family Law) formed a working group to develop the Law on Protection from Violence in the Family with financial support from CIDA. The first draft of this law has been developed and was distributed to all relevant sectors in Montenegro – including NGOs dealing with protection of domestic violence victims – for discussion on January 11, 2006. All comments and suggestions were collected by July 2006, and the working group met in September to review the comments and prepare the second draft. After that, round tables will be organized. The law is to be passed by the end of 2006.¹⁵

Article 2 of the draft law defines domestic violence as behavior when one family member endangers the physical integrity, mental health, or tranquility of another family member by:

- causing or attempting to cause body injury;

¹⁴ Official data received from an authorized person of the Gender Equality Office of the Government of Montenegro, Podgorica.

¹⁵ Official data received from an authorized person of the Save the Children UK Program in Montenegro, Podgorica.

- provoking fear by threatening somebody with death or causing bodily injury to the family member or a person close to him or her;
- forcing to engage in sex;
- leading to sex or sex with a person under 14 years of age or with a disabled person; and
- limiting freedom of movement or communication with a third person as well as insulting and any other arrogance, inconsiderate, and malicious behavior.¹⁶

As an NGO that directly deals with victims of violence, SOS Hotline for Women and Children Victims of Violence Podgorica (SOS Hotline Podgorica) evaluated this draft law and found it to be a step back in legislation: the draft does not recognize the intensity and scope of the serious social problem of domestic violence, nor does it provide adequate protection to the target group of women who suffer or have suffered domestic violence. After receiving the first draft law, SOS Hotline Podgorica, through the National Violence against Women Monitor Program,¹⁷ began an initiative to seek experts to review and comment on this draft law.¹⁸ Collected comments have been submitted to the working group for the development of the draft law.

Also, SOS Hotline Podgorica – while organizing seminars and trainings for state representatives dealing with violence against women victims in 2006 – collected comments on the draft law from experienced practitioners. In August 2006 SOS Hotline Podgorica, with financial help from Humanist Institute for Development Cooperation (Hivos) and PSO, organized a seminar with the aims of evaluating the draft Law on Protection from Violence in the Family, collecting possible solutions/suggestions for its amendment and defining the amendment of Article 220 of the Criminal Code in June 2006. Twenty-five representatives from the Basic Court, Prosecutor’s Office, police, centers for social work, and lawyers attended the three-day seminar. Results achieved by the seminar included: the definition of essential objections to the draft law on domestic violence and objections to specific articles; the recognition of positive aspects of the draft law; and suggestions for the establishment of

¹⁶ Government of the Republic of Montenegro, Ministry of Justice, Save the Children Program in Montenegro (2006) *Draft of the Law on Protection from Violence in the Family*, (Podgorica: Save the Children Program in Montenegro).

¹⁷ See: www.stopvaw.org/National_violence_against_women_Monitor_Program.html.

¹⁸ See comments at: www.stopvaw.org/commentarz_on_Domestic_Violence_Laws.html#Call_for_Comments_on_the_Montenegro_Draft_Law_on_the_Protection_from_Violence_in_the_Family2.

a Coordination Body for institutions for effective application of the Law on Protection from Violence in the Family once it is adopted.¹⁹

If the law is adopted in its current form, then Article 220 of the Criminal Code would also be in practice. There will be parallel regulations of torts and criminal cases, which is at present impossible in the Montenegrin legal system. The judge would be responsible for determining the characteristics of the regulation.²⁰

Despite the July 2002 amendment to the Criminal Code (amending Article 100A which defines a new criminal offence called “violence in the family or family union” in conjunction with Article 220), enforcement of Article 220 is not followed by the possibility of a restraining order, which still does not exist in legislation, even though practice shows that violators continue to perpetrate violence against his/her family member after a sentence.²¹

The Code of Criminal Procedure²² addresses supervisory measures in its Article 139:

- prohibition against leaving the place of residence;
- prohibition against visiting a certain place or area (territorial condition);
- obligation of the perpetrator to occasionally visit certain state bodies;
- prohibition against meeting with certain persons (the commentary to the Code of Criminal Procedure proscribes the possible application of this measure to the perpetrator of the criminal act as well as to the individuals who suffered the loss/damage in cases of domestic violence);
- temporary deprivation of travel documents; and
- temporary deprivation of a driving license.

Unfortunately, none of the stated supervisory measures can be applied in the case of a criminal act of domestic violence. Article 139(3) of this law states that the perpetrator cannot be deprived of living in his/her flat and seeing his/her family members/relatives, except when criminal proceedings are initiated for a crime committed against the family member/close relative.

¹⁹ Internal data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence, Podgorica.

²⁰ Internal data received from an authorised person of the Legal Office of the NGO SOS Hotline for Women and Children Victims of Violence, Podgorica.

²¹ B. Zeković, J. Radulović (2005b) *Monitoring of Enforcement of Article 220 of the Criminal Law of the Republic of Montenegro* (Podgorica: SOS Hotline for Women and Children Victims of Violence, Podgorica).

²² Code of Criminal Procedure of 2006 published in the *Official Gazette of the Republic of Montenegro*, No. 71/03, 07/04, and 47/06.

The Criminal Code²³ lists security measures in its Article 67 as:

1. mandatory psychiatric treatment and custody in a health institution;
2. mandatory psychiatric treatment on freedom;
3. mandatory treatment of a drug abuser;
4. mandatory treatment of an alcoholic;
5. prohibition against making calls, working, and other obligations;
6. prohibition against using a motor vehicle;
7. deprivation of an object;
8. expulsion of a foreigner from the country; and
9. announcement of the verdict in public.

For violence against women cases, the first four security measures can be pronounced, but they are conditional.

2.2 Applicable provisions in criminal law

2.2.1 Criminal offences

Currently, the Criminal Code (last amended in June 2006) penalizes different forms of violence against women,²⁴ namely criminal acts against sexual freedom, criminal acts against marriage and family, and criminal acts against humanity and other well-being as protected by international law.

The Montenegrin Criminal Code punishes the following criminal offences:

A. Criminal acts against sexual freedom²⁵

- Rape (Article 204): sexual intercourse by force or other equal act by application of coercion or threat that shall directly attack the life or body of that or another person is punishable by imprisonment of two to ten years;
- Sexual intercourse with a helpless person (Article 205): sexual intercourse with another person or other equal act gained by taking advantage of mental impairment, temporary mental disorder, other mental disorder, infirmity, or

²³ Criminal Code published in the *Official Gazette of the Republic of Montenegro*, No. 42/93, 14/94, 27/94, 30/02, 56/03, 70/03, 13/04, and 47/06.

²⁴ Criminal Code, *ibid.*

²⁵ Articles 204–212, Chapter 18.

another state of that person due to which that person is not capable of resistance is punishable by imprisonment of one to ten years;

- Sexual intercourse with a child or a similar act with a child (Article 206) calls for a punishment of imprisonment of one to ten years;
- Sexual intercourse by abuse of the position (Article 207): if a person, by abuse of a position, induces a person who is in a subordinate and dependent position to engage in sexual intercourse or other equal act, the punishment is three months to three years of imprisonment;
- Non-consensual sexual intercourse (Article 208): in the case where some other sexual act under the circumstances in Articles 204–207 of this law is performed, the punishment is fine or up to two years of imprisonment;
- Procuring and permitting sexual abuse (Article 209): in cases of procurement of a minor person to engage in sexual intercourse, another equal act, or other sexual act, the punishment is three months to five years of imprisonment;
- Mediation in prostitution (Article 210): in cases of recruiting or inciting another person to prostitution, participating in handing over a person to another person for the purposes of prostitution, or advertising or propagating prostitution in public, the punishment is a fine or up to one year of imprisonment;
- Presentation of pornographic material (Article 211): in cases of selling, presenting by public presentation or by another way making texts and pictures, etc. of pornographic content available to a child or showing him/her a pornographic show; the punishment is a fine or up to six months of imprisonment; and
- Article 212: prosecution for criminal offences against sexual freedom in Articles 204 and 205 of this law against the spouse shall be undertaken by a private complaint.

B. Criminal act against marriage and family²⁶

- Bigamy (Article 213): if someone is in a valid marriage and undergoes a new marriage, the punishment is a fine or up to two years of imprisonment;
- Invalid marriage (Article 214): if someone hides facts during the marriage process, if the marriage becomes invalid, or if someone misleads another regarding this fact, the punishment is three months to three years of imprisonment. The Criminal Code does not address forced marriage, but the Family Code²⁷ states that a marriage is not valid if the partner accepted the

²⁶ Articles 213–223, Chapter 19.

²⁷ Family Code published in the *Official Gazette of the FR of Montenegro*, No. 7/89, 13/89, and 56/03.

marriage under force or threat, or if he/she was misled. In this case the marriage can be annulled according to Article 48 of the Family Code, after which a charge may be brought under Article 214 of the Criminal Code;

- Enabling invalid marriage (Article 215): if the registrar consciously allows a marriage which is by law forbidden as invalid, the punishment is three months to three years of imprisonment;
 - Illegitimate marriage with minor (Article 216): if a minor person lives in an illegitimate marriage which is allowed by an adult, or if this is committed due to greed, the punishment is three months to three years of imprisonment;
 - Kidnapping a minor (Article 217): if someone retains a child against a legal decision and takes the child from his or her parents, guardians, adopters, or other adequate institution, the punishment is a fine or imprisonment up to two years;
 - Change in family condition (Article 218): if someone, by planting, exchange, or in some other way, changes the family condition of the child, the punishment is three months to three years of imprisonment;
 - Neglecting and abusing the minor (Article 219): if a parent, adopter, guardian, or other person neglects a minor, abuses him/her, or forces the minor to overstate work, or beg, the punishment is up to three years of imprisonment;
 - Violence in the family or family community (Article 220):
 - One who endangers the bodily or mental integrity of the members of his/her family or family community by use of violence, shall be fined or punished by a maximum of one year of imprisonment.
 - If, while making the offence from paragraph 1 of this article, the weapon, harmful tools, or other tools which are suitable to do harm to the body or to the health is used, the offender shall be punished from three months to three years of imprisonment.
 - If due to the offence from paragraph 1 and 2 of this article, a serious physical injury or serious violation of health occurred or made against a minor person, the offender shall be punished from one to five years of imprisonment.
 - If due to the offence from paragraph 1, 2, and 3 of this article, the death of the member of the family or family community occurred; the offender shall be punished from three to twelve years of imprisonment.
 - Whoever violates the protective measures of violence in the family, determined by a court and based on the law, shall be punished by a fine or up to six months of imprisonment.
- Aggravating circumstances include severe bodily injury, severe endangerment

to health, violence committed against a minor, or death. Mitigating circumstances can be as whether this is a first-time offense; the person's property is involved; as well as the general family circumstances in which the violator lived until he/she committed a crime.

- Not providing alimony (Article 221): if a person does not provide alimony as stated in an executive court decision, the punishment is a fine or a maximum punishment of up to three years of imprisonment;
- Violating family obligations (independent act) (Article 222): if a person violates his or her legal obligations and leaves a family member in a hard position, where he or she is not able to take care of him/herself, the punishment is up to three months of imprisonment or maximum punishment in the case of a family member's death is imprisonment up to eight years; and
- Incest (Article 223): if an adult commits intercourse or a similar act with a minor relative related by blood in a direct line, or with a minor brother or sister, the punishment is imprisonment up to three years.

C. Criminal act against humanity and other well-beings protected by the international law²⁸

- Race and other discrimination (Article 443): if a person, according to the race, color, nationality, ethnic background, or some other personal characteristic, violates the basic human rights and freedoms secured by the rules of international law that have been ratified by the Serbia and Montenegro state union, the punishment is imprisonment from six months to five years.)
- Trafficking in human beings (Article 444): anyone who canvasses, transports, submits, sells, buys, or involves himself in the sale, hides, or keeps the other person for the purposes of forced labor, bringing into the position of a servant, performing a criminal offence, prostitution or begging, usage for pornographic purposes, for the purposes of taking out a part of the body for transplant or for using him or her in armed conflicts by application of force or threat, bringing into delusion or keeping in delusion, abuse of the permission, trust, subordinate position, or difficult status of the another person, keeping an identification card or giving or receiving money or other benefit, for the purposes of obtaining consent from the person who controls the other person may receive a punishment of one to ten years of imprisonment;
- Trafficking in children for adoption (Article 445): if a person kidnaps a child under 14 years of age for his/her adoption, the punishment is one to five years of imprisonment;

²⁸ Articles 443–446, Chapter 35.

- Establishment of the slave relation and transport of the persons in slave relation (Article 446): if a person places another person in slavery or other similar position, maintains that person in this position, buys, sells, or gives him or her to another person, mediates in the buying, selling, or giving of this person, urges a person to sell his/her freedom or the freedom of a person he/she supports or of whom he or she is a legal guardian, the punishment is one to ten years of imprisonment.

The Criminal Code also contains a provision on “Violent Behavior” (Article 399) so that when the violence is committed against a woman the State Prosecutor decides if he/she will prosecute this crime as violent behavior or violence against women.²⁹

The legislation does not distinguish special criminal acts where the violence is committed by the state or its officials; therefore perpetrators of violence are sanctioned according to the Criminal Code regardless if the perpetrator is the state or its officials. This state or official position is not an aggravating circumstance *per se*, but aggravating circumstances could still be found depending on the other circumstances on the case. This refers to all criminal acts that prevent further violence, as well as violence that is eventually committed by the state or its officials.

2.2.2 Criminal procedures and prosecution

Applicable special, quick procedures are very rare and only used in special circumstances. According to the Code of Criminal Procedure,³⁰ if there is no investigation,³¹ there are rules for a quick procedure. A judge who receives a private charge or complaint from the person who suffered the loss/damage, may investigate the relative acts to determine whether they are regular.³² If so, within 30 days the judge sets a main trial date and, if sentencing the perpetrator, the court can pronounce the following sanctions: a court warning, suspended sentence, fine, or imprisonment for up to one year with measures depriving the perpetrator of an object or property, or prohibiting usage of a motor vehicle.

²⁹ Criminal Code, *ibid.*

³⁰ Code of Criminal Procedure, *ibid.*

³¹ Regarding an act processed under the quick procedure, acts punished by a fine or imprisonment up to three years, and only exclusively for criminal acts with a punishment up to five years of imprisonment (Article 441).

³² If the state prosecutor rejects the criminal charge and does not inform the person who suffered the loss/damage about this decision, if the charge was submitted by the person who suffered the loss/damage and the state prosecutor does not submit a proposal to conduct an investigation within one month of receiving the charge, or the charge proposal is filed by the person who suffered the loss/damage, or a private charge.

According to the Montenegrin Criminal Code,³³ the State Prosecutor prosecutes all criminal acts. Furthermore, according to the chapter on pre-criminal procedure (Articles 227–228) in the Code of Criminal Procedure all state and local administration bodies, public institutions, and citizens are obligated to denounce all criminal acts prosecuted in the line of duty (by the State Prosecutor). So a claim (whether by the victim or by one of the above listed parties who denounce the violence) is necessary to start the procedure. The charge is to be submitted directly to the State Prosecutor, but it can be submitted to the police, court, or a state prosecutor who is not part of the case in question. Regardless, it will be immediately delivered to the competent State Prosecutor.

There are few criminal acts where the person acts as a prosecutor him/herself. These may include criminal acts against the freedom and rights of a person and citizen, criminal acts against honor and reputation, criminal acts against sexual freedom, including rape and the rape of disabled person (if committed against a marital partner).

Regarding domestic violence, the State Prosecutor prosecutes domestic violence in the line of duty. If the prosecutor determines that there are no elements to constitute a criminal act, the victim can continue the criminal charge process on her/his own. The act on domestic violence or violence in the family community (Article 220 of the Criminal Code) is classified as one of the criminal acts which can be, no matter who brings the charge, prosecuted by the petitioner if not prosecuted in the line of duty by the State's Prosecutor in the first place. In this way the charge is to be processed in the same way except the deadlines are shorter, and the victim can obtain her/his right. But where the victim denounces violence and the prosecutor determines that the elements are present for a criminal charge, the victim cannot stop the case, and the prosecutor will continue with it.

The sentence for a perpetrator who commits an act of violence against women of any form of the criminal act prohibited by law is to include the reasoning for the perpetrator's level of sentence or sanction. The criminal judge, when pronouncing the sanctions as set forth by the relevant laws, addresses the mitigating and aggravating circumstances.

The police are obliged to record and investigate all denounced charges (pre-criminal procedure),³⁴ but the problem lies in processing charges regarding domestic violence cases. "The relation between the number of citizens' criminal charges, the number of processed cases, and the number of sentences is in disharmony, imply a drastic decreasing tendency. Out of 100% of citizens' criminal charges, 33.31% ended up as "warnings" to the violators by the police officers; 44.51% are processed, out of which

³³ Criminal Code, *ibid.*

³⁴ Code of Criminal Procedure, *ibid.*

only 23.97% get court's epilogue, which clearly implies on absence of positive practice in prosecution and judiciary."³⁵

2.3 Applicable provisions in civil and family law for cases of violence against women

The Family Code³⁶ does not contain regulations on domestic violence, but indirectly addresses violence in the family through its four areas of concern – marriage, parent-children relations, custody, and adoption.³⁷ At the end of August 2006 the Government adopted proposal of the new Family Law which should provide better and more complete protection of the family, as stated by the Minister of Justice, Zeljko Sturanovic. The law does not provide provisions on protection from violence the in family, since this issue is to be covered by the other law. Special attention in this law is given to children's rights.³⁸

The Law on Social and Child Protection³⁹ does not contain provisions that refer directly to the victims of violence but includes the term “persons and families who, under special circumstances, need a special, adequate form of social protection.” Victims of violence can fall under this particular term but the law does not specifically use the term ‘victims of violence’.

Among the 15 priority areas of health protection, the Law on Health Care lists the treatment of persons whose health condition is in indirect danger to life due to illness or injury – and victims of violence against women belong to this category.⁴⁰

During divorce procedures, there are no special regulations in the case of domestic violence. Divorce, according to Article 55 of the Family Code, can be requested in the case of serious and permanent disturbed marital relations, or if – because of some other reason – the purpose of marriage cannot be achieved. Regarding custody procedures, the Center for Social Work is in charge of monitoring and investigating the problems that are addressed by this law and are significant for the procedure. Legitimate and

³⁵ B. Zeković and J. Radulović (2005) *Monitoring of Enforcement of Article 220, ibid.*

³⁶ Family Code, published in *Official Gazette of the Republic of Montenegro*, Nos. 7/89, 13/89, 56/03.

³⁷ There are several regulations which treat violence in family, meaning negligence and not fulfilling the commitments/obligations to the marital partner as well as violation of the rights of other family members, but there are no sanctions stated, this is just forbidden.

³⁸ *Vijesti* (daily newspaper), August 26, 2006.

³⁹ Law on Social and Child Protection published in *Official Gazette of the Republic of Montenegro*, No. 79/04 and 02/05.

⁴⁰ Law on Health Care, published in *Official Gazette of the Republic of Montenegro*, No. 39/04.

illegitimate children have the same rights, and property gained in illegitimate marriage is of an equal status to that gained in marriage. There are no restrictions on custody/visitation rights or in using the flat in domestic violence cases.

2.4 Victim protection and protection of witnesses

Protection of the victim and the witness is regulated by the Code of Criminal Procedure and Law on Witness Protection.⁴¹

The Code of Criminal Procedure contains the provisions on supervisory measures as stated above. Provisions which refer to the victims of domestic violence are found in Article 1(1): “If this law does not state the opposite, then a marital partner or person with whom the defendant lives in communion is released from an obligation to testify.” Article 108 of this law (on protected witness) states that if there is a real fear that the witness by giving testimony or answering certain questions, will expose to serious danger the life, health, physical integrity, freedom, or large property of him/herself, his/her marital partner, or close relative, then the witness can be excused from stating personal data, answering certain questions, or giving the entire testimony, while the protection of this very witness is not provided. Witness protection is provided as a special way of involving and interrogating the witness during the criminal procedure, as stated in Article 109, e.g., interrogating the witness using his/her pseudonym or technical devices, such as a protected wall, voice-altering technology, transfers of picture and sound, and similar technologies.

Based on the Law on Witness Protection, entered into force in April 2005, protection of the witness or a person close to him/her is provided through the Program for Protection of the Witness which is a set of measures set forth in this law to protect life, health, physical integrity, freedom, or large property, or his/her close person. Measures by which witness protection is provided are as follows: personal physical protection and protection of property; changing the place of residence; hiding the identity and data on property; and changing the identity.

In the above two cases, the victim of violence against women can be protected as a witness; she can submit a request to the Commission, but this has not yet happened in practice.⁴²

There are no special conditions for the hearing. According to the Code of Criminal Procedure during the witness’ testimony, besides the special way of hearing the

⁴¹ Law on Witness Protection, *Official Gazette of the Republic of Montenegro*, No. 65/04.

⁴² Internal data received from an authorized Person of the Legal Office of the NGO SOS Hotline for Women and Children Victims of Violence, Podgorica.

protected witness (as described above), there are also protection measures for a witness who does not have the status of a protected witness. This is governed by Article 101(5) and refers to the witnesses/clients who are victims of sexual violence: “A client who is a victim of sexual violence as well as the child who is to be interrogated have a right to testify in a separate room in front of the judge and the court clerk while the prosecutor, defendant, and the defense attorney can watch the broadcast from another room with the possibility to ask questions of the witness, with the instructions received previously by the court, which are noted.” Also, those who are victims of sexual violence have a right to be interrogated by a judge of the same sex who will also lead the procedure, if the court’s personnel allows it (Article 58).

The Code of Criminal Procedure states that each main court proceeding is open to the public, but the council can at any time – in line with its duty or by a party’s proposal – close the proceeding for the public if it is necessary to keep it secret, maintain public order, protect morality, protect the minor’s interest, or protect the personal or family life of the accuser and accused (Article 300).

According to the Program of the Protected Witness, based on the Code of Criminal Procedure, every child is to be interrogated separately, regardless if they participate in Witness Protection Program. In other words, Article 101 of the Code of Criminal Procedure provides that the child has a right to testify in a separate room in front of the judge and court clerk, and, if necessary, with the presence of pedagogue or other expert associate. According to the Law on Witness Protection⁴³ protection of a witness or a person close to the witness, is applicable to a minor only upon agreement of the parent/guardian.

There are no general or special provisions of data protection law that can be applied in cases of violence against women.

Violation of the secrecy of procedure (court, tort, administrative, or other legally proposed procedures) is stated in Article 391 of the Criminal Code⁴⁴ and can be punished by a fine or up to one year of imprisonment. The same Article (in its paragraph 2) refers to procedures against minors and states that the same punishment is valid for those who, without the court’s promise, publish the progress of criminal procedures, decisions brought, or the minor’s personal data. Besides the aforementioned measures, there are no special provisions for the protection of children.

There are no special provisions in the law regarding the protection of professionals or service providers dealing with violence against women cases so committing a crime against an official person is not an aggravating circumstance.

⁴³ Law on Witness Protection, *ibid.*

⁴⁴ Criminal Code, *ibid.*

2.5 Legal assistance and representation for the victims of violence against women

Within the Law on Legal Procedure, there is a so-called “law for the poor.” If the court determines that a party – whether the accuser or accused – is unable to pay the court’s costs and/or court taxes without causing damage to the support of the person and his/her family, a decision to release that party from paying the court’s expenses can be made (Articles 172–178). Furthermore, in case the party is not able to carry the costs of legal representation, free legal representation is provided (Article 174). This is applicable both for parties who do not have and who cannot access their property.

There are no other forms of free legal aid within the state institutions.

Free legal aid can be found exclusively in NGOs dealing with the protection of victims of all forms of violence and which are funded by foreign donors, namely:

- SOS hotlines for women and children victims of violence work in nine cities of Montenegro with legal/counseling offices, dating from 1997 with the establishment of the first SOS hotline in Podgorica.
- A Women’s Safe House in Podgorica has provided legal aid since 1999.
- Humanitarian and Legal Office for victims of domestic violence provides legal aid. (Established in January 2006 provides services to all population. Prior to 2006 the office provided services to victims of domestic violence who are not part of the domicile population through the Network of Humanitarian and Legal Offices in Serbia and Montenegro.)
- NGO Center from Berane provides free legal aid to victims of domestic violence.

2.6 Providing information for victims about their rights, obligations, and the services available

There is no such legal requirement to provide information for victims during the procedure about their rights, obligations, and services from which they can seek help.

2.7 Mainstreaming women’s safety in laws and regulations of the national, regional, and urban planning

Violence against women and women’s safety is not mentioned in the laws, regulations, and guidelines of national, regional, and urban planning.

3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION

3.1 Professional guidelines and operational protocols for dealing with cases of violence against women

In Montenegro there are no professions where special laws, compulsory codes, or guidelines for dealing with violence against women cases exist. Even if the *National Program on Violence Prevention* foresees the development of codes of conduct within each profession/institution working with survivors of violence against women and children, this activity, as with many others proposed with this program, has not been implemented.

In January 2006 the Ministry of Interior published the Ethics Code for the Police⁴⁵ which states the needs and decisions of the police of Montenegro to respect basic human rights and freedoms in conducting its activities, particularly to act in a legal, tolerant, and equitable manner. Article 11 of this code states that all police officials are obliged to provide support – within the frame of their capabilities – to abandoned children, minors, other disabled persons, persons without means for living, and all other persons whose life is in danger. No other codes exist beside the aforementioned article, which is applicable to violence against women victims.

There are general rules related to statistics and recording of cases based on the type of criminal act. Nine out of 21 municipal police departments (“Security Centers”) has an enrollee or record form for the recording, investigation, or registration of cases of violence in the family. The development and implementation of this form was initiated in 2004 by the activists of SOS hotlines for the purpose of monitoring Article 220 on “Domestic violence” of the Criminal Code.

The content of this enrollee is as follows: number of citizens’ charges; number of persons who are imprisoned due to committing a domestic violence criminal act; number of warnings by the police officers; number of processed criminal charges; number of subjects under the prosecutor’s evaluation; number of perpetrators using narcotics; number of male perpetrators; number of female perpetrators; number of female victims; number of male victims; number of children victims of violence; and the family relationship of the victim and perpetrator.

In terms of monitoring – an activity which SOS hotlines are conducting within the court system – a record form with the following indicators is used: number of processed subjects; number of subjects who brought action; number of cases

⁴⁵ Ethics Code for the Police, published in the *Official Gazette of the Republic of Montenegro*, No. 01/06.

where the legal procedure was stopped; and the number and type of verdicts (acquittals, suspended sentences, imprisonment, fines, and rejected verdicts).⁴⁶

These two forms have been used since 2004 for the purpose of the aforementioned project. Police departments also use the same form when transmitting data on domestic violence cases from their municipalities to the SOS Hotline Podgorica. Unfortunately, the courts have not adopted this practice of transmitting information via this form to the SOS Hotline Podgorica.⁴⁷

During 2003–2004; the SOS Hotline Podgorica conducted an initiative to develop a Rulebook of Methods for Jobs Conducting and Discovering Criminal Acts of Violence in the Family and Protection of Domestic Violence Victims in cooperation with the Ministry of Interior. The aim was to increase the efficiency of the police in domestic violence interventions as well as to increase the level of security and protection of abused women and children. The Rulebook was signed by the Minister of Interior on March 31, 2004. It regulates behavior toward victims of violence in the family through guidelines that are to be implemented by officials from the Ministry of Interior. The role of the police is defined in detail by this rulebook, but even if this rulebook was signed and adopted by the Minister, it still has not proceeded through the Parliamentary procedure, since the Law on Protection from Violence in the Family has yet to be passed. The Rulebook should be harmonized with the law, so that after passing the law, it can be adopted.⁴⁸

3.2 Legal regulations of inter-agency cooperation

Within the *National Program on Violence Prevention*,⁴⁹ multidisciplinary cooperation is defined as one of the priority strategic goals. This cooperation refers to all relevant actors, meaning institutions dealing with the issue of violence, including the civil sector. The overwhelming majority of proposed projects and activities of this program,

⁴⁶ SOS Hotline for Women and Children Victims of Violence, Podgorica (2004a) *Monitoring of Enforcement of Article 220 of the Criminal Law of the Republic of Montenegro*. Project prepared by SOS Hotlines for Women and Children Victims of Violence Podgorica, Bar, and Berane.

⁴⁷ Internal data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence, Podgorica.

⁴⁸ SOS Hotline for Women and Children Victims of Violence, Podgorica (2004b) *Montenegro Advocacy Program Development of the Rulebook for Police Officers in Cases of Domestic Violence*. Project report prepared by Biljana Zeković, SOS Hotline for Women and Children Victims of Violence, Podgorica.

⁴⁹ Government of the Republic of Montenegro, Ministry of Health (2003) *National Program on Violence Prevention* (Podgorica: Government of the Republic of Montenegro).

however, have not been implemented, while the multidisciplinary cooperation is being developed exclusively due to NGO initiatives on the local level.

Within the *National Action Plan for Children's Rights*⁵⁰ there is also a provision to establish multidisciplinary cooperation aimed at the protection of neglected and abused children. The responsible body is the Ministry of Social Welfare which – beginning in 2003 and in cooperation with the UNICEF and UNHCR offices in Montenegro – established seven operational multidisciplinary teams for the protection of children against neglect and abuse. The teams consist of a psychologist, a pedagogue, a social worker, representatives of the police and health institutions, a judge, and a prosecutor. According to Svetlana Sovilj, expert associate for the protection of family within the Ministry of Social Welfare, these teams are providing protection to the entire family, regardless the narrow title of the team/project; thus, activities and responsibilities are wider than the title suggests and cover the protection of women, as well. Further, it can be said that the number of recorded cases has generally increased, which points toward increased case detection, rather than an increase in levels of neglect and abuse. Each team member has previous educational experience, and they are to undergo continuing education – they have meetings twice per month and have an external consultant and supervisor. The teams record their meeting minutes and document each case.⁵¹

Activists of the SOS Hotlines for Women and Children Victims of Violence in Montenegro have recently established important and quality cooperation with institutions responsible for providing help to women who suffer from domestic violence. The members of SOS Hotlines have organized joint seminars and working meetings with the active participation of representatives from the Ministry of Interior, the Center for Social Work, the judiciary, prosecution, the state prison, health and local administration for the five municipalities Nikšić, Podgorica, Berane, Bijelo Polje, and Ulcinj.⁵²

Following this sensitization of public institutions' officials, media and NGO representatives working on this issue sought to continue developing a more positive approach to the problem of domestic violence and better inter-professional cooperation. The next step was to sign a Memorandum of Understanding regarding participation of multidisciplinary teams from all relevant institutions, including police departments, courts, prosecution, centers for social work, health institutions, and local administration in the municipalities of Nikšić, Podgorica, Berane, Bijelo Polje, and

⁵⁰ Government of the Republic of Montenegro (2004) *National Action Plan for Children's Rights* (Podgorica: Government of the Republic of Montenegro).

⁵¹ Official data received from an authorized person of the Ministry of Social Welfare, Podgorica.

⁵² Two in the North, one in the South, and two in the center of the country, out of which one is in the capital, Podgorica.

Ulcinj. The memorandum and the coordinated action among competent institutions and SOS hotlines on prevention and protection of victims of violence are in accordance with the provisions of international human rights conventions. The memorandum's signatories will observe the following principles: a) protection of victims is always to be a priority; b) affirmation of the view that violence in the family violates, disables, and annuls human rights and fundamental freedoms of the victim; c) development and implementation of comprehensive preventive measures that promote protection of the victims and prevent victimization; d) making publicly available research and statistical data with special attention to gender-disaggregated statistics; e) supporting and monitoring the work of state institutions in solving legal issues related to violence in the family; and f) initiating continual improvement of legislation. Rules and obligations proposed in this memorandum are defined in a special document called the *Agreement on Cooperation* which determines coordinated actions, protection of victims, the relationship toward the violator, and transitional and final provisions of the agreement.

Upon signing the memorandum the next step was the establishment of multidisciplinary teams whose members are trained in family violence issues and have been introduced to working methods with abused victims. Teams were established within the aforementioned local communities.

The mission of the multi-disciplinary team is to reduce violence against women, children, and the elderly in local communities through more effective cooperation among competent institutions and NGOs, solving cases of violence, amending laws and improving its enforcement in practice as well as increasing the level of public awareness about the significance of violence as social problem.⁵³

In the field of trafficking in human beings, a memorandum was also signed by two NGOs (the Montenegrin Women's Lobby and Women's Safe House) and three ministries (the Ministry of Interior, the Ministry of Health, and the Ministry of Social Welfare) in March 2005. The agreement precisely defines the individual procedures, i.e., partners' responsibilities, and aims at developing an overall approach among the relevant government and civil society actors. It also seeks to establish cooperation, information exchange, and other adequate measures directed to providing support and help to victims of trafficking in human beings with full respect for their human rights.

According to Aida Petrović, president of the Montenegrin Women's Lobby, this memorandum did not generally fulfill the expected results except for strong cooperation between the Ministry of Interior and anti-trafficking activists in the last couple of years.

⁵³ B. Zeković, J. Radulović (2005a) *Inter-professional Cooperation – Condition for Prevention of Violence in the Family* (Podgorica: SOS Hotline for Women and Children Victims of Violence).

A step forward and improved cooperation was achieved with the judiciary and prosecution. Not so long ago it was not even possible to think of having the victim escorted by NGO activists in the courtroom. Today it is almost regular practice. The presence of Montenegrin Women's Lobby activists with a victim of trafficking in human beings brings her the additional strength and trust needed to testify before the court in order to punish the violator and break the chain of trafficking. Unfortunately, there have been no legal verdicts handed down yet for perpetrators of trafficking in human beings and their associates in Montenegro. Current cooperation with other institutions is not at a level that adequately meets victims' needs or respects their human rights when addressing this type of criminal act.⁵⁴

3.3 Medium- and long-term coordinated action plans for the different professions

There are no medium- or long-term coordinated action plans in any profession in the field of violence against women. There are such plans established within the multidisciplinary teams for domestic violence and protection of children from neglect and abuse.

3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies

There is no systematic mechanism to involve the NGOs working in the field to the drafting, designing, implementing and evaluating of laws and policies in Montenegro but coordination among government institutions and NGOs exists. This cooperation is evident through the active involvement of women's NGOs in developing important government papers with elements of gender policies, violence against women, the rule of law with an emphasis on gender and marginalized groups as well as in their participation in important boards and working groups.⁵⁵

⁵⁴ Official data received from a staff member of the Montenegrin Women's Lobby, Podgorica.

⁵⁵ These are the following: *National Action Plan for Achieving Gender Equality* (11 women's NGOs involved); *National Program on Violence Prevention* (SOS Hotline Podgorica); *National Action Plan on HIV/AIDS Prevention* (SOS Hotline Podgorica); *Amnesty Law* (SOS Hotline Podgorica and Center for Girls "Ksenija" supported by many Montenegrin NGOs); Monitoring of Enforcement of Article 220 of the Criminal Code (SOS hotlines for Women and Children Victims of Violence Podgorica, Bar, and Berane); Law on Victim Protection (Women's Safe House Podgorica); *Strategy for Combating Trafficking in Human Beings* (Women's Safe House Podgorica), etc.

Cooperation can be seen in the permanent contacts with the relevant ministries and institutions regarding all important questions related to violence against women and children and discrimination against women as well as in the close cooperation with Gender Equality Office of the Government of Montenegro.

Unfortunately, NGOs dealing with the protection of women's human rights have neither participated in the drafting or development of the draft Law on Protection from Violence in the Family, nor were they informed about this initiative.

3.5 Leading NGOs working in the field of violence against women in the country

In Montenegro there are nine hotlines for women and children victims of violence; two shelters for victims of domestic violence; one NGO offering placement to single mothers and mothers with illegitimate children; and two NGOs (the Humanitarian Legal Office and Center Berane) offering only legal help to victims of domestic violence. These are the only NGOs in Montenegro working in the area of violence against women while the remaining women's NGOs deal with other 'women's issues' such as gender inequality in education, politics, business, reproductive health, etc. The sources of funding are mainly foreign donors.

4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES

Each Security Center (police department) in Montenegro has inspectors in charge of domestic violence cases but this issue constitutes just one more task in their everyday work. There are no inspectors in charge of just this problem specifically, and domestic violence cases are not addressed in the sector's system. In Podgorica there was a team for domestic violence consisting of one inspector and one female police officer. Recently, however, the inspector was transferred to another division to deal with 'more serious' tasks than the issue of domestic violence. According to the chief of the police department in Podgorica this team today consists of four officials (two males and two females). All inspectors in charge of domestic violence cases have been trained in seminars on violence in family issues, organized by SOS hotlines in Montenegro.⁵⁶

On a positive note, in December 2004 the municipality of Nikšić established an Office for Domestic Violence within the Police Department for the first time in Montenegro. This office was established within the project Program of Coordinated Activities for

⁵⁶ Official data received from an authorized person of the Ministry of Interior, Podgorica.

the Elimination of Violence in the Family as implemented by the Nikšić SOS Hotline; the office has a phone line, officials on duty, and a police inspector in charge of domestic violence cases. SOS Hotline Nikšić has developed a special, detailed, and comprehensive form for the office to carry out detailed monitoring and recording of domestic violence cases. In addition to the office police inspectors also consistently use this form.⁵⁷

In most police departments, there is no possibility for the victim to be heard by a female officer even if she wishes to. The reason for this is the insufficient numbers of female officers in the operative departments. There were no significant actions by relevant bodies to increase the numbers of female police officers in these departments despite the fact that 100 female police officers were trained to work with victims of violence by women's NGOs.

The Ministry of Social Welfare has appointed one person for the protection of family who is – in cooperation with UNICEF and UNHCR offices in Montenegro – implementing the project of establishing operative multidisciplinary teams for the protection of children against neglect and abuse.

The above stated information clearly indicates that existing units are not established in a legally required, systematic, and organized way, but rather just as pilot initiatives.

5. AVAILABLE SERVICES

5.1 Shelters

In Montenegro (with a population of 675,000) there are two shelters for women and children victims of violence, one shelter for women victims of trafficking, and one NGO offering placement to single mothers and mothers with illegitimate children. All of them are operating in Podgorica, the capital of Montenegro, except for one in the North. All services provided to clients are offered free of charge. The number of spots available depends on the size of the shelter, and it ranges from six to 27 beds.

Women's Safe House, Podgorica was established in 1999 as the first shelter for victims of domestic violence in Montenegro. Beside temporary placement this organization provides victims with medical, psychological, social, and legal help, assistance in finding a job, placement in hospitals or other institutions, or placement in some other shelter outside of Montenegro. The Women's Safe House has ten rooms which accommodate 24–27 persons. It is approximately 500m² in size, with a large garden

⁵⁷ Official data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence, Nikšić.

and yard, two garages which have been converted into storehouses. Women can be placed on waiting lists, but not in the case when her life or her children's life may be in danger; in this case, two attics can be used that accommodate 6–7 persons. Six activists work at this organization, and they are all qualified for this work. Donors include USAID, Kvinna till Kvinna, Geneva Global Fund, Ecumenical Women Fund, Norway Government, etc. There is no state funding for the operation. The organization records cases of women and children in three forms: written, printed, and electronic. At the end of each year a special report is written. Data are presented in the chapter related to statistics.

The organization has a Code of Conduct and a rulebook for the treatment of victims. Workers record reports on their individual work with victims as well as record and process the data of persons who call.

As mentioned above this organization is a signatory of the Memorandum of Understanding regarding the victims of trafficking in human beings.⁵⁸

Women's Safe House "Nora" was established in 2001 in Nikšić. Besides accommodation this NGO offers psychological, legal, medical, and social help for women and children victims of violence. The house has three bedrooms or six beds on 75m². In 2005 there were a total of 67 women who were placed in the house from several hours to several days. The longest stay was three months. All services are offered free of charge and are provided by volunteers trained for work with survivors of violence. There are six persons working in the organization (a lawyer, psychologist, nurse, translators, and a coordinator). The organization is funded by domestic and international donors.⁵⁹

Montenegrin Women's Lobby established in 2004 a shelter for victims of trafficking. This project is supported by the government and International Organization for Migration (IOM) programmatically and financially. The shelter offers victims of trafficking temporary placement as well as free legal, psychological, and attorney's help which they may or may not accept (educational and creative workshops are conducted on a voluntarily basis, individually or within a group setting). The shelter has approximately 300m² and can accommodate around 20 persons. There are good conditions for victims living at the shelter, and they are offered free health care by the Central Hospital of Montenegro. This shelter is mainly designed for women and children but it can provide temporary protection and help to male victims of trafficking. The shelter has its house rules which are to be respected, and a code of conduct which is obligatory for both activists and clients. Five trained, educated, and sensitized activists work in the shelter, "armed" with patience, tolerance, esteem, and

⁵⁸ Official data received from an authorized person of NGO Women's Safe House, Podgorica.

⁵⁹ Official data received from an authorized person of Women's Safe House "Nora", Nikšić.

understanding for the victims of trafficking. The shelter is open 24 hours per day, regardless of weekends or holidays. Beside the activists, the shelter has an expert team consisting of psychologists, a lawyer, and a pedagogue. Shelter data and findings are presented in the section on statistics.⁶⁰

The NGO “House of Hope” established an office to help single mothers and mothers with illegitimate children in Podgorica at the end of 2004. The aim of the office is to provide legal, psychological, educational, and other help to single mothers. Volunteers are available throughout the entire day (24 hours) and hold national and international certificates for working with women and children survivors of violence. This office provides a special form of placement and places single mothers with children within families free-of-charge for a period of time. Placement is provided until the women want to return to their original families or until they find other accommodation for the women and children. The families where they are placed have a nuclear family infrastructure. Of the 77 beneficiaries of the project, 12 were placed in extended families by the end of January 2006 (the children being 0–3 years old). Until August 2006, 82 women were beneficiaries of this NGO, which was unique in the territory of Serbia and Montenegro. This is the only organization in Montenegro placing single mothers with children in this way. The organization has no sources of funding to provide help to single mothers with children, except that received from the U.S. Consulate in Podgorica for the project *Info telephone* providing information over phone. No other projects of this NGO are funded by domestic or foreign donors. All help, including baby supplies and food, is exclusively provided by volunteers, their friends, and ordinary citizens. There are reports and an analysis for each case available. According to this data, more than half of the single mothers and mothers with illegitimate children are under the age of 18, and this number is likely to increase. They must overcome many bureaucratic and basic survival issues, in addition to facing social stigma and disapproval.⁶¹

5.2 Hotlines

As one of the first NGOs in Montenegro and the first women’s NGO, the SOS Hotline for Women and Children Victims of Violence, Podgorica was established in February 1997. Since then it has been actively working on the promotion of women and children’s human rights and on the prevention and elimination of violence against women and children. The mission of the Hotline is to eliminate all types of violence and discrimination against women and children through educational programs, to

⁶⁰ Official data received from an authorized person of the NGO Montenegrin Women’s Lobby, Podgorica.

⁶¹ Official data received from an authorized person of the NGO House of Hope, Podgorica.

provide help and support to victims of violence, to cooperate with government institutions, and to initiate legal reforms and adequate enforcement of laws in practice.

Since 1999 – with help and training provided by activists/trainers of SOS Hotline Podgorica – other SOS hotlines have been established in other towns.⁶² On January 19, 2001 the Network of SOS Hotlines was created due to an awareness of the need for mutual support in achieving common aims and goals. This network is operating on the territory of Montenegro. Currently, there are nine hotlines in operation. All organizations within the network are autonomous independent groups that deal with the problem of violence against women and children, and they work according to the principles of women's solidarity and a feminist approach to violence. Permanent activities of the hotlines include: a) an SOS hotline for women and children victims of violence which operates every day from 5 p.m. to 9 p.m.; b) mediation between victims of violence and government institutions such as courts, social services, and the Ministry of Interior; c) free legal, psychological, and pedagogical help; d) realization of scientific research projects; e) raising public awareness on the forms and prevalence of violence against women, children, and the elderly; and f) organization and implementation of educational trainings. All services to clients are offered free-of-charge but clients unfortunately must pay phone costs when calling the hotline. Organizations are primarily funded by foreign donors. Activists/volunteers complete three-month training in working with survivors of violence. Training is conducted through lectures with the active involvement of participants, and female group workshops consisting of approximately 15 women. The training seminars included practical exercises to utilize the experience of trainers who work on the hotline as well as case records and recorded materials.⁶³

Each hotline has its rulebook which regulates how to become a volunteer on the hotline and what are the volunteer responsibilities, rules, and obligations as well as sanctions for not performing duties, and behavior and guidelines for the treatment of victims and inter-professional work. Also, there is a protocol/rulebook for the network level of hotlines.

⁶² Center for girls in Podgorica, SOS Nikšić, Bar, Ulcinj, Berane, Pljevlja, Rozaje, Plav, and Bijelo Polje.

⁶³ The training program consists of following topics: basic principles of work within female groups dealing with the problem of violence; the rule of trust as a basic rule; female workshops as the method of education and its rules; diversities; violence against women and children; intervention in domestic violence cases; sexual violence against women; sexual harassment and blackmailing; prostitution; child-victims of violence in the family; incest; women's human rights and position in society and the family; forms of legal protection from domestic violence; self-injury and suicide; skills of conducting telephone conversation; and team work.

Each member of the network has a database. Each organization, within the scope of its abilities, gathers data about its clients using a unique methodology that records the client's characteristics, the number of calls, the forms of violence that the victim suffers, types of extended support, the violator's characteristics, endangerment to children, etc. At the end of each year recorded data is processed statistically and reports are sent to the SOS Hotline Podgorica for collective processing and publication. This data is extremely valuable and is of particular importance since it provides the most detailed and comprehensive information on violence against women and children in all areas of Montenegro. The data is publicly accessible.⁶⁴ Data from this organization is presented in the section on statistics.

In 2001 the Montenegrin Women's Lobby started a project of a hotline for victims of trafficking. Activists engaged in this project are educated and sensitized to provide help over the telephone to potential victims trafficking. They provide callers with valuable information on the phenomenon of trafficking and its consequences. In addition, the citizens/parents/relatives usually provide important information and express concerns regarding agencies and business engaged in trafficking and its perpetrators. If the citizens/parents/relatives consent, the information they provide is directed to a special anti-trafficking team. Otherwise, the information is held strictly confidential. The hotline is available 24 hours per day, and activists usually receive two-three calls daily. Statistics are available and are presented in the section on statistics.⁶⁵

5.3 Crisis intervention centers

There are no crisis intervention centers in Montenegro. Immediate provision of accommodation for victims of any form of violence can be obtained through one of the aforementioned shelters or safe houses.

5.4 Intervention programs for the perpetrators

Intervention programs for perpetrators do not exist, except for the possibility of the aforementioned security measures in the Criminal Code.

⁶⁴ SOS Hotline for Women and Children Victims of Violence, Podgorica (2002) *The Network of SOS Hotlines in Montenegro*. Project progress report prepared by the SOS Hotline, Podgorica.

⁶⁵ Official data received from an authorized person of the NGO Montenegrin Women's Lobby, Podgorica.

5.5 Other victim support services

Throughout 2005 the SOS Hotline for Women and Children Victims of Violence, Podgorica operated self-support groups within the program called “Supporting program for women and children survivors of violence”⁶⁶ with financial help from Kvinna till Kvinna. The program’s aim was to develop a life strategy without violence by creating safe supportive surroundings for women and children victims of violence. Beneficiaries of this program include women and children exposed to violence or who are at risk of violence. The self-support group program had two phases: 1) a *psychological support* which aimed at developing group cohesion, strengthening the group, defining working rules, developing trust, and empowering women to take responsibilities for themselves and their lives; 2) an *educational phase* which was based on the following topics: poverty, the invisible women’s problem, violence-non-violence, myself and my health, myself and my body, prejudices, etc. The program included 22 women (two groups) and 20 children (two age groups of 13–15 years and 16–20 years). Experienced members of the NGO implemented the program. Besides the self-support groups, which were organized once per week, the project’s beneficiaries were offered free psychological and legal help.

The program continued throughout 2006 with funding from the same donor, and the beneficiaries of the project were exclusively women exposed to violence and discrimination or potential victims in urban and rural regions, encompassing all ages, professions, and nationalities.

In 2002 the Women’s Safe House in Podgorica established the Marital and Pre-Marital Counseling Center. The overall goal of the center is to provide expert psycho-social help and assistance to marital partners as well as to young, future partners so they can resolve their dilemmas, problems, marital and personal crises in an effective way. The intention is to provide users of the project with the necessary knowledge, techniques, and skills that would enable them to develop their partnership, and improve qualitative relations within the family and the broader social community.

The target group of the project is partners who live together, regardless of their official marital status, young partners who are planning a family life, and young people about to choose their partner.

Since its establishment until the end of August 2006, 469 persons visited this Center. The client base was primarily women seeking help such as advice or psychological assistance, or victims of domestic violence. One hundred and twenty-nine married couples in a crisis or having marital problems have attended or still attend marital

⁶⁶ SOS Hotline Podgorica (2006) *Supporting Program for Women and Children Survivors of Violence*. Project report prepared by Biljana Zeković.

counseling. Forty-seven couples who were planning to get married but were insecure or had doubts about the successful result of their relationship, have asked for help. One hundred and nineteen persons have independently asked for help, out of which 44 were children.⁶⁷

6. EDUCATION AND TRAINING

6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula and the availability of sex education programs

The issues of violence against women, prejudices, stereotyped roles for the sexes, and children's rights are not found in elementary and secondary school curricula. However, the ongoing comprehensive reform of the system of education is planned to address some of these issues and to cover children's rights and the problems of prejudices within the civic education classes.

In elementary schools sexual education in the school system is exclusively taught within the subject of Biology in grade 8. In secondary schools special attention is paid to this subject only in medical school within the subject of Anatomy. Special programs are run by NGOs such as Youth Culture Center "Juventas" and CAZAS (Montenegrin Association against AIDS). They are financed by foreign donors, and pay special attention to gender equality. Unfortunately, they are organized on a project basis, and are conducted only in the capital of Montenegro.

6.2 Mandatory and other training programs for future professionals

The topic of domestic violence will be present only in the curriculum of the Police Academy through the basic, 18-month police training for post-secondary students. The entire training will be mandatory for all students, including domestic violence as a topic, but the Police Academy's curriculum has not been developed or drafted because the Academy has not yet opened.

During the 2002–2003 academic year, the SOS Hotline for Women and Children Victims of Violence, Podgorica educated 98 students and six professors of the Secondary School of Internal Affairs in Danilovgrad on the topic of domestic violence and trafficking. Thus far this has been the only training on violence against women for

⁶⁷ Official data received from an authorized person of the NGO Women's Safe House, Podgorica.

future professionals. The donors of the project were USAID/ORT/Action and Oxfam, Novib.⁶⁸

During 2004–2006 the Montenegrin Women’s Lobby organized and facilitated two-day seminars entitled “Young Women Can Do That.” The training was attended by 300 female students from different faculties, young politicians, and young representatives of NGOs. The topic of the seminar was “Gender,” which encompassed the issue of violence against women. The donor was Norwegian People’s Aid.⁶⁹

6.3 Mandatory and other training programs for practicing professionals

In 2003 thanks to the initiative of SOS Hotline for Women and Children Victims of Violence, Podgorica, the subject of domestic violence was introduced as part of the mandatory training curriculum for employed police officers. The initiative was financially supported by the donor MAP/ORT and carried out in cooperation with the Ministry of Interior and Secondary School of Internal Affairs in Danilovgrad. Over 180 police officials have been trained by lecturers who are members of SOS Hotline Podgorica’s training team. The lecturers were funded by the Secondary School of Internal Affairs in Danilovgrad, and the trainings were held at the school. The duration of the training on domestic violence was six hours over two days. Participating students/practicing police officers were based throughout Montenegro.⁷⁰ The training is still operation since it is mandatory for police officers. The activists of the SOS Hotline continue to lecture every year. Of all aforementioned topics this is the only one being implemented within the educational system and exclusively at the Police Academy.

With the objective of raising the awareness of institutional officials on the problems and consequences of violence against women and the importance of prevention, women’s NGOs in Montenegro have organized the following activities during the past five years:

Since 2001 the SOS Hotline for Women and Children Victims of Violence, Podgorica has organized three-day educational seminars on domestic violence for officials from the police, courts, prosecutors’ office, health care, centers for social welfare and local authorities. Two hundred and twenty police officials, 50 court

⁶⁸ Official data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence, Podgorica.

⁶⁹ Official data received from an authorized person of the NGO Montenegrin Women’s Lobby, Podgorica.

⁷⁰ Official data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence, Podgorica.

officials, 15 prosecutors, 20 health care officials, 20 officials from the center for social welfare and, 15 local authorities from throughout Montenegro have attended these trainings. The average number of participants at each seminar was 25. The program of training focuses on understanding domestic violence issues, methods of working with survivors of violence, and the development of inter-professional cooperation. Two methodologies have been used: one takes into consideration the specific education of police officials, the other is geared toward representatives of all institutions. Forty police officers have attended educational seminars on trafficking, and 30 journalists and editors from various media sources have attended the educational seminars. There was no state financial support for these seminars. The donors were NOVIB, Action/MAP/ORT, the Open Society Institute, Humanist Institute for Development Cooperation (Hivos), and PSO.⁷¹

Between 2003 and 2005 the SOS Hotline for Women and Children Victims of Violence Nikšić organized two-day educational seminars for 15 representatives of NGOs and institutions for the purpose of developing cooperation. Also, within the “Program of Coordinative Actions for the Elimination of Domestic Violence” (2004), four seminars for 68 attendants were held covering the problem of domestic violence (definition, research, and legislation), gender equality, and cooperation with responsible institutions. An educational seminar for 18 attendants was also held on the topic of violence and health. The donors were the Open Society Institute, the Government of the Republic of Montenegro, and OSCE.⁷²

Between 2002 and 2005 the Montenegrin Women’s Lobby organized two-day seminars on the topic of trafficking in women and children. Participants included 160 school teachers and 120 representatives from the health care sector, prosecution, education, the center for social welfare, the Ministry of Interior, and courts in eight towns of Montenegro; 300 border police officials, 60 health care officials, 60 officials of center for social work and welfare from the north, central and southern parts of Montenegro. Donors were OSCE, IOM, and Care International.⁷³

Between 1999 and 2005 the Women’s Safe House in Podgorica organized five trainings on domestic violence for 121 policewomen throughout Montenegro. Each four-day training had 20 participants; trainers were members of the Women’s Safe House in Podgorica and ANIMA Center for Women and Peace Education in Kotor. Training sessions covered the following topics: violence, sex and gender, understanding

⁷¹ *Ibid.*

⁷² Official data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence, Nikšić.

⁷³ Official data received from an authorized person of the NGO Montenegrin Women’s Lobby, Podgorica.

the phenomena of violence, active listening and understanding why women suffer violence, introduction to the conventions and obligations of Montenegro, sex trafficking, roads of sex trafficking, the occurrence of corruption, recognizing the victim, identification of the victim, speaking with and directing them to a shelter, and protection of the victim and witness. For the sixth training 20 policewomen who demonstrated sensitivity to these issues were selected to attend a five-day training for trainers; 18 of these policewomen earned certificates. The donors were the Government of Finland and OSCE. In addition, this organization organized training sessions for mixed group-participants from all institutions that are in the contact with victims, with an emphasis on the judiciary and police. Thus, 480 police officers from all police departments, together with their chiefs, have been trained on the topic of “Understanding the Phenomena of Violence against Women and Children.” Donors included USAID, UNICEF, NPA, the Norwegian Government, OSCE, and the Geneva Global Fund.⁷⁴

6.4 Gender equality issues in higher education curricula and human rights programs

In 2001 a cooperation between the Center for Women’s Studies of the University in Oslo and the University of Montenegro established a Women’s Studies program within the latter. After five years of cooperation the results are seen in the form of organized conferences, joint research, and small projects aimed at achieving gender equality (e.g., the organization of seminars/lectures for students named “Women’s Studies” at the Faculty of Arts). The department for postgraduate women’s studies was opened at one point in time, but closed soon afterward. All of these programs were run by professors from the University of Montenegro and were financed by the University of Oslo.

For three years ANIMA Center for Women and Peace Education run a program that undertakes issues of gender equality within the alternative Women Studies. Since these studies are elective, they are not part of the educational system; but the program accepts students from all over Montenegro. Out of twelve seminars, one is dedicated to violence against women.⁷⁵

There is a training program on human rights, run and organized by NGOs in Montenegro through the School of Democracy and the School of Human and Minority Rights in the NGO Center for Citizens’ Education. This program addresses the issue of gender equality, but not in such a way that brings about serious results.

⁷⁴ Official data received from an authorized person of the NGO Women’s Safe House, Podgorica.

⁷⁵ Official data received from an authorized person of the NGO ANIMA Center for Women and Peace Education, Kotor.

These schools are not part of the formal educational system, but are an opportunity for all citizens to continue their education.

7. THE ROLE OF THE MEDIA

7.1 Media law provisions concerning violence against women and the portrayal of women

Article 23 of the Law on Media,⁷⁶ adopted on September 17, 2002, states that “the publishing of information and opinions that induce discrimination, hate, and violence against persons or a group of persons for their belonging to any race, religion, nationality, ethnic group, sex, or sexual orientation is prohibited.”

Article 8 of the Law on Public Broadcasting “Radio of Montenegro” and “Television of Montenegro”⁷⁷ states that the radio and television of Montenegro will, *inter alia*, “contribute to the respect and promotion of basic human rights and freedoms.”

7.2 Guidelines and codes of conduct for media professionals

In Montenegro the Code of Journalists⁷⁸ states in its main principles that “A journalist is in the service of the public interest. The credibility of a journalist and journalism as a profession is based on professional honesty, integrity, and knowledge. It is in the interest of every journalist, and it is his/her duty, to stick to the Code.”

Principle 10 of the Code states that “Media shall not reveal the identity of victims of sexual violence or publish material that could contribute to the revelation of their identity. Different conduct may be permissible if the victims consent to the revelation of their identity or if the law obliges the media to do so.” Principle 10(2) on “Reporting on Violence” states that when “reporting on real or threatened acts of violence, the media should carefully separate the interest of the public in the information and the interest of victims and other people involved.”

⁷⁶ Law on Media, published in the *Official Gazette of the Republic of Montenegro*, No. 51/02 and 62/02.

⁷⁷ Law on Public Broadcasting “Radio of Montenegro” and “Television of Montenegro”, published in the *Official Gazette of the Republic of Montenegro*, No. 51/02, 62/02.

⁷⁸ Institute for Media of Montenegro (2002) *Journalists’ Code in Montenegro* (Podgorica: Institute for Media of Montenegro).

The Council of the Agency for Radio-Broadcasting adopted the *Rulebook on Advertisement and Sponsorship in Electronic Media*⁷⁹ on May 26, 2005. Article 7 of the rulebook states, *inter alia*, that “the advertisement shall not contain statements or visual presentations which cause the association that in the concrete case could be considered as vulgar.” Article 13 states, “in electronic media programs, agencies for ‘business escorts’ and pornography shall not be advertised.” Article 20 states that showing “scenes of violence are prohibited in advertisements.” Article 21 states that “the content of advertisement shall not be directed toward the provocation of intolerance toward certain social groups because of their ethnic, religious, national, political, sexual, or other orientation.” Article 25 states that the “advertisement of ‘hotlines’ out of a limited period, as established by the Decision on Minimal Program Standards in Electronic Media in Montenegro, is prohibited.” Article 41 states that “within or in the line of children’s programs, it is prohibited to broadcast advertisements that contain sexual activity or violence.”

The Council of the Agency for Radio Broadcasting adopted the Decision on Minimal Program Standards in Electronic Media⁸⁰ in Montenegro on May 26, 2005. Article 12 of this decision states “In programs of electronic media, it is prohibited to broadcast program contents that promote discrimination against members of an ethnic group, sex, or sexual affiliation.”

7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women

In Montenegro there are several organizations dealing with media and the improvement of professional standards in Montenegrin journalism. They do not, however, carry out activities directly related to violence against women, sexism, and the stereotyped portrayal of women.

The ANIMA Center for Women and Peace Education from Kotor monitors and analyses articles in print media in Montenegro on a daily basis through its INDOK program. The organization has carried out this activity since 2002, and sends every comment and reaction to the media and email lists in Montenegro. Foundation Open Society Institute–Montenegro supports the INDOK program. The aim of monitoring print media is to gather data on how women are presented, to analyze the status of women in Montenegro as well as their (in)visibility in the articles and photographs.

⁷⁹ Agency for Radio Broadcasting (2005b) *Rulebook on Advertisement and Sponsorship in Electronic Media* (Podgorica: Agency for Radio Broadcasting).

⁸⁰ Agency for Radio Broadcasting (2005a) *Decision on Minimal Program Standards in Electronic Media in the Republic of Montenegro*. May 26, 2005 (Podgorica: Agency for Radio Broadcasting).

The analyses are structured in a way that regularly monitors the activities of women's NGOs, the Gender Equality Office of the Government of Montenegro, women in the political scene in Montenegro, violence against women, trafficking in human beings, women in culture and media, successful and honored women, unemployment of women, strikes, women's health, etc. A new newsletter with information on how the media addresses violence and its other forms is expected to be issued soon.⁸¹

7.4 Training programs for media professionals on violence against women

Regular training programs for media professionals on violence against women do not exist. Trainings and seminars are only organized by NGOs on an *ad hoc* basis. The general source of funding for these trainings is foreign donors. Women Action and SOS Hotline Podgorica are among the NGOs conducting such education.

Women Action is financially supported by the Norwegian People's Aid and recently implemented the project "Women Can Do It in the Media" in 2004–2005. On this occasion a number of journalists were trained from different Montenegrin media. Within the same project, a training program for trainers (journalists) was implemented during 2005–2006 by the same organizers and donors. The participants included eight trained journalists from different media, and these trainers were educated for further project activities, including network seminars, strategic workshops, and round tables. The purpose of the training was to further the gender sensitivity of journalists form a national network of journalists, and develop initiatives to use gender-sensitive language in Montenegrin media.⁸²

SOS Hotline Podgorica organized educational seminars for representatives of the media on domestic violence. These seminars were attended by 30 journalists and editors of different media sources in Montenegro. The donors included MAP/ORT, Foundation Open Society Institute–Montenegro, the Humanist Institute for Development Cooperation (Hivos), and PSO.⁸³

⁸¹ ANIMA – Zinec (2002–2005) *Press Clippings of Montenegrin Daily, Weekly, and Monthly Press*, viewed on February 23, 2006. See www.zinecanima.cg.yu.

⁸² Official data received from an authorized person of the NGO Women Action, Podgorica.

⁸³ Official data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence Podgorica.

7.5 Media activity in raising the awareness of the general public of violence against women

Montenegrin media is not directly involved in information campaigns to alert the general public on violence against women. Its only involvement is in the form of reporting on activities of NGOs in this field. The media is generally willing to cover the “16 Days Campaign.” Lately, print media has begun to dedicate greater attention to the problem of violence against women and cover it from different aspects.

In regard to the specialized contents in the daily press, there is a weekly appendix dedicated to women and two women’s magazines. There was a one-hour television show dedicated to women at one time, but this show no longer exists.

Within the campaign conducted by women’s NGOs, the media, such as the State Television, is often ready to provide airtime free-of-charge for specific broadcasts dedicated to the problem of domestic violence.

7.6 Analyses about violence against women in the media

Montenegro participated in Global Media Monitoring, a 2005 volunteer project conducted in 102 states around the world. ANIMA Center for Women and Peace Education carried out the research. On this occasion TV news, three daily newspapers, and two radio news stations were analyzed. The analysis of the print media in Montenegro found the following:

- Discriminatory and sexist relations toward women by some print media and misogynistic attitudes that regards women as objects.
- Violence against women is the most visible social problem of women in the media. The media reports on NGO activities in this field.
- In the last couple of months the media has reported on single mothers too.
- Journalism is increasingly becoming a female profession but the positions of editors-in-chief are still occupied by men.
- The weekly paper *Monitor* is becoming increasingly gender-sensitive, hiring females for professional positions. The paper employs the same number of male and female journalists but the news themes are still illustrated with males – this may be due to the fact that nearly every state and authority position in Montenegro is held by men.
- Based on an analysis of the content of print media there is an abuse of women and women’s bodies in small advertisements for certain telephone services. In

the magazine *Istok* which promotes spirituality and ethics there are always pornographic photographs of women on the cover page.⁸⁴

8. AWARENESS RAISING

8.1 Campaigns on violence against women

Women's NGOs (between 2001 and 2005) and the Gender Equality Office of the Government of Montenegro (since 2003) have both organized a series of campaigns and conferences aimed at informing and strengthening women as well as sensitizing the public and government institutions in addressing all forms of violence against women. Nevertheless, the amount of information resources aiming at informing women victims of violence on their rights, legal interventions, and services where they can find help remains insufficient. The duration of campaigns varied depending on the topic, organizers, etc. and ranged from 16 days to one year in length. Reports on the follow-up and evaluations of activities do not exist. Generally, the source of funding has been foreign donors.

The SOS Hotline for Women and Children Victims of Violence, Podgorica organized several campaigns in the last five years:⁸⁵

- In 2001 SOS Hotline Podgorica and the Center for Girls "Ksenija" initiated one of the most important women's campaigns aiming at stopping the Law on Amnesty in Parliament. This law included, *inter alia*, the perpetrators of the most severe sexual criminal acts – rape and sexual intercourse against a child or a helpless person. The aim of the campaign was to exclude perpetrators of the aforementioned acts from inclusion in the law. The campaign was conducted on a voluntary basis and a large number of NGOs – not only women's NGOs – joined it. SOS Hotline Podgorica and Center for Girls "Ksenija", with help from other NGOs, gathered 16,000 signatures from the entire country within ten days. These signatures were submitted to Parliament so the Law on Amnesty could enter into parliamentary procedures and undergo amendments. On that occasion, the draft Law on Amnesty was developed excluding the perpetrators of sexual criminal acts. Although activists from these organizations were aware that the Law on Amnesty was an *ad hoc* law which would enter

⁸⁴ World Association for Christian Communication (WACC) (2005) *Global Media Monitoring Project 2005*. Montenegrin National Report 2005 produced by ANIMA Center for Women and Peace Education Montenegro.

⁸⁵ Official data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence, Podgorica.

into force within eight days of its publication in the *Official Gazette of the Republic of Montenegro*, they used this situation to pressure the government and to lobby for the exclusion of perpetrators of sexual acts from all future laws on amnesty. The campaign was extremely strong, with negotiations in parliamentary committees lasting for almost a year. Following this, the government adopted the new Law on Amnesty which excluded perpetrators of the aforementioned acts. This process can be considered a great success of NGOs. By this initiative, women's NGOs demonstrated that they can have an impact on power-holders and the decision-making process.

- The campaign called “Women Speak – the Personal is Political” was conducted in 2001–2002, with the financial support of the Foundation Open Society Institute–Montenegro. The aim of the campaign was to strengthen women to deal with daily problems and increase their inclusion in public life with the overall goal of strengthening women's solidarity.
- The campaign called “Even Once is Enough” on violence against women was implemented. The donor was Foundation Open Society Institute–Montenegro. The aim of the campaign was to introduce the public to the problem of violence against women and increase the inclusion of government institutions in solving problems of violence against women. Radio and TV shows were created during the campaign.
- The campaign “16 Days of Activism against Gender Violence” was conducted in 2002 in cooperation with the Network of SOS Hotlines. The donor was Open Society Institute–Budapest. Radio and TV shows as well as performances were created during the campaign.
- An educational-information campaign was conducted in 2002, funded by the foundation NOVIB/OXFAM. The campaign was implemented in seven towns and coordinated by the Network of SOS Hotlines. It aimed at educating the public about the forms and prevalence of violence against women in Montenegro as well as raising awareness on the importance of effective solutions to the problem. Radio and TV shows, performances, tribunes, and round tables were organized during the campaign.
- The campaign “16 Days of Activism against Gender Violence” was coordinated by the Network of SOS Hotlines in 2003, and funded by the Foundation Open Society Institute–Montenegro. Two thousand posters, 3,000 postcards, and 3,000 leaflets were distributed throughout Montenegro in street actions. Also, the postcards were sent to employees in the relevant state institutions that deal with the problem of domestic violence. Regarding media campaigns, a press conference was organized to present the aims of the

campaign. Also, a TV show entitled, “Domestic Violence, Legislation, and Work of the Institutions” was organized.

- SOS Hotline Podgorica also organized a campaign called “16 Days of Activism against Gender Violence” in 2005 on a voluntary basis. This campaign was dedicated to the health of women. Radio and TV shows were organized, and special emphasis was placed in the northern region of Montenegro. This campaign was coordinated by SOS Hotline Bijelo Polje and supported by the donor BCIF Foundation Belgrade.

The Montenegrin Women’s Lobby organized a series of campaigns⁸⁶ in 2004 and 2005:

- The “Call for Help” campaign, conducted in 2004, focused on trafficking in human beings. It was a regional campaign conducted across almost all of Europe that targeted young people. The donor was UNODC. Posters, television programs, postcards, and radio shows were developed.
- The “Trafficking in Human Beings: Mine, Yours, Our Global Social Problem” campaign focused on trafficking in human beings and was implemented in eight towns in Montenegro. The target group was all citizens of Montenegro. The donor was CARE International. The Campaign was conducted in 2005, and posters, postcards, calendars, and billboards were created.
- The campaign “Brave, Strong, Smart, Important: Wanting, Wishing, Reaching Rights and Freedom” had a gender equality theme and targeted young women from political parties, NGOs, and female students. The campaign was conducted in 2005 in seven towns in Montenegro. The donor was NPA. As part of the campaign a CD, a bulletin, and calendars were created as well as radio and TV shows.
- The campaign called “Male Violence against Women is a Crime – React” addressed all forms of violence. The campaign was conducted in December 2005 in Podgorica and Cetinje and targeted all citizens. Donors included the Montenegrin Women’s Lobby and Women’s Group “Stela” from Cetinje. Billboards, leaflets, TV, and radio shows were created.
- The campaign called “Fascism, Racism, Xenophobia” addressed all forms of violence. It was conducted in November 2005 in Podgorica and Cetinje and targeted all citizens of Montenegro. The donors included the Montenegrin Women’s Lobby and Women’s Group “Stela”. For this occasion a public gathering was organized.

⁸⁶ Official data received from an authorized person of the NGO Montenegrin Women’s Lobby, Podgorica.

The SOS Hotline for Women and Children Victims of Violence, Nikšić organized three campaigns⁸⁷ in the past three years:

- The campaign called “Violence against Women is a Crime – React” addressed domestic violence and was conducted throughout Montenegro for all citizens. The organizers were SOS Hotline Nikšić and SOS Hotline Podgorica. The donor was Open Society Institute–Budapest. The campaign was conducted in 2003 during the campaign “16 Days of Activism against Gender Violence.” Posters, postcards, and television programs were created.
- The campaign called “Who is Guilty? Violence against Women is a Crime. Where is the Punishment?” addressed domestic violence and was conducted throughout Montenegro for all citizens. The organizers were SOS Hotline Nikšić and SOS Hotline Podgorica, and the donor was Open Society Institute–Budapest. The campaign was conducted in 2004 during the campaign “16 Days of Activism against Gender Violence.” Posters, postcards, and television programs were created.
- The campaign called “Remember! The Law is on Your Side” addressed domestic violence. The campaign was conducted in Nikšić by SOS Hotline Nikšić from March 15, 2005 to June 30, 2005. The donor was Open Society Institute–Montenegro. Posters and leaflets were developed.

Members of the ANIMA Center for Women and Peace Education from Kotor and participants of women’s studies organized a performance⁸⁸ entitled “Audio and Visual Fascism. We Do Not Want That!” in Kotor during the campaign “16 Days of Activism against Gender Violence” on November 26, 2005. The purpose of this activity was to point out the special form of violence against women in Montenegrin media that endangers the dignity of an individual and basic women’s human rights as well as the stereotyped presentation of women, sexist, and gender insensitive language in media. With this activity, organizers sought to provoke the attention of the public regarding the existing problem.

The Gender Equality Office of the Government of Montenegro⁸⁹ organized the campaign “16 Days of Activism against Gender Violence” in 2003 and published a bulletin in all Montenegrin newspapers from November 25, 2003 until December 10, 2003. The bulletin contained information on the campaign as well as a personal card

⁸⁷ Official data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence Nikšić.

⁸⁸ Official data received from an authorized person of the NGO ANIMA Center for Women and Peace Education, Kotor.

⁸⁹ Official data received from an authorized person of the Gender Equality Office of the Government of Montenegro, Podgorica.

detailing NGO activities during this period. The donor was the Gender Equality Office, and the target group was all citizens of Montenegro. The Gender Equality Office also joined the campaign “16 Days of Activism against Gender Violence” in 2005 by developing two thematic radio jingles that were broadcast on 20 radio stations in Montenegro. The donor was Foundation Open Society Institute–Montenegro, and the target group was all citizens.

8.2 Conferences and other awareness raising, information, and prevention programs

In 2005 women’s NGOs and the Gender Equality Office of the Government of Montenegro organized a couple of conferences covering the different forms of violence against women. The conferences lasted a few days and garnered 20–30 participants. The general source of funding was foreign donors.

SOS Hotline Podgorica organized two conferences in 2005. One was organized for women in institutions, the other for representatives of all institutions working to address the problem of violence against women. The conferences were organized with three goals: to inform all key persons on the status of women’s human rights, in particular violence against women in Montenegro; to present the monitoring work of the institutions and government mechanisms; and to give examples of best practices of inter-professional cooperation in Montenegro. The conferences were organized within the project “Women as a Resource for Local and Democratic Development in the Cities of Podgorica and Skadar” which aimed to strengthen democratic processes and to increase the participation of women in decision-making in Skadar and Podgorica who have undergone difficult social, political, and economic experiences.⁹⁰

The Montenegrin Women’s Lobby and Petra of Croatia organized a conference from June 9–12, 2005 on trafficking in human beings. The aim of the conference was the exchange of experiences and joint actions. The donor was Care International.⁹¹

The Gender Equality Office of the Government of Montenegro organized two conferences on violence against women in 2005. The first one, entitled “Violence against Women is the Violation of Human Rights” was held on September 16–17, 2005. The donors were the Konrad Adenauer Foundation and the Eduardo Frei Foundation. The experiences of Germany and Holland in the field of violence against women were presented, and representatives of Montenegro also presented their experiences on this

⁹⁰ Official data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence, Podgorica.

⁹¹ Official data received from an authorized person of the NGO Montenegrin Women’s Lobby, Podgorica.

issue. Conclusions from the conference were sent to all relevant institutions and to the media. The other conference entitled “Prevention of Gender-Based Violence” was held on the December 10, 2005. The conference was of a regional character and gathered representatives from Serbia, Kosovo, Croatia, Bosnia and Herzegovina, and Montenegro. The aim of the conference was to exchange experiences. The conference was divided into two parts: one dealt with violence against women from legal, psychological, social, and sociological perspectives; the other contained workshops on the Criminal Code (Article 220, Violence in the Family), Family Code, and the Law on Protection from Violence in the Family. The donor was the UNHCR Sub-Office in Podgorica. For the conference posters and leaflets were created and distributed in ten towns in Montenegro from the November 25 to December 10, 2005.⁹²

In 2005 the Law School’s Center for Human Rights organized a conference entitled, “Economic and Social Rights of Women” which covered the elements of economic and sexual harassment in the workplace.

8.3 Information materials for the victims about their rights and the services they can seek help

The book called *Violence in the Family*, published by SOS Hotline Podgorica in 2003 and authored by Jelena Radulović, contains an information package on the rights of women, current legislative information as well as information on how to escape violent situations.⁹³ One thousand copies of the book have been published with the financial help of NOVIB/Oxfam. Since 2003 it has been distributed to libraries, interested experts, and clients of the SOS Hotline Podgorica as well as at NGO meetings, courts, experts’ meetings, and regional conferences.⁹⁴

⁹² Official data received from an authorized person of the Gender Equality Office of the Government of Montenegro, Podgorica.

⁹³ Jelena Radulović (2003) *Violence in the Family* (Podgorica: SOS Hotline for Women and Children Victims of Violence).

⁹⁴ Official data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence, Podgorica.

9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN

9.1 Research programs and surveys

The only existing empirical research in Montenegro is the research conducted by Jelena Radulović, who has a Ph.D. in sociology and is an activist of the SOS Hotline Podgorica. Her above mentioned book entitled *Violence in the Family* presents data on the frequency and types of violence against women and children in Montenegrin families. The data was obtained through empirical research by conducting a poll of a representative stratified sample of people. Of those polled, 500 women were/are married, and 50 of them had/have husbands who are alcoholics. A questionnaire of 110 questions was developed as an instrument for gathering the data. Data on violence in the family was also gathered by analyzing the available data from the Center for Social Work in Podgorica and the Ministry of Interior.

The second part of the book presents data obtained from abused women who had called the SOS Hotline Podgorica over a 5 year period. Data obtained by the poll on women's personal experience reveal a disturbing level of presence of this problem in Montenegrin families. Different types of violence, which are in fact types of control (e.g., forbidding independent money handling, employment, and visiting relatives and friends), were present for 15 percent to 20 percent of the women polled. Severe types of violence against women were profuse. One in every four women stated that her husband beat her, and one in five was thrown out of the house once or several times. Almost one-third of polled women experienced mistreatment by a husband who was drunk or under the influence of alcohol. Of those with an alcoholic husband, 72 percent reported that their husbands mistreat them.

Women who call the SOS Hotline have been exposed to different types of violence. Although they often cite physical and psychological abuse, in most cases they have also been exposed to other types of violence at the same time. Of the total number of women calling the hotline, 84 percent were mentally abused, 82 percent were physically abused, and 33 percent were thrown out of their apartment. Of the abused mothers who called 15 percent stated that their children had been kidnapped.

Data obtained in the poll and from SOS hotline's clients reveals that a disturbed relationship between partners and the existence of domestic violence against women unavoidably endangers children. Seventeen percent of polled women stated that their children had been exposed to psychological violence, and 13 percent reported exposure to physical violence. Of the abused women who called the SOS hotline 43 percent reported that their children were also in danger.

At the close of the book there is information about women's rights and current legislation as well as practical information on how to leave violent situations.⁹⁵

The Center for Roma Initiatives in Nikšić, financially supported by Open Society Institute–Montenegro, conducted a study entitled, *Research on the Status of Roma Women in Nikšić*. A poll was conducted on a sample of 209 Roma women residing in Nikšić. The empirical data was gathered in January and February 2005. The aim of the research was to compile a comprehensive statistical overview of the social position of Roma women living in Nikšić. The following factors were considered: living conditions, economic situation, spare time, marriage and family, prejudices, literacy, and the quality of their relations with members of the majority population in the field of education, health care, employment, and everyday communication.

The analysis of the results confirmed that Roma women are one of the most marginalized social groups in the community. Roma women are regarded as the possessions of the male members of the family. Parents keep Roma girls home from school to care for their younger brothers and sisters. Later, they are forced to marry at a very young age. Although early marriages are a characteristic of minority groups in Montenegro, this is the only such research available on this practice. After a marriage ceremony, a Roma woman becomes the property of her husband. This leads to the conclusion that Roma women are victims of spatial, economic, educational, and health discrimination simply because they belong to this ethnic minority.⁹⁶

9.2 Violence against women on the agenda of research centers dealing with equality issues

The INDOK Center is a research center dealing with gender equality issues. It is run by the NGO ANIMA Center for Women and Peace Education and is financed by the Foundation Open Society Institute–Montenegro.

⁹⁵ Jelena Radulovic (2003) *Violence in the Family*, *ibid.*

⁹⁶ Center for Roma Initiatives, Nikšić (2005) *Research on the Position of Roma Women in Nikšić* (Nikšić: CRI).

10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN

10.1 Official statistics, data collection, and specific indicators on violence against women

The state has not developed common indicators to evaluate the scale of violence against women. In Montenegro criminal statistics record only the type of criminal offence.

As it was mentioned in Section 3.1, nine out of 21 municipal police departments (“Security Centers”) introduced an enrollee or record form for the recording, investigation, or registration of cases of violence in the family. The form was developed under the initiative of activists of SOS Hotline Podgorica, with its partner organizations, SOS Hotlines from Bar and Berane. With the support from USAID/MAP/ORT, this initiative entitled “Monitoring the Enforcement of Article 220 of the Criminal Code of the Republic of Montenegro,” monitors the enforcement of this article within the police and courts in nine Montenegrin municipalities.⁹⁷ For this initiative, data from the Police Centers and the courts was obtained and analysed. The data was obtained from Police Centers from the January 1, 2004 to December 31, 2004 including the following statistics:

- 328 citizens were charged at the nine Security Centers;
- 89 persons (27 percent) were imprisoned on the basis of charge;
- 106 persons (32 percent) received a warning from public officials;
- 146 criminal charges (45 percent) were processed;
- 101 charges (31 percent) were brought upon the discretion of the Prosecutor’s Office;
- 260 females were victimized (79 percent) (this includes spouses abused by their husbands, mothers abused by their sons, sisters abused by their brothers, daughters abused by their fathers, and daughters-in-law abused by their fathers-in-law);
- 37 males were victimized (11 percent) (most were parents whose children are delinquent or users of psychoactive substances);
- 31 children were victims of violence (9 percent);
- 314 violators were males (95.7 percent); and
- 3.66 percent of violators were users of narcotic substances.

⁹⁷ Podgorica, Kolasin, Danilovgrad, Bar, Ulcinj, Budva, Berane, Rozaje and Plav.

Interestingly, the data shows that almost 20 percent of the denounced violators used alcohol when committing violence in the family, which indicates that alcohol cannot be the cause of violence but only strengthens aggression that is already present.

From the Court in Podgorica

- 232 criminal charges in the Police Centers were based on Article 220; 85 are under review by the Prosecutor; 80 cases were processed by the Security Center.
- 38 charges resulted in indictments.
- 12 cases resulted in verdicts, nine resulted in a sentence of parole, two resulted in a fine, and one was an acquittal.
- 15 percent of the total number of processed cases in 2004 resulted in a verdict.

From the Court in Berane

- 59 criminal charges in Police Centers were based on Article 220; 45 cases were processed by the Security Center, and there were 23 verdicts.
- Of the sentences two were acquittals, 14 resulted in parole, seven were fines, and there was one sentence of imprisonment.
- 51 percent of the total number of processed cases in 2004 resulted in a verdict.

From the Court in Bar

- 37 criminal charges in Police Centers were based on Article 220; the Security Center processed five cases; three cases resulted in indictments.
- There were no verdicts.⁹⁸

Aside from the police departments there are no institutions that systematically collect data on or register cases of violence against women. Health institutions and centers for social work do not record cases on violence against women. Nor is there recording carried out in the health institutions when the police bring the victim to a doctor, who records the injuries without any special filing. Centers for Social Work do gather data only regarding the number of divorces and socio-economical status of the marital partners.

Regular statistical reports of law enforcement bodies on cases of violence against women do not exist.

Genetic data banks for cases of sexual violence do not exist.

⁹⁸ B. Zeković and J. Radulović (2005b) *Monitoring of the Enforcement of Article 220, ibid.*

10.2 NGO statistics on violence against women

Initially, data about violence against women was prepared by the SOS Hotline Podgorica, and later by the SOS hotlines in Montenegro that regularly record the cases of violence against women, and victims that call them over the hotline.

The SOS Hotline Podgorica gathered the following data from 1997 to 2003 from clients calling the hotline:

- the total number of calls was 3,480 of which 1,391 were women;
- 127 reported physical violence;
- 136 reported psychological violence,
- 12 reported sexual and physical violence;
- 54 reported economic violence;
- 426 reported physical and psychological violence;
- 267 reported physical, psychological, and economic violence;
- 66 reported physical, economic, and sexual violence;
- 15 reported incest or suspicion of incest;
- ten reported rape;
- two reported sexual assault or harassment in the workplace;
- eight reported sex trafficking; and
- 46 reported problems with children.⁹⁹

At the end of each year the data collected from the clients of the hotline is carefully recorded and processed. In this way, the number of cases, number of calls, reasons for calling, and the kind of support and help provided is monitored. Also, the socio-demographic and other characteristics of abused women and violators are recorded, which enables a review of the problem in the community and aids qualitative planning of preventive measures.

In 2004 166 persons called the hotline 260 times and received legal advice over the phone. Another 73 cases were recorded separately, bringing the total number of callers in 2004 to 239. In 76 percent of the cases callers cited the presence of at least one form of violence, while in 23 percent they cited other problems, such as loneliness, disease, poverty, and problems with adolescents. In 34 percent the endangerment of children was reported. The percentage of unemployed and employed women was almost

⁹⁹ Official data received from an authorized person of the NGO SOS Hotline for Women and Children Victims of Violence, Podgorica.

identical. The violator was a male in 94 percent of the cases, and a female in six percent of the cases.¹⁰⁰

In 2005 190 persons called the SOS hotline 300 times.¹⁰¹

The members of the Network of SOS Hotlines in Montenegro had approached the establishment of a database on cases of all of the respective offices. The network is composed of organizations from nine towns in Montenegro and the database gathers information from those towns. Analysis and processing of the data was carried out through the project "Help and Support to Women and Children Victims of Violence," which was financially supported by the American Consulate in Podgorica. The project was carried out from September 27, 2004 to the September 27, 2005.

According to data of the network hotlines received calls from 673 persons in 2004. About 25 percent called SOS Hotline Podgorica which separately recorded an additional 73 cases in which callers received multiple instances of free professional help from the law office and its two professionals. Of the 1,516 total calls approximately 26 percent called once and about 10 percent called three times. About 17 percent had called eight times or more. Reasons for calling are not recorded using the same methodology in all centers. For that reason, the calls cannot be compared or collected. It is notable that in almost all centers, the cases of physical and psychological violence dominate as well as combined forms of violence. Women between the ages of 26 and 40 are the most represented, but in the Northern and Southern areas many are young women between the ages of 16 and 25.

There is a significant difference in the educational background of clients due to the large area of Montenegro which is covered with this analysis. In the Northern

¹⁰⁰ 240 persons called volunteers of the hotline 432 times in 2002. Of that number, 228 were women and 12 were men. The social status of the family is marked as poor for 13 percent of women. In 205 cases in 2002 callers cited the presence of at least one form of violence, while in 35 cases other problems were cited like loneliness, disease, poverty, and problems with adolescents. The sex of the violator was a male in 96.7 percent of the cases and female in 3.3 percent of the cases.

199 persons called volunteers of the hotline 344 times in 2003. In this year the methodology of data recording changed. As a result, this sum contains only calls for which legal advice was given over the phone. Another 33 cases were recorded separately, so that the total sum of users of the SOS line in 2003 was 232. Out of that number 88.5 percent were women and 11.5 percent were men. Women in 12 percent of the cases cited the social status of the family as poor. In 171 cases in 2003 the presence of at least one form of violence was cited, while in 28 cases other problems were cited like loneliness, disease, poverty, and problems with adolescents. The sex of the violator was male in 90.9 percent of the cases and female in nine percent of the cases.

¹⁰¹ Data received from the NGO SOS Hotline for Women and Children Victims of Violence, Podgorica. Publication is in progress.

municipalities, most women had a low level of education or were without any education at all. In the municipality of Rozaje as many as 74 percent fell into this category. In other regions the majority of hotline clients had a secondary school education but a recognizable portion of the women had attended college. In general in Montenegro most of the women survivors of violence had a secondary school education. The next largest portion had an elementary education, followed by those with a college or university degree.

As for their professions, the majority of women who called the hotline were unemployed, particularly in poor municipalities in the northern region, where there is a high percentage of female unemployment.

Data on marital status showed that most were married women, but a significant portion was unmarried. The unmarried classification includes those who do not live in marriages or have a relationship with someone but do not live with that person. A worrying fact is that a significant part were divorced women (every fourth in Bar or every fifth elsewhere). This shows that divorce very often leads to an escalation of violence by men and that the state does not have good mechanisms in place to protect abused women and children.

Violators are commonly husbands or ex-husbands. But over the years the number of other family members as violators, such as adult children or siblings, has increased. This appears to be related to the trend of growth of the misuse of psychoactive substances by the youth.

SOS Hotline volunteers' recorded a high percentage of violence against children that was directly or indirectly related to disturbed inter-partner relationships in the family. Children are exposed to various kinds of violence and often suffer multiple forms of violence simultaneously.¹⁰²

The newest findings and statistics from the Women's Safe House Podgorica have not yet been published. From August 3, 1999 to August 23, 2006 there were 1,601 persons (women and children victims of domestic violence, women from refugee camps, single mothers, and victims of sex trafficking) placed in the shelter. The duration of their stay was from one day to 18 months. During this period 1,738 persons sought help over the phone.¹⁰³ Other published statistical data from this NGO records information on the victims of sex trafficking during the period of 2001–2004. According to this data

¹⁰² Network of SOS Hotlines in Montenegro (2005) *SOS Hotlines' Data Processing for 2004 in Montenegro* (Podgorica: SOS Hotline for Women and Children Victims of Violence).

¹⁰³ Official data received from an authorized person of the NGO Women's Safe House, Podgorica.

58 victims of sex trafficking were placed in this shelter.¹⁰⁴ Out of 58 women, 21 were minors.¹⁰⁵

According to data from the Montenegrin Women's Lobby from January to October 2005, 26 victims resided in the shelter as victims of trafficking. Of that number, eleven were women between 21 and 37 years of age, seven were girls between 13 and 16 years of age, four were children between one and eight years of age (one girl and three boys), and four were men between 22 and 30 years of age. Victims were of the following origin: ten from Serbia, six from Romania, four from Bangladesh, three from Montenegro, two from the Republic of Srpska, and one person from China. Victims came to the shelter upon referral of the hotline for victims of trafficking.¹⁰⁶

11. CASE LAW ON VIOLENCE AGAINST WOMEN

11.1 Cases on violence against women before the national and international bodies dealing with human rights issues

There were no recorded cases on violence against women before the national and international bodies dealing with human rights issues.

11.2 Published court decisions, case studies, and analyses of case law

Case studies or analyses of case law do not exist. The only existing manual is one for State Prosecutors, published by Open Society Institute–ROM.¹⁰⁷ The manual only contains guidelines on writing state prosecutors' forms and lists the related laws.

¹⁰⁴ Fourteen Moldavians, four Ukrainians, six Romanians, two Bulgarians, 13 Serbs, three Montenegrins, five Byelorussians, two Croats, three Russians, two Roma, one Bosnian, two Mongolians, and one Georgian.

¹⁰⁵ Center for Women and Peace Education (2005) *Brochure I Choose to Choose* (Kotor: Center for Women and Peace Education).

¹⁰⁶ Official data received from an authorized person of the NGO Montenegrin Women's Lobby, Podgorica.

¹⁰⁷ See: www.stopvaw.org/Manual_for_the_State_Prosecutors.html.

12. RECOMMENDATIONS TO THE GOVERNMENT

- Initiate the adoption of legal mechanisms that would induce greater compliance with international standards and conventions ratified by the Republic of Montenegro;
- Elaborate guarantees that the priority programs defined by the *National Program on Preventing Violence, 2003–2006* are implemented – with a special emphasis on programs for preventing domestic violence;
- Develop a special government agency for monitoring law enforcement and the implementing of policies and action plans developed by the government;
- Organize intensive training programs for all levels of the executive, legal and judiciary authorities in order to improve the implementation and enforcement of international regulations;
- In the training programs for law enforcement professionals, make it mandatory to learn about all key international documents ratified by the country;
- Earmark a sufficient amount of budget to support NGO activities, especially those programs assisting women victims of violence;
- Amend laws in Montenegro in a way to reflect the seriousness of social problems, such as violence against women, and to be more concrete and effective in assisting the victims of domestic violence;
- Involve all relevant actors in drafting special laws, rulebooks and procedures, especially experts who deal with the problem of violence against women (police, judiciary, prosecution, and NGOs);
- Develop and strengthen inter-professional cooperation by the establishment and empowerment of multidisciplinary teams on a local level, with mandatory development of codes of conduct for the police as well as the health and social services, so that they can follow the same protocols;
- Form special law enforcement units in all relevant institutions and encourage the employment of women police officers to work with victims of violence;
- Explore the development of institutional forms for providing free legal aid to victims of violence, including court protection, shelters, SOS hotlines, crisis centers, and health care;
- Increase the level of public officials' awareness on violence against women and its importance as a social problem, and to train more individuals or professionals for permanent work in violence prevention;
- Implement education programs on prevention and elimination of violence against women on all levels of education, especially for future professionals,

with mandatory participation by activists from women's NGOs in the whole process;

- Raise the level of awareness and skills of representatives of public institutions and NGOs in participatory research, monitoring and PR methods and techniques, in order to more successfully promote a culture of tolerance and protect women's human rights by creating mechanisms which can guarantee the development of positive practice, strengthen media promotion of existing laws, policies, and action plans;
- Improve public awareness of women's rights and the mechanisms for obtaining those rights (current laws, policies, and action plans), the role of institutions and the civil sector in its implementation as well as the possibilities for effective response;
- Raise the level of socio-political awareness of the problem of violence against women in the community, to raise the level of sensitivity within government institutions on the problem of violence against women;
- Monitor the occurrence of violence against women, in order to estimate its intensity, frequency, and consequences for the well-being of society and to implement adequate measures;
- Ensure the regular collection and dissemination of human rights research data and their reporting to international monitoring agencies; and
- Strengthen awareness of the necessity of developing a joint database which will have a huge impact on recognizing the consequences of violence against women as well as constituting part of the best possible methodologies for effective responses.

ANNEXES

Annex A. List of laws and regulations screened

- Budget Law of November 2005, *Official Gazette of the Republic of Montenegro*, No. 71/05
- Criminal Code, *Official Gazette of the Republic of Montenegro*, No. 42/93, 14/94, 27/94, 30/02, 56/03, 70/03, 13/04, and 47/06
- Code of Criminal Procedure, *Official Gazette of the Republic of Montenegro*, No. 71/03 and 07/04
- Family Code, *Official Gazette of the FR of Montenegro*, No. 7/89, 13/89, and 56/03
- Law on Health Care, *Official Gazette of the Republic of Montenegro*, No. 39/04
- Law on Legal Procedure, *Official Gazette of the Republic of Montenegro*, No. 22/04 and 28/05
- Law on Media, *Official Gazette of the Republic of Montenegro*, No. 51/02 and 62/02
- Law on Public Broadcasting “Radio of Montenegro” and “Television of Montenegro”, *Official Gazette of the Republic of Montenegro*, No. 51/02 and 62/02
- Law on Obligatory Relations, *Official Gazette of the FR of Montenegro*, No. 29/78, 39/85, 57/89, and 31/93
- Law on Social and Child Protection, *Official Gazette of the Republic of Montenegro*, No. 79/04 and 02/05
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