



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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against Women**

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**Responses to the list of issues and questions with regard to
the consideration of initial reports**

Montenegro*

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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I. Outline

Reply to the issues raised in paragraph 1 of the list of issues (CEDAW/C/MNE/Q/1)

1. The initial report on the implementation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) was submitted to the Committee on the Elimination of Discrimination against Women (CEDAW committee) in May 2010, instead of the previously agreed date, which was November 2007. Several factors contributed to the delay.

2. Montenegro gained its independence following the referendum of 21st of May, 2006. After that, The Assembly of Montenegro enacted The Declaration of Independence on the 3rd of June, proclaiming Montenegro as an independent and sovereign state which assumed its international obligations. In accordance with the Declaration and Proclamation of independence, Montenegro started a comprehensive process of succession of international treaties, signed by the previous states where Montenegro was a constituent part (Yugoslavia and Serbia and Montenegro). Also, reforms and reorganization of the internal political and social system started at that time. Various reforms that followed, as well as the reorganization of the state administration, with the aim of creating a stable and sustainable system and establishment of democratic rule, entailed a long process, with many tasks still unfinished. These circumstances hampered the coordination and gathering the data necessary to draft the report, which delayed the report submission, until all the necessary conditions for the adequate completion of the report were achieved.

3. In addition, gender equality institutional mechanisms in Montenegro have undergone significant organizational changes. The Gender Equality Office, which functioned as part of the General Secretariat of the Government of Montenegro, reorganized into The Department for Gender Equality within the Ministry for Human and Minority Rights of Montenegro.

4. The process of drafting the Initial report went through the following stages:

(a) After receiving the questionnaire The CEDAW Committee formed a cross-departmental work group and forwarded the questionnaire to the respective departmental bodies;

(b) After collecting the answers, the cross-departmental work group consolidated them into the final draft of the report;

(c) The Gender Equality Department forwarded the questionnaire to the NGOs, including their answers into the Initial report;

(d) The Initial report was examined and approved at the Government session on 25th of February, 2010, on the initiative of The Ministry for Human and Minority Rights, after which the document was forwarded to the CEDAW Committee.

Reply to the issues raised in paragraph 2 of the list of issues

5. By the provisions of the Budget Legislation for 2011 (Official Gazette of Montenegro No. 78/10), funds committed to support the work of the Protector of the Human Rights and Freedoms were increased by 31% compared to last year, the total increase being €11.842,65 (this year's budget is €485.945,97). The office of The

Protector of the Human Rights and Freedoms is now located in the centre of Podgorica, and the conditions for his work are much improved.

6. After The Constitution of Montenegro was enacted, giving the Protector of the Human Rights and Freedoms a wider role, the need was felt to change and amend the existing Law on the Protector of Human Rights and Freedoms. Since the scope of changes and amendments is extensive, The Ministry for Human and Minority Rights decided to draft a new law. The Government of Montenegro prepared the draft law on the Protector of Human Rights and Freedoms on the 24th of June, 2010. After a public debate, the Proposal of this law was made (the 29th of July, 2010) and referred to the Assembly for approval.

7. The Assembly of Montenegro discussed the text of the proposal in December 2010, and, because of a number of amendments, returned it to the Government for revision.

8. The Proposal of the Law on the Protector of Human Rights and Freedoms was adopted at the Government's session of the 17th of March 2011. The Proposal is currently being discussed in the Assembly. It's been reviewed by the Committee for Human Rights and Freedoms (on the 6th of April) and the Committee for Constitutional questions (on the 11th of April). It is expected that the Assembly will approve the law by the end of the second quarter this year.

9. By the new law on the Protector of Human Rights and freedoms, the Protector is established as a national mechanism for prevention and protection against torture and other forms of inhuman treatment and punishment. To fulfill these functions, The Protector will form a multidisciplinary advisory body, which will, along with the representatives of the Protector's Office, monitor the observance of the rights of people in custody. On the basis of this body's report, the Protector gives his opinion, suggestions and recommendations on how to improve the status of people taken into custody.

10. Since the intention is to establish the Protector as the mechanism for prevention and protection against discrimination, the new law defines this question according to this goal.

11. The proposed law stipulates increasing the number of Protector's deputies. The main responsibilities of the deputies will focus on the field of the protection of the rights of the people in custody, ethnic minorities and other minor ethnic groups, rights of children, disabled people, gender equality, and protection against discrimination. Through the provisions of the new Law on the Protector of Human Rights and Freedoms, the autonomy of Protector's Office is enhanced, by ensuring greater financial support, strengthening administrative capacities of the Office and its authority, along with the ensuring the security of the personnel.

II. Legal status of the Convention and the legislative and institutional framework

Reply to the issues raised in paragraph 3 of the list of issues

12. The former Office for Gender Equality and the current Department for Gender Equality have carried out a number of activities and measures with the aim of educating people, especially judges, prosecutors, attorneys about the binding nature and direct implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as about the rights which this convention grants to women. In the course of the implementation of the project "Enhancing economic and employment rights of women in Montenegro", which the Department for Gender Equality has been implementing with the support of United Nations Development Fund for Women and UN-Women, the Department organized a two-day seminar for the law enforcement

officers in 2010 with the aim of educating them about the basics of gender equality. The lectures included education on the legal instruments on the national and international level, with special attention given to CEDAW which, in accordance with the Constitution of Montenegro, has precedence over the national legislation.

13. Currently, in 2011, working on the same project, the Department for Gender Equality, recognizing the importance of these activities, plans to continue educating people involved in the legal system regarding the implementation of national and international law in this field. It is necessary to make efforts in this direction, further strengthening their capacity, and to introduce them to positive examples from legal practice. In order to ensure continuous and long-term reinforcement of the capacities of judges and prosecutors, the Department will sign the Memorandum on Mutual Understanding with the Centre for Education of Law enforcement officers, which will integrate training on discrimination on the basis of gender into the regular curriculum with the aim of their continued education on the subject. This way, training that deal with the issues of equality and discrimination will not only be introduced but organized on a regular basis. Continuous knowledge development will be part of the organizational culture in the judicial administration. The development of the capacity will include group study tours for the personnel from the Center for the Education of the law enforcement officers, judges and prosecutors to one of the European countries with good practice; carrying out analyses of judicial practice in implementing national and international legislation related to discrimination based on gender in Montenegro, as well as organizing seminars and training in the field of gender equality.

14. Lectures and education on CEDAW Convention are an integral part of the programs of all the seminars and training organized by the Department for Gender Equality for different target groups (in addition to the already mentioned groups, the education is also provided to teachers, occupational safety bodies, labour inspectorates etc.). In order to raise public awareness, and amongst them especially women's awareness, of the rights granted by the Convention, the programs broadcast on national television on the subject of women's rights and gender equality are designed so that special attention is given to promoting the Convention and the rights contained within it. It is also important to mention here that the previous Office for Gender Equality published the Convention, and the publication was distributed to all the relevant governmental and civil institutions and organizations.

Reply to the issues raised in paragraph 4 of the list of issues

15. From the total of 481 complaints submitted to the Protector in 2010, 125 (25,98%) were submitted by women. Most of the complaints women made concerned the work of the state administration (40 complaints / 32 %), courts (32 complaints / 25,6%), public services (23 complaints / 18,4%), local administration (12 complaints/ 9,6%), police (6 complaints/ 4,8 %), prosecutor's office (3 complaints / 2,4%) etc. They objected to infringements of their rights by delayed or stalled court proceedings, problems in enforcing final court judgments, what the public administration did or failed to do, and most often by the "silence of the administration", that is, the administration's failing to act in a particular situation.

16. The cases where women complained about violation of their legal rights were related to the infringement of their:

- (a) Rights that arise from work and rights to work;
- (b) Children's rights;
- (c) Right to be granted Montenegrin citizenship;

- (d) Right to residence;
- (e) Right to protection against cruel, inhuman and humiliating treatment;
- (f) Right to property and the peaceful enjoyment of the property;
- (g) Right to a pension and insurance for the disabled;
- (h) Rights to social benefits;
- (i) Restitution of property;
- (j) Right to liberty and personal security;
- (k) Right to health care and health insurance etc..

17. The Protector of Human Rights and Freedoms undertook a number of measures, activities and initiatives in order to protect the human rights of women. The number of the resolved women's complaints was 97 (76, 98%), but a certain number of complaints weren't within the authority of the Protector's office. In particular, in a number of complaints, the applicants asked for revisions to legally binding court judgments and some complaints weren't related to state or local administration bodies, or other administrative bodies and agencies with public responsibilities. Also, some of the complaints didn't contain the necessary data, and that data wasn't supplied in the due time on the Protector's request. In a certain number of cases, the Protector didn't find evidence of rights violation. 17 complaints were related to the cases of discrimination based on gender.

18. The Department for Gender Equality is continually raising awareness about the legal remedies contained within The Law on Gender Equality, according to which citizens can file applications about the discrimination based on gender to the Ministry of Human and Minority rights. This topic was discussed in 6 episodes of the program broadcast on the national "Atlas" television, on the subject of discrimination against women in the labor market, and their economic and labor rights. The program attracted wide attention, which was manifested by the increased number of complaints lodged in the following period. Compared to the period before 2010, when we didn't have any applications on this ground, after the program was broadcast, 4 complaints were filed with the Ministry, claiming discrimination on the basis of gender.

19. Recommendations issued by the Ministry are not binding, only advisory, but the reason for sending recommendations to the relevant institutions is to direct their attention to the violation of the human rights recognized by national and international law, advising them to solve the problem urgently and requiring feedback.

Reply to the issues raised in paragraph 5 of the list of issues

20. The Department for Gender Equality has signed memoranda on cooperation with 10 municipalities: Bar, Budva, Kotor, Herceg-Novi, Cetinje, Bijelo Polje, Berane, Pljevlja, Ulcinj. With 6 municipalities with which the Department has signed the Memorandum on Cooperation, it has also adopted Local Action Plans for achieving gender equality. Counsels for Gender Equality are formed in 5 of the municipalities, while in all 10 municipalities there is a contact person for the questions of gender equality at a local level. Allocation of the budget funds for the implementation of the activities defined by the Action Plans are carried out partly from the existing municipalities' funds, and partly from the earmarked project funds, received after submitting the projects to international organizations and foundations for funding.

Reply to the issues raised in paragraph 6 of the list of issues

21. By the reorganization of the Ministry for Human and Minority Rights, the area of gender equality was transferred from the General Secretariat of the Government to the Ministry. Coming under the responsibility of the Ministry, the Office changed its status to that of Department, gaining more political power to influence official policies and actively engage in shaping the law.
22. Although the organizational structure's schema anticipated 7 personnel, only two are currently employed in the Department.
23. Budget funds allocated annually to support the work of the Department, are included in the overall budget for the Ministry for Human and Minority Rights, which is, as a result of the financial crisis, very limited.
24. In the following pages we present a survey of the activities undertaken by the Department for Gender Equality during 2010, in cooperation with national and international organizations.
25. Recognizing the problem of violence against women, The Ministry for Human and Minority Rights, in cooperation with OSCE in Montenegro, organized a campaign "16 days of activism against gender violence". The focus of the campaign was on the Law on the Protection against Domestic Violence. Adoption of this law is a significant step to combat this negative phenomenon. Its importance is manifested by strengthening the coordination of all the institutions which provide protection to the victims of domestic violence, by the urgency of helping victims of domestic violence and protecting them, taking care of their best interests, and by the legal obligation to report violence. By the resolution of the Government of Montenegro, 2010 was declared the year of the fight against the domestic violence.
26. The Ministry for Human and Minority Rights, Ministry of Work and Social Care, Ministry of Justice and the system of United Nations in Montenegro, in the year of the fight against domestic violence and violence against women, organized a round-table debate on the subject of the implementation of the Law on the Protection against Domestic Violence. Also, the study "Gender and violence", treating the subject of gender based violence which affects the young population, was translated and published.
27. The Ministry for Human and Minority Rights, in cooperation with other national agencies and international organizations in Montenegro, in the course of their regular activities, have worked on the political empowerment of women, their participation in political and public life and their greater inclusion in the decision making structures. Having in view the fact that the process of changing electoral legislation in Montenegro is under way, The Ministry organized a round-table debate on the subject "Women in political life within Montenegro", whose goal was pointing out the need for the reforms to the electoral system and the introduction of a system of quotas. Also, every year, the Ministry, in collaboration with foundations Konrad Adenauer and Eduardo Frei, organizes a series of training for women from political parties with the aim of educating them and improving their political skills and knowledge.
28. Recognizing the contribution of NGOs and the wider civil sector in promoting gender equality, fighting for women's human rights, their role in the battle against all forms of discrimination based on gender and the violence against women in other fields, the Ministry is highlighting the need to develop and widen a continuous collaboration with the civil sector through the building up of relationships based around constructive dialogue, by means of creating a positive model of consultative process in the scope of their institutional mission, considering such collaboration the basis of a democratic society, founded on the broad and active participation of all concerned parties. In that regard, the

Ministry has continued its efforts to organize a forum for dialogue with civil society organizations in the field of gender equality.

29. As part of its campaign on the economic empowerment of women, during the past period, the Ministry organized computer skills training for unemployed women and for women from rural areas in three municipalities: Pljevlja, Bar and Niksic. As part of the project "Enhancing political and economic rights of the women in Serbia and Montenegro", which the Ministry is carrying out in collaboration with UNIFEM, four TV programs on the subject of gender equality have been broadcast. The focus in these programs was on employment and protection of worker's rights, as well as on other aspects of work, economic and social rights of women. As the integral parts of this project, budgets of the municipalities Bar, Pljevlja, Niksic and Herceg-Novci was analyzed from the gender perspective, and the survey results were presented.

30. During 2010, The Ministry for Human and Minority Rights – The Department for Gender Equality has prepared and published a few publications and handouts on the subject of gender equality:

- (a) Gender and violence – a study about how violence based on gender affects the young population;
- (b) Women and Men in Montenegro in 2010;
- (c) How can I exercise my rights?
- (d) Discrimination against women at work – handout.

III. Violence against women

31. The Directorate of Police has given special attention to the victims of domestic violence and to that effect it has undertaken a series of activities to provide them with adequate help and support, to protect them and to take all the necessary measures on tackling the violence. In the Statute of the Directorate of Police, in the job specification which has been in force since 2007, for the first time the regional police units included the positions of Police Commissary and Police Sergeant for fighting domestic violence. The Directorate of Police, in the scope of its regular activities and implementation of the measures from the National plan, carried out a series of activities. Along with endeavoring to develop police officers who would be able to effectively fight domestic violence by providing them with training on the subject, The Directorate of Police, with the aim of educating and raising the awareness of the police officers on the problems and consequences of the domestic violence and the importance of prevention and efficient sanctioning of the offenders, through partnership with the Police Academy in Danilovgrad and various NGOs (among others with SOS phone), supported a series of activities initiated by the women activists from these organizations. Education and training were organized by employing contemporary techniques for teaching adults.

Reply to the issues raised in paragraph 9 of the list of issues

32. 511 crimes of domestic violence in a family or a household were recorded in 2006. These cases were handed over to the respective prosecutors along with 499 charges for criminal offences, which included 514 people. In 95% of the cases the perpetrators were of the masculine gender, 187 (36.4%) of them being repeat offenders. The victims of violence in the family or household are 571 people, 72.8% of them being women. Minors were recorded as the victims of domestic violence in 53 incidences, 50% of which were children under 14 years old.

33. 565 crimes of domestic violence in a family or household were recorded in 2007, which, compared to the previous year was an increase of 10.5%. These cases were handed over to the respective prosecutors along with 556 criminal charges against 580 people. In 95% of these cases, the perpetrators were male, 255 (44%) of them being repeat offenders. The victims of domestic violence were 676 people, 493 (72.9%) of which were women. Minors were recorded as victims in 55 cases, 72% of which were children under the age of 14.

34. In 2008, 507 crimes of domestic violence in the family or the household were recorded, which is, compared to the previous year, a decline of 10.3%. These cases were transferred to the respective prosecutors along with 503 crime charges against 520 people. In 94% of these incidences, the perpetrators were of the masculine gender, 40.8% of which were previously involved in the same crime. The victims of violence in the family or household were 561 people, 454 (81%) of which were women. Minors were recorded as victims of domestic violence in 47 incidences, 25,5% of which were children under the age of 14.

35. The Directorate of Police registered 487 (507) cases of domestic violence during 2009, which is, compared to 2008, a decline of 4%. All the cases were transferred to the respective prosecutors with 485 criminal charges against 492 people. The majority of the perpetrators of these crimes (95%) were male, 187 (38%) of which were repeat offenders. The victims of domestic violence were 533 people in total, 433 (81.2%) of which were women. Minors were recorded as the victim in 30 incidences, 36% of which were children under the age of 14.

36. In 2010, the downward trend in the rate of domestic violence continued. Three hundred eighty-five (487) crimes of violence in the family or household were recorded, which was a decline of 21%, compared to the previous year. Those cases were transferred to respective prosecutors along with 366 criminal charges against 393 people. In 94% of the incidences the perpetrators were male. One hundred twenty-two (31%) of them had been reported on more than one occasion to the police for committing this crime. The victims of violence in the family or household were 416 people, 327 (79.6%) of which were women. Minor people were recorded in 20 incidences to be the victims of domestic violence, 15% of which were children.

Number of investigations for domestic violence (Article 220, Criminal Code of Montenegro) in Primary Courts to years:

<i>Year</i>	<i>Number of investigations</i>
2007	85
2008	86
2009	113
2010	83
Total	367

Number of guilty verdicts for domestic violence (Article 220, Criminal Code of Montenegro) in Primary Courts to years:

<i>Year</i>	<i>Number of guilty verdicts</i>
2007	152
2008	215
2009	225

<i>Year</i>	<i>Number of guilty verdicts</i>
2010	185
Total	777

37. Six proceedings were brought before The Higher Court in Podgorica, for murders of six women:

(a) The court remanded one offender to a mental institution for mandatory psychiatric treatment, for an indefinite time, for the murder of his wife. This came into effect on 2nd of October, 2007;

(b) One person was sentenced to 20 years in prison for murdering his wife. In the course of the proceedings the offender passed away and the case was dropped;

(c) One person was sentenced to 10 years in prison for the murder of his partner. The verdict took effect on the 8th of November, 2011;

(d) One person was sentenced to 10 years in prison for the murder of his wife. Producing a copy of the judgment is under way;

(e) The proceeding against one person was stopped due to the death of the accused.

38. Proceedings against two people were brought before the Higher Court in Bijelo Polje, for murders of their wives:

(a) In first case, from 2007, the accused was sentenced to 9 years in prison by the verdict of the Court of First Instance. The verdict took effect in 2009;

(b) In second case, from 2008, the defendant was sentenced to 20 years in prison by the verdict of the Court of First Instance, but the Appellate Court overturned the Higher Court judgment and the case was remitted for retrial. The proceedings are currently under way.

39. To raise awareness on the necessity for the implementation of the Law on Protection against Domestic Violence, The Ministry of Justice, in cooperation with the Department for Gender Equality, Ministry of Work and Social Care and UNDP Office in Montenegro undertook the following activities:

(a) Participated in the organization of round-table debates in 2010 in Podgorica;

(b) Published the handout "Discrimination of women at work" for the needs of Labor Inspection;

(c) Organized seminars for the law enforcement officers about gender equality with special focus on work and economic rights of women.

Reply to the issues raised in paragraph 10 of the list of issues

40. Thirty (43) criminal offences against sexual freedom were committed in 2007, which is a decline of 30% compared to the corresponding period. There were 7 (11) reported cases of rape, which is a decline of 36.6%, while number of attempted rape cases (3) was the same as in the corresponding period. Twelve (21) criminal offences of unlawful sexual activity were registered, four (4) cases of sexual abuse of a minor and three (2) cases of facilitating prostitution. Unidentified perpetrators committed seven of the

above mentioned criminal offences. The police solved six (85%) of those criminal cases. Criminal offences against sexual freedom were transferred to respective prosecutors with 25 criminal charges against 27 people, seven of which were repeat offenders. The victims of these crimes were 31 people, 27 of which were women.

41. In 2008, thirty five (30) criminal offences against sexual freedom were recorded, which was an increase of 16.6 % compared to the corresponding period. Unidentified perpetrators committed 7 of these crimes, six of which (85%) were solved through criminal investigation. The number of rapes recorded during this period was 17 (7) which represented an increase of 140%, while the number of rape attempts (3) was the same as for the previous period. Fourteen cases of unlawful sexual activity (12) were recorded. The criminal offences against sexual freedom were transferred to the respective prosecutors with 27 criminal charges against 36 people, 15 of which were repeat offenders. The victims of the crimes were 36 people, 31 of which were women. Amongst the victims, 34 minor people were recorded, 11 of them were older and 10 younger minors, while 13 of them were children.

42. In 2010, there were 36 (42) criminal offences against sexual freedom, which was 14.2% fewer compared to 2009. There were 5 (9) rapes and one rape attempt (3) recorded, which was 44.4% and 66.6 % fewer than in the corresponding year respectively. There were 13 (21) unlawful sexual activities, 4 (3) of facilitating prostitution, 8 criminal offences of facilitating prostitution with criminal conspiracy, 3 criminal offences of sexual intercourse with a minor, 1 criminal offence of sexual intercourse with a disabled person and 1 criminal offence of displaying pornographic material. Within the total number (36), four criminal offences were committed by an unidentified perpetrator, and all four were solved through criminal investigation. Criminal offences against sexual freedom were transferred to the respective prosecutors with 24 criminal charges against 37 people, 14 of which had been identified as perpetrators of the same criminal offences on more than one occasion. Twenty six people were recorded as victims of these crimes, 22 (85%) of which were women. Among them there were 15 minor people, 9 of which were older minors, 2 younger minors and 4 children.

Criminal offences against sexual freedom

	2006	2007	2008	2009	2010
Rape					5
	11	7	17	9	
Rape attempt					1
	3	3	3	3	
Sexual misconduct				21	
	21	12	14		13
Attempt of sexual misconduct	2	1	1		
Sexual misconduct with a disabled person				2	1
Facilitating prostitution	2	3		3	4
Pimping and facilitating sexual intercourse				2	
Sexual intercourse with a minor					3
	4	4		1	
Forced sexual intercourse through abuse of office				1	
Facilitating prostitution and					8

	2006	2007	2008	2009	2010
criminal conspiracy					
Displaying pornographic material					1
Total	43	30	35	42	36

1. Higher Court in Podgorica

43. Six legal proceedings against six people were completed in the Higher Court in Podgorica in 2007:

(a) One person was sentenced to 3 years in prison. The judgment became final on the 27th of March, 2009;

(b) One person was indicted under article 86/ Criminal Code of Montenegro and sentenced to 2 years in prison under article 93/ Criminal Code of Montenegro;

(c) One person was sentenced for rape attempt under article 204/1-20 to 1 year and six months in prison. The judgment became final on the 7th of March 2007;

(d) One person was sentenced to 3 years and six months in prison. The judgment became final on the 24th of June 2009;

(e) One person was sentenced to 5 years in prison. The judgment became final on the 5th of October, 2007;

(f) One person was sentenced to 7 years and six months in prison. The judgment became final on the 27th of October, 2008.

44. Five legal proceedings against five people were completed in the Higher Court in Podgorica in 2008:

(a) One person was sentenced to 6 years in prison. The judgment became final on the 7th of April, 2009;

(b) One person was sentenced to 1 year in prison. The judgment became final on the 2nd of April, 2009;

(c) One person was sentenced to 2 years in prison. The judgment became final on the 16th of April, 2010;

(d) One person was sentenced to 4 years in prison. The judgment became final on the 10th of November, 2009;

(e) One person was sentenced to 6 years in prison. The judgment became final on the 12th of February, 2010;

45. Seven legal proceedings against nine people were completed in the Higher Court in Podgorica in 2009:

(a) One person was sentenced to 2 years in prison. The judgment became final on the 14th of April, 2009;

(b) One person was sentenced to 1 year in prison. The judgment became final on the 25th of March, 2010;

(c) One person was sentenced to 4 years in prison. The judgment became final on the 5th of September, 2009;

(d) One person was sentenced to 4 years in prison. The judgment became final on the 11th of May, 2010;

(e) One person was sentenced to 4 years in prison. The judgment became final on the 4th of May, 2010;

(f) Two people were sentenced to 3 years in prison and 3 years and six months in prison respectively. The judgment became final on the 13th of March, 2010;

(g) Two people were sentenced, by non-final judgment, to 3 years and six months in prison, and 3 years respectively.

46. Three legal proceedings against four people were completed in the Higher Court in Podgorica in 2010:

(a) Two people were sentenced to 2 years in prison and six months in prison respectively. The judgment became final on the 11th of October, 2010;

(b) One person was sentenced to 1 year in prison. The judgment became final on the 21st of February, 2011;

(c) One person was sentenced to 2 years in prison. The judgment became final on the 10th of December, 2010.

2. Higher Court in Bijelo Polje

47. One guilty verdict was delivered against one person in the Higher Court in Bijelo Polje, in 2007, sentencing this person to 3 years in prison.

48. Three guilty verdicts were delivered on five people in 2008, three of which were sentenced to a year in prison each, one person to 11 years in prison, and one person to 2 years and six months in prison.

49. Two guilty verdicts were delivered on two people, sentencing one person to 6 years in prison.

50. One guilty verdict was delivered in 2010, sentencing a person to 2 years in prison.

IV. Trafficking and exploitation of women and girls for prostitution

Reply to the issues raised in paragraph 11 of the list of issues

51. The Government of Montenegro at the session of the 13th of January, 2011, adopted a report on the implementation of the national strategy for the fight against human trafficking and the Action Plan, for the period from the 1st of January to the 30th June, 2010, prepared by the Government's Office for the fight against human trafficking. Using the same methodology, Proposal for the assessment of the implementation of the measures defined in the Action Plan for the second half of 2010 was made. This proposal was adopted by the Working Group at the meeting of the 2nd February, 2011, and it is expected to be adopted at a Government's session soon.

52. Up to now, Montenegro adopted and incorporated into its legislative framework the United Nations Convention on Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), and ratified the Council of Europe Convention on Action against Trafficking in Human Beings, the Convention on the Rights of the Child, as well as the Optional Protocol

to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which concerns the involvement children in war.

53. The implementation of the United Nations Convention on Transnational Organized Crime with the attending Palermo Protocol has been continually monitored, which is reflected in the process of drafting the Proposal on the Amendments and Supplements of the Criminal Code of Montenegro. The drafting of the text of the proposal of this law started with obtaining the necessary expertise on the compliance of the existing Criminal Code of Montenegro with the international standards in this field, including the compliance of the provisions on the criminal offences related to the organized crime and the corruption contained within it. By adopting the Law on the Amendments and Supplements of the Criminal Code, the provision on the criminal offence of human trafficking (article 444) was changed to conform to the United Nations Convention on Transnational Organized Crime, with the Palermo Protocol, and other relevant international legal documents.

54. By the Law on the Amendments and Supplements of the Criminal Code (adopted on the 22nd of April, 2010, reported in “Official Gazette of the Republic of Montenegro”, issue 25/2010) includes the modification of the provision on human trafficking and constitutes a separate offence under this provision, which prohibits the using of a human trafficking victim’s services (paragraph 4 article 444)

55. The Law on Confirmation of Convention on compensation for victims of violent crime (“Official Gazette of the Republic of Montenegro” – International Treaties, issue 6/09) was put into effect in Montenegro on the 1st of July, 2010. The intention is to pass a separate law consistent with this convention, which will define national mechanisms for the protection of the victims of violent crime. The Government’s Agenda for 2011 anticipates drafting this law for the fourth quarter.

56. The representative of the Office for the fight against human trafficking was named as the contact person in charge for cooperation with the Secretariat of the Group of Experts on Action against Trafficking in Human Beings (GRETA), which monitors the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in all the states which signed the convention.

57. Montenegro received a Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in February, 2011, while the visit of a delegation of Council of Europe’s experts is planned for the period between October 2011 and February 2012. The mission of the Office representative is to coordinate the activities of the relevant bodies for the process of completing the questionnaire. The Ministry of Internal Affairs and Public Administration is continually monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. The Ministry of Foreign Affairs and European Integration, through diplomatic activity, by means of sending reports to the diplomatic or consular representatives of Montenegro and of international organizations on the measures taken by the relevant state bodies, is actively participating in the monitoring of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. Also, the Ministry of Foreign Affairs and Public Administration is participating in the process of resolving the legal status under the international treaties for which the respective state body takes initiative for signing (providing original documents, giving opinions, developing mechanisms for the ratification/joining), and, in certain cases, the Ministry provides the texts of the conventions which, in their opinion, should be considered for signing, without being requested to.

58. Montenegro ratified the Convention on the Rights of the Child and both of its protocols. By ratifying this convention, Montenegro took on an obligation to, according to article 44 of the convention, to submit periodical reports to the Committee on the Rights of the Child, on the methods of its implementation and if those rights are being respected. In this view, the Ministry of Work and Social Care produced the Initial report on the implementation of the Convention on the Rights of the Child, for the period between 2006 and 2008. Also, on 2nd of June, 2009, the Initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography for the period from 2006 to 2008. After reviewing the Initial report of Montenegro (CRC/C/MNE/1) at the session on 20th of September 2010, and at the session on 1st of October, 2010, the Committee made final recommendations. With the aim of implementing those recommendations, the respective institutions incorporated them into their action plans for the following period. To coordinate activities on certain recommendations given by the Committee on the Rights of the Child, Head of Office for the Fight against Trafficking in Human Beings and UNICEF Representative to Montenegro arranged a meeting to discuss the possibilities of working together on the implementation of the project, approved by the Institute for Education, named "Raising awareness on child trafficking through the educational system. The possible courses of action in preventing trafficking of children from the Roma community and parentless children, which were identified as particularly vulnerable groups in this regard, was also discussed at the meeting. The Office for the Fight against Trafficking in Human Beings drew up several reports and sent them to various international organizations monitoring the situation relating to human trafficking in Montenegro. The Office also started work on updating the directory of the institutions and organizations dealing with the problem of human trafficking in Montenegro, which will help in creating a regional directory, as planned by the office. To develop and enhance the regional and cross-border collaboration in tackling the problem of human trafficking, the Head of the Office for the Fight against Trafficking in Human Beings attended numerous conferences and seminars organized by the European Commission and international organizations (ICMPD, MARRI, OSCE). The Office, in collaboration with the OSCE mission in Montenegro, organized a regional meeting of national coordinators for the fight against human trafficking, in the period between 24th -26th of February, 2010, in Milocer. The aim of this meeting was to exchange experience and practical knowledge in combating the problem of human trafficking, with special emphasis placed on developing the most effective mechanisms of regional collaboration in this field.

59. In the part related to the evaluation of the crime situation in the area of human trafficking, the Tripartite commission (judicial and prosecuting authorities, and a representative from the Directorate of Police, coordinated by a representative from the Office for the Fight against Trafficking in Human Beings), made Register which is updated in the Office, on the basis of the monthly statistical reports provided by the mentioned institutions. The Register contains all the data on the charges made by police, charges brought by the State Prosecutor, criminal proceedings, and verdicts in the cases related to human trafficking for the period from 2003 to the end of 2010. This way, statistical data necessary for the evaluation of the extent and spread of the crime of human trafficking pursuant to article 444, of the Criminal Code of Montenegro (Official Gazette of the republic of Montenegro, issue 25/2010, articles 444 and 446 of the Criminal Code) are being produced on a regular basis. To keep record of the victims and perpetrators of the criminal offence of human trafficking, the international organization ICMPD installed new, modern database software in the Office for the Fight against Trafficking in Human Beings. The new software allows for graphical charting and indication of trends in the cases of human trafficking in Europe.

60. The implementation of the new Law on the Criminal Procedural Code has begun in the part related to the provisions which have come into effect. The Supreme State Prosecutor of Montenegro (The Department for the Suppression of Organized Crime, Corruption, Terrorism and War Crimes) has begun the implementation of the Law on the Criminal Procedural Code – prosecutorial concept of investigation. The Government of Montenegro has approved Draft Law on Juvenile Delinquency. In a public debate that followed, the representatives from the judicial system, social and civil sector were given an opportunity to put forward their ideas, suggestions and objections thus helping to improve the quality of this law. The extension of the project “Juvenile justice” financed from IPA funds was approved. A number of seminars, meetings and group study tours were organized, aimed at enhancing professional competences of the representatives from the Supreme State Prosecutor’s Office and The Directorate of the Police in fighting human trafficking.

61. Three training courses for the representatives from the Labor Inspectorate, Occupational Safety and Health Inspectorate and the Center for Social Work were organized in the reporting period, with the aim of strengthening professional competences of the inspectorates and social service organizations in tackling the problem of human trafficking, and more efficient identification of the potential victims of this crime. On the request of the Office for the Fight against Trafficking in Human Beings, the Directorate of the Police appointed a coordinator for the fight against human trafficking in the Directorate. The Head of the Office for the Fight against Trafficking in Human Beings organized several meetings with representatives of NGOs. Non-governmental organization “Montenegrin Women’s Lobby”, which runs Safe House for the victims of human trafficking, is providing the Office with daily and monthly bulletins containing statistical data about the number of people residing in the house during that particular time.

62. Sixteen people resided in the Safe House in the reporting period (1st of January – 31st of December 2010). After the assessment of their health condition, all of them were provided with adequate psychological and medical help. The Office for the Fight against Trafficking in Human Beings, in collaboration with the NGO “Montenegrin Women’s Lobby”, drew up a brochure containing basic information about the victim’s rights and rules of conduct in the house. At the end of 2010, The Office initiated reintegration activities for a female ward who has lived in the house since 19th of September, 2010 and:

(a) Helped in obtaining personal documents and issuing temporary travel documents;

(b) Provided a medical professional who reviewed the medical record of this person to decide whether she was fit to travel and continue the process of reintegration;

(c) Established communication with the agencies in charge of fighting human trafficking in the victim’s country of origin, as well as with the representative of the Embassy of this country;

(d) Obtained an approval for the victim’s admittance to a program of reintegration and protection of the victims of human trafficking, run by a NGO in Belgrade.

63. In the part related to raising awareness on the importance of tackling the problem of human trafficking amongst the general public, the representatives of the Office on many occasions talked to the media, both printed and electronic, with the aim of promoting the mission and activities of the Office in the public and thus raising awareness of the global problem of human trafficking. The Office is regularly updating its Internet pages which contain the laws that govern this field, a directory of the institutions and organizations in Montenegro working in the field, the Office’s promotional material, audio and video recordings from conferences, Office representatives’ media appearances.

64. The Office launched a (SOS) phone line for the victims of human trafficking (11 66 66), and ensured its uninterrupted functioning and 24 hours availability. At the same time, the Office launched a promotional campaign, which included creating a video advertisement which was broadcast on all the television stations in Montenegro, distributing flyers (published in four languages), putting up a large number of posters on border crossings, train stations and many other public places and institutions. In cooperation with the Directorate of the Police, as part of the project “The policeman in the community”, many activities directed towards informing wider public on the problem of human trafficking and SOS phone line were launched. As anticipated by the Action plan, The Directorate of the Police, in the course of its regular activities, checks suspicious advertisements, which may suggest selling services which qualify as the criminal offence of human trafficking.

65. In mid-September, 2010, The Office for the Fight against Trafficking in Human Beings, declared October as the month of the fight against human trafficking. To mark 18th of October as the European day of the fight against human trafficking, the Office, in collaboration with the Ministry of Education and Sports and the Ministry of Culture, launched a campaign named “Art against human trafficking”. The activities carried out included a contest for the best painting on the subject “Stop human trafficking”, holding the first class in all the primary and secondary schools on the subject “Causes and Consequences of human trafficking”. The representatives of

66. The Office for the Fight against Trafficking in Human Beings, who are trained in the field of human trafficking, held appropriate workshops on the subject of the preventive measures in the fight against human trafficking. Workshops were held for the children of the orphanage in Bijela, and to children from the Roma (RAE) community in the Refugee Camp Vrela Ribnicka, on the outskirts of Podgorica. In collaboration with UNICEF and the NGO “Forum MNE”, promotional material on children’s rights was distributed.

67. Following regional and national trends, we have noticed that the children beggars and dislocated people, who were received and accommodated in Montenegro from war-stricken ex-Yugoslav republics, are vulnerable groups in this regard. Also, we have given careful consideration to the parentless children as a group where preventive action is needed, including educating this group on the problem of human trafficking and increasing their resilience to it. Having learned this, we realized that preventive activities and the protection of these groups in the reporting period required the collaboration of a number of institutions.

68. The Office for the Fight against Trafficking in Human Beings, following the conclusion of the regional conference of National coordinators in February, 2010 in Milocer, which referred to choosing the best course of action in coordinating regional mechanisms for the protection of children beggars, carried out research, the results of which will highlight the activities which need to be carried out to increase the resilience of children beggars against human trafficking. The Directorate of the Police intensified regular operational activities by carrying out an operation code-named “Beggar”, in the course of which beggar and homeless children were taken to “Ljubovic centre for Children and Youth, where they were placed under supervision during their day-time stay in this educational facility. Also, psychological help and advisory services are provided to children by professionals (child psychologists and pedagogues) at this facility. The Ministry of Education and Sport has started the implementation of the provisions of the law which stipulate punishing parents for not sending their children to school, as, according to Montenegrin legislation, children have the right to go to school but they’re also obliged to go to school. It has continually worked on increasing the resilience of the children from the Roma community and parentless children to human trafficking, through providing training and workshops and organizing peer-education activities. The

representatives of the Office for the Fight against Trafficking in Human Beings have visited children in the orphanage in Bijela several times, made presentations and have given out educational material, appropriate to the age of the children. Also, as part of the collaboration with the NGO "Forum MNE", meetings of Roma children, who were previously trained as peer educators, are being held weekly, on which occasions various activities on raising awareness on human trafficking are being carried out.

Reply to the issues raised in paragraph 12 of the list of issues

69. In the period between 2004 to 31st of December, 2010, The Directorate of the Police filed 18 criminal charges for the criminal offence of human trafficking, (article 444 of the Criminal Code of Montenegro), and 1 criminal charge for the criminal offence of child trafficking for adoption, (article 445, Criminal Code of Montenegro). In the period between 2004-31st of December, 2010 state prosecutors brought charges against 52 people for criminal offence of human trafficking, (article 444, Criminal Code of Montenegro) and charges against 6 people for the criminal offence of child trafficking for adoption, (Criminal Code of Montenegro, article 445). In the period between 2004 and the 31st of December, 2010, respective courts handed down 28 verdicts against 74 people. Of the total number of verdicts delivered in the period between 2004 to 31st of December, 2010, twenty were guilty verdicts. In the period between 2004 to 31st of December, 2010, of the total number of verdicts for the criminal offence of human trafficking, (article 444, Criminal Code of Montenegro), 10 verdicts against 22 perpetrators and 36 victims of human trafficking, were final. The time sentences for the offenders varied between two and six years.

70. Giving particular attention to the protection of the victims of human trafficking, the Government of Montenegro, through the budget of the Office for the Fight against Trafficking in Human Beings, since 2006 took on funding of the Safe House for the victims of human trafficking, securing the initial rehabilitation of the victim and other help: accommodation, food, clothes, paying bills, providing psychological, legal, medical and social help as well as education provided by the female activists from the NGO "Montenegrin women's lobby". In this shelter all the victims are treated equally, regardless whether they are Montenegrin citizens or not. The victims may also be provided with accommodation in the shelters of the NGOs: "SOS Niksic", "Women's Safe House", "Home of hope". The NGO "SOS Niksic" is an open-admission shelter which implements fully-fledged vocational training courses for the victims, which are aimed at helping victims to develop various vocational skills and qualifications. The NGO "SOS Niksic" also has craft workshops where the victims produce various goods for sale. This way, should any Montenegrin citizen be identified as a victim of human trafficking, in addition to the other mechanisms of their reintegration into the society available, through these kind of vocational training courses the victim would be able to achieve economic independence, which is the crucial factor for their successful reintegration into the society.

71. To improve the mechanisms of protection of the victims, prevention and criminal prosecution of the perpetrators, the Agreement of Cooperation of State Institutions (The Supreme State Prosecutor's Office, the Ministry of Science and Education, Ministry of Work, Ministry of Health, The Directorate of the Police) and three NGOs was signed in 2007, which made collaboration between the state institutions directly involved in the fight against human trafficking more effective. This way, the mutual obligations between these institutions were defined and specified through standard operational procedures which each of the parties of the agreement implement in solving any particular case of human trafficking. The parties in the agreement agreed that protecting potential victims of human trafficking would not be dependent on the victim's willingness to cooperate in the criminal proceeding.

72. The Law on Foreigners (Official Gazette of Montenegro No. 82/08 and 72/09) defines the conditions under which foreign citizens may enter the country, stay or take up residence in Montenegro. The article 51 of this law stipulates that a temporary residence permits can be granted to a foreign citizen if they are considered to be a victim of human trafficking, or to a minor from a foreign country who is abandoned or a victim of organized crime. Temporary residence on humanitarian grounds may not be granted to a foreign citizen for reasons of national security or public policy. Temporary residence on the humanitarian grounds is granted for a period of between three months and one year and can be extended for as long as the conditions stipulated in the paragraph 1 of this article still exist. With the situation as stipulated under paragraph 1, the foreigner cannot be forced out of the country because of their illegal entry or residence in Montenegro. If there is concern that by giving testimony, a witnesses personal safety, health, physical integrity or freedom might be endangered, according to paragraph 1, article 51 of the Law on Foreigners, the witness is given protection and the rights stipulated by the provisions of the law which defines witness protection. Article 54, paragraph 2 of the Law on Foreigners stipulates that permanent residence can be granted to a foreign citizen when he or she, on the date of submitting the application, has continually resided in Montenegro for more than five years, having been granted a temporary residence permit during that period. On the basis of that previously stated, a person who was granted temporary residence permit according to article 51 of the Law on Foreigners, can acquire permanent residence permit providing that he or she meets the requirements set out in article 54 paragraph 2 of this law.

73. In the period between 2007 and 2011, 10 people were charged for the criminal offence of human trafficking defined in article 444 of the Criminal Code of Montenegro, 3 of them in 2008 as accomplices in committing this crime, for which one of them was sentenced to 6 years in prison, and the other two to 3 years in prison each. One person was charged in 2009, and sentenced to 5 years in prison, while 6 people were charged with this criminal offence in 2010, and the criminal procedure is under way.

Reply to the issues raised in paragraph 13 of the list of issues

74. Measures on prevention and fight sexual exploitation of children are contained in the Action plan for implementation of National strategy for the fight against human trafficking. These measures imply continued implementation of prevention campaigns directed towards raising awareness amongst the public, especially children, of different forms of sexual exploitation, work exploitation and organized begging. Also, Action Plan implies carrying out activities on raising awareness among children through educating them on their right, with the aim of reducing the risk of their becoming victims of human trafficking. Teenagers between the age of 13 and 18 being the most vulnerable group regarding the human trafficking in Eastern Europe, Government's Office for the Fight against Trafficking in Human Beings submitted application and the Institute for Education approved the project "Raising awareness on child trafficking through the educational system". The global objective of the project is prevention of potential risks of primary and secondary school children becoming victims of child trafficking through raising awareness on the cases of human trafficking among the teaching staff and children. Specific objectives of the project were:

(a) Enhancing ability of the teaching staff in all primary and secondary schools in Montenegro to raise awareness and increase children's understanding of the crime of child trafficking;

(b) Introducing the subject of child trafficking as a separate module in the curriculum of both primary and secondary school, as part of the subject "Civil education";

(c) Developing the ability of students to identify potential cases of human trafficking and respond appropriately.

75. The implementation of the project will be supported by UNICEF. The project “Code of conduct for Protecting Children from Exploitation in Travel and Tourism” has been implemented since 2006, and significantly contributed to the increased participation of the tourist companies in Montenegro in the overall efforts made in fighting child trafficking and abuse of children. Part of the Action plan for the implementation of the National strategy for the fight against human trafficking is implementation of the training for managers within tourism, parties to the “Code of conduct for Protecting Children from Exploitation in Travel and Tourism” with a special section relating to the children as potential victims and the mechanisms of protection.

76. To gain the support of the local partners to the implementation of the activities contained in the Action plan for the fight against human trafficking, the Head of Office for the Fight against Trafficking in Human Beings had several meetings with mayors and other officials of the municipal offices within the coastal region, at which it was agreed to work together toward reducing the risk of human trafficking, especially during the tourist season. Office for the Fight against Trafficking in Human Beings participated in the education of tourist managers, parties to the “Code of conduct for Protecting Children from Exploitation in Travel and Tourism”. In distributing the promotional material, special attention was given to providing this material to the groups potentially vulnerable to exploitation, and those who may find themselves in a situation to identify victims of human trafficking.

77. Statistics on the cases of human trafficking of minors in Montenegro over the last three years:

- (a) 2004 - 1 minor recorded as a victim of human trafficking;
- (b) 2007 - 1 minor recorded as a victim of human trafficking;
- (c) 2008- 1 minor recorded as a victim of human trafficking;
- (d) 2009- no recorded cases of human trafficking of minors;
- (e) 2010- no recorded cases of human trafficking up to the reporting date.

78. Over the period from 2004 to 2010 inclusive, there were three cases of human trafficking of minors.

79. One criminal proceeding for the criminal offence of sexual exploitation initiated in 2004 ended in 2009 with a final guilty verdict. The victim was 17 years old female from Serbia. The offender is a male from Serbia. He was sentenced to 5 years in prison for committing this crime. One criminal proceeding against four people was initiated in 2007, for the crime of sexual exploitation. The victim was 17 years old female. The proceeding is under way. A criminal proceeding against four people (two men and two women) was initiated in 2007 for the criminal offence of human trafficking. The victim was 17 years old female. The accused are in custody and the case is pending.

V. The participation of women in public life and decision-making

Reply to the issues raised in paragraph 14 of the list of issues

80. Political engagement of women and their participation in the activities and organizational structure of political parties is an important factor in the democratization of

the Montenegrin society. Women's social influence strengthens or weakens in proportion to their relative participation in the distribution of positions of political power on the local and national level, which is one of the most important indicators of gender equality in the society. Developing gender sensitive politics in this field is of great significance and value to individuals and the society as a whole.

81. The Ministry for Human and Minority Rights, in collaboration with the national agencies and international organizations operating in Montenegro, in the course of their regular activities is working towards political empowerment of women, their greater involvement in political and public life and greater participation in decision making positions. Having in view that the process of changing the electoral legislation to conform the Constitution of Montenegro is under way, the Ministry organized round-table debate on the subject "Women in political life in Montenegro", aimed at drawing attention to the need for electoral legislation reforms and introduction of the quota system for the less represented gender into the Law on the Election of Councilors and Representatives of Montenegro".

82. In the field of electoral legislation, the Office for Gender Equality, before it changed status to that of department and came under responsibility of the Ministry for Human and Minority Rights, submitted a proposal for the introduction of quotas for the less represented gender to the Working group drafting the law on the election of councilors and representatives. At this moment the law is still under review, but there are definite signs that it will contain a provision on the quotas for the less represented gender.

83. It is important to note that, encouraging political parties to incorporate into their statutes affirmative action on achieving gender equality within their political party, which is in accordance with provision 12 of the Law on Gender Equality, substantial progress has been made during the recent period. Following the recent congress of the Socialist People's party (SNP), the percentage of women in the party's structure rose to thirty percent. Following the close of the Head Committee of Democratic Party of Socialists' session, it can be expected that similar measures which will ensure that both genders are properly represented in the structure of the party will be adopted at the party's Convention on the 21st of May

84. Every year Ministry also, in collaboration with the foundations Konrad Adenauer and Eduardo Frei, organizes a series of training for women from different political parties, with the aim of supporting the development of women's political skills and knowledge and their more competent and increasingly significant participation in the political life of Montenegro.

85. In March this year, The Department for Gender Equality in collaboration with UNDP and EU delegation in Montenegro started the implementation of the three-year IPA 2010 Program for Gender Equality which is aimed at improving the conditions for the implementation of the National Action Plan for achieving gender equality (PAPRR), through enhancing capacities and improved institutional mechanisms and politics. The project entails a series of activities in three areas: violence against women, economic and political empowerment of women. The activities on implementing the political empowerment component of the project will be focused on promoting gender sensitivity within political parties and state administration. Efforts will be made to empower women in politics, by strengthening the structure of political parties through introducing gender sensitive politics and programs, as well as improving the legislation by introducing gender sensitive provisions into the electoral legislations in particular (Law on the Election of Councilors and Representatives of Montenegro, the Law on Political Parties and the Law on Political Party Financing). Following the CEDAW recommendations, the project team is going to work in collaboration with political parties on better understanding of the barriers to women's advancement to the positions within committees, and initiating the

debate on the quota system aiming to achieve thirty-percent participation of women in politics by the time of parliamentary elections in 2013. Also, steps towards establishing strategic partnerships with relevant political parties in Europe will be made.

VI. Education

Reply to the issues raised in paragraph 15 of the list of issues

86. Primary education in Montenegro is available to all school-aged children, through the network of primary schools. Each municipality, town or village has a primary school or an outpost of a city school. There is a national program of teaching functionally illiterate people basic reading and writing skills. According to the information gathered in the field there is no public interest for the implementation of this program, except amongst the people from the Roma community. Most of the illiterate people in Montenegro (according to the data from the census in 2003) are sixty years or older, which is probable reason for their lack of the interest in this program. As part of the project "Second chance" funded by the European agency for reconstruction in 2007/2008, a program of teaching functionally illiterate people reading and writing skills was implemented and involved 69 Roma people, 41 of them were men and 21 women. During 2009 and 2010, as part of the project "Integration of minor groups in the south-east Balkans", funded by COSV, the same program was implemented for 18 Roma people, 16 of them were men and only two women. During 2010 and 2011, as part of the same project this program was implemented for 18 Roma people, 13 of them were men and 5 women.

87. As part of the project "Cross - Sector Initiative on Preventive Health and Special Education for Displaced Roma people in Konik", funded by the European Commission and Danish Red Cross, a program of teaching functionally illiterate people basic reading and writing skills was implemented, and involved 35 Roma people, 19 of them were men and 16 women.

88. Roma assistants were involved in the implementation of the project of teaching functionally illiterate people reading and writing skills. A program of primary school for the adults, which provides them with 9 years primary education, with the curriculum tailored to their needs, was drafted and adopted by the National Council for Adult Education.

89. According to the data provided by the Foundation for Sponsoring Roma people, more than thirty percent of the people awarded a grant by the foundation were women, who used the grant to complete secondary or higher education. The increase in the number of Roma women who are using these funds is significant, knowing that the percentage of the women using these funds in the previous period was around 5 %. It could also be mentioned here that the number of Roma people attending regular secondary schools has increased and the number of their dropping out of schools is decreasing. As the part of the project "Roma fund for education", Montenegrin language courses have been organized for Roma adults.

Reply to the issues raised in paragraph 16 of the list of issues

90. All the activities being carried out treat both male and female children of the RAE population equally, considering this population particularly vulnerable.

91. The percentage of the children from the RAE population covered by these activities is 13, 81 % which is half the percentage of the total number of the children on the national

level (26, 65). The distribution according to gender shows that the number of covered female children is 15, 02% while the percentage of the covered male children is 12, 69%. The parents of the children attending quoted educational facilities are exempt from costs of food, while the costs of breakfast and light meal are subsidized by the nursery “Djina Vrbica”. Red Cross run psycho – social workshops for 160 children aged 3-6 years, 2-3 hours a day on average, in the refugee camp for the RAE (Roma, Ashkalia, Egyptian) people dislocated from Kosovo in Vrela Ribnicka.

92. Montenegrin Red Cross provides pastry for these children on a daily basis.

93. In 2009 and 2010, there were 1434 school children from the RAE community in Elementary schools in Montenegro, while 1582 children from this community attended school in 2010/2011 school year. (the data were gathered at the beginning of the second school semester in 2010/2011). Four hundred and forty seven school children from the RAE community attend the elementary school “Bozidar Vukovic Podgoricanin”, while 263 schoolchildren attend school’s outpost division in the camp Konik.

94. Full support is being given to the elementary school “Bozidar Vukovic Podgoricanin”, which is in the proximity of the refugee camp Konik for the RAE community dislocated from Kosovo. In the previous five school years, all the school children from the RAE community were given set of school books each. The school teachers attended a number of seminars: Index for inclusion (35 teachers), Peace and tolerance – creative problem solving (32 teachers), Step by step, basic (28 teachers), advanced (26 teachers), Critical thinking development (18 teachers); Education for social justice – against stereotypes and prejudices (25 teachers), Active learning (48 teachers), Innovative methods in education for the integration of Roma people (12 teachers) etc. After school tuition is provided on a regular basis: I grade – 38 pupils, II grade – 24 pupils, III grade – 22 pupils, IV grade – 28 pupils, V grade – 27 pupils, VI grade – 12 pupils, VII grade – 9 pupils. As part of the program “Roma educational initiative”, the school has supplemented the curriculum for the first, second and third grade in the subjects of Montenegrin language and literature, Science and Social studies, Music, with lectures related to Roma literature, history, tradition and music. Those lectures are intended to make up 20% of the formal school curriculum allocated to the local community.

95. The Ministry of Education and Sport, with the support of the Commission for Monitoring and Implementation of the Strategy for the Improvement of the Status of the RAE Community in Montenegro (2008-2012), through the Institute for textbook publishing and teaching aids, at the beginning of the current school year, provided €33, 387, 50 worth of school books for the first, second and the third grade of primary school, for the children from the RAE community. Working in collaboration in the camps 1 and 2 in Konik, a team appointed by the Ministry of Education and Sports and a team made up of Montenegrin Red Cross staff, made a list of the children who are not covered by the Montenegrin educational system. The Ministry also provided 3.600€ worth of clothes, school books and stationery. Since the school year 2008/09, the Ministry of Education and Sports in collaboration with Montenegrin Red Cross has been carrying out activities on desegregated education of the Roma people in the Konik camp. The Ministry of Education and Sports is providing school books and transportation to the schools in the city proper (monthly amount of money allocated to this purpose is €1,300, on average)

96. The project “Integration of the RAE schoolchildren into the city’s schools” was submitted to Roma Educational Fund (REF) which is a continuation of the REF’s program MN001: “Roma Education Initiative in Montenegro”. The project consists of 5 components:

- (a) Component 1: Integration and education through the desegregation plan;

- (b) Component 2: Program designed to prepare children for school and program for psycho-social support for the pre-school children;
- (c) Component 3: After-school tuition to achieve greater success in school;
- (d) Component 4: Training teachers in desegregated schools for work with the RAE schoolchildren;
- (e) Component 5: School projects in schools with the RAE schoolchildren.

97. Vocational Education and Training Centre, on the request of the Employment Agency of Montenegro has developed specification of occupations and the training program for the purposes of the project "Creating equal opportunities for access to jobs for the RAE population"

98. The Vocational Education and Training Centre, on the request of the Foundation for Sponsoring Roma people (funded by COSV) and Montenegrin Red Cross (program funded by the European Commission and Danish Red Cross), develops standards and programs and monitor the implementation of those programs. The Vocational Education and Training Centre, in collaboration with the Examination Centre administer final examination for the attendees of the program for teaching functionally illiterate people basic reading and writing skills. Fourteen out of eighteen people who took the course run by the Foundation for Sponsoring Roma people passed the final exam. Thirty people, both males and females, took the course for teaching functionally illiterate people reading and writing skills run by Montenegrin Red Cross.

Reply to the issues raised in paragraph 17 of the list of issues

99. The table below contains the data on the number of students, according to gender, studying at three Montenegrin Universities:

<i>The University of Montenegro</i>			
Faculty	Total	Women	Men
The Faculty of Economics	4081	2501	1580
Faculty of Electrical Engineering	1414	255	1159
Faculty of Philosophy	2375	1714	661
Faculty of Law	3241	1869	1372
Faculty of Mechanical Engineering	268	57	211
Faculty of Metallurgy and Technology	248	162	86
Faculty of Natural Sciences and Mathematics	517	271	246
Faculty of Civil Engineering	603	162	441
Faculty of Medicine	618	422	196
Faculty of Marine Studies	965	160	805
Music Academy	81	48	33
Faculty of Fine Arts	62	31	31
Faculty of Drama	38	16	22
Faculty of Applied Physiotherapy	192	136	56
Faculty of Tourism and Hotel	1109	733	376

<i>The University of Montenegro</i>			
Management			
Albanian language studies	73	40	33
Faculty of Biotechnology	423	191	232
Faculty of Political Sciences	882	667	215
Faculty of Architecture	252	127	125
Faculty of Pharmacy	160	143	17
Faculty of Sports and Physical Education	415	61	354
Institute of Foreign Languages	68	53	15
University "Donja Gorica"			
FIEFB	454	214	240
FL	319	163	156
FIST	91	23	68
HS	442	164	278
FVU	29	15	14
University "Mediterranean"			
Faculty of Tourism Bar	549	237	312
Faculty of Business Studies "Montenegro Business School"	566	228	338
Faculty of Information Technology	264	26	238
Faculty of Foreign Languages	383	300	83
Faculty of Visual Arts	170	75	95
Faculty of Law	270	131	139

100. The table below contains the data on the number of employees in three Montenegrin universities:

<i>University "Donja Gorica"</i>			
Faculty	Total	Women	Men
Faculty of Information Systems and Technologies	14	4	10
Faculty of International Economics, Finance and Business	26	11	25
Faculty of Law	19	4	15
Faculty of Arts	4	0	4
Faculty of Humanistic studies.	17	2	15
University "Mediterranean"			
Faculty of Tourism Bar	30	12	18
Faculty of Business Studies "Montenegro Business School"	26	11	15
Faculty of Information Technology	22	6	16
Faculty of Foreign Languages	22	19	3
Faculty of Visual Arts	28	14	14
Faculty of Law	27	8	19

VII. Employment and social security

Reply to the issues raised in paragraph 18 of the list of issues

101. Since January 2011, Montenegro ratified International Labour Organization (ILO) Convention No.183 (2000) concerning the revision of the Maternity Protection Convention (Revised), 1952, which additionally protects women during maternity leave, in a way that it ensures that following the maternity leave they will return to their original job, or a suitable alternative position with the same salary. This provision is also incorporated into the Proposal of the Law on Changes of the Labor Law which is currently being discussed in the Assembly.

102. Article 35 of the Labour Law, Official Gazette of the republic of Montenegro, issue 49/08 stipulates that an employment contract can be made for domestic work. A person may conclude a contract with another person or a family member for doing household work. That means that the household work is not related to the employer's business. By the employment contract, a portion of the wage for doing household work may be paid in goods. The portion of the wage which is paid in goods must be expressed as an amount of money in the employment contract, to prevent possible abuses regarding tax and social insurance payments according to tax laws. At least 50% of the laborers payment must be made in cash. It is also important to note that, if it was agreed that a portion of the wage is to be paid in money and the rest in goods, in the event that the employee is absent from work, the employer has to pay his net salary in money.

103. According to the proposal of the Proposal of the Law on Changes of the Labor Law which is currently being discussed in the assembly, both parents will have equal rights in regard to parental leave.

104. To increase employment of both men and women, the Employment Agency of Montenegro is implementing affirmative action policies set out by the National Strategy of Employment and Human Resources, which monitor the procedures and guidelines, put in place to achieve the goals set out in the national strategy, and national legislation.

Measures being implemented on a regular basis

(a) Informing the unemployed about possibilities and requirements for employment

105. The Agency is carrying this out through interviews, informative motivational seminars (workshops). These workshops are short, usually lasting two or three days which means that the Employment Agency is competent to host them. The interviews are aimed at quickly informing the unemployed person about the rights and duties set out by the law and other regulation.

106. The goal of the interview is to identify the needs and limitations of the unemployed person, while with an individual plan of employment, forming a plan of employment as defined by the activity of looking for a job, and participation in programs set out by employment policies.

107. Through informative motivational workshops, the unemployed are motivated for a more active approach to finding a job, mastering the skills of finding a job, setting out goals and developing plans for employment which are realistic and appropriate to their abilities. Analyses show that these seminars greatly motivate the unemployed to start looking for a job actively and stimulate them to participate in the programs set out by employment action policies. In the end of 2010, there were 32.026 unemployed on record

at the Employment Agency, 14.353 of which were women (44, 81%), and all of the unemployed were covered by the affirmative action.

(b) Professional orientation

108. This is a kind of assistance given to the unemployed to help them to objectively think about, plan and succeed in their career. During 2010, fifty percent of the attendees to this kind of programs were women.

(c) Subsidizing the wages of interns (the first time employed person)

109. During 2010, seven hundred and thirty seven out of 1,212 requests for this kind of assistance were submitted by women. Subsidizing wages was granted to 302 women-interns, which represented 24, 91% of the submitted requests.

(d) Employment support

110. This is financial and professional help which may be given to the unemployed person who is setting up a certain type of business. Four hundred and fifty nine requests for loans, worth €3.086.500, were submitted during 2010. The implementation of the submitted business plan proposals would generate 618 jobs. Of this number, one hundred and fifty eight (41.8%) requests were submitted by women. The total value of these projects is €15.000 and their implementation would generate 183 jobs. The Employment Agency's Board of Directors granted 454 loans worth €3.046.500 which generated 610 jobs. The number of women granted a loan was 158 (42.13%), total amount of the loans being €15.000.

(e) Education and training of adults

111. These comprise activities and programs which give the unemployed the opportunity to acquire a qualification for the first occupation (I and II degree of vocational education), update their knowledge within the same occupation and educational level (additional training), take up another occupation of the same or lower level of qualification (professional retraining), acquire core skills (computers, foreign languages). The relative participation of women in these activities during 2010 was 59.30%.

(f) Community work

112. This is work organized with the aim of preserving and upgrading work abilities of the people with limited chances to find a job through engaging in communal activities like social services, education, municipal services etc. Community work is organized on local and national level. The relative participation of women in these activities in 2010 was 30%.

(g) Seasonal employment arrangements

113. These include finding jobs for the unemployed in tourism, catering, farming, forestry, civil engineering and other seasonal work.

114. During 2010, the relative participation of women was 65%. The Employment Agency provided equal opportunities for both genders in all the stages under the authority of the Agency. According to the feedback received from the employers through form E3, 18,766 people from the Agency's record were employed during 2010, 53.74% of them were women.

Reply to the issues raised in paragraph 19 of the list of issues

115. The new Law on Employment and Exercising Rights Pertaining to Unemployment Insurance was adopted in 2010. (Official Gazette of Montenegro No. 19/10)

116. The Law stipulates measures of action employment policy for the unemployed:

- (a) Informing the unemployed on the possibilities and conditions of employment;
- (b) Facilitating employment;
- (c) Professional orientation;
- (d) Wage subsidies for interns;
- (e) Self-employment;
- (f) Subsidies to stimulate employment;
- (g) Education and training of adults;
- (h) Professional integration of people with limited chances of finding employment;
- (i) Community work;
- (j) Sponsoring;
- (k) Other measures promoting employment.

117. Compared with the provision from the Law on Employment (which was in force at the time of writing the Initial report), which stipulates that the right to preparation for employment has an unemployed person younger than 50 years old male and 45 years old female person, the new Law on Employment and Exercising Rights Pertaining to Unemployment Insurance is founded on the following principles:

- (a) Freedom in deciding on the occupation and employment;
- (b) Prohibition of discrimination;
- (c) Gender equality;
- (d) Affirmative action directed towards people with limited chances of finding employment;
- (e) Impartiality of employment agents;
- (f) Free public service of the employment agency.

118. Therefore, a person who is registered as unemployed at the Employment Agency, regardless the age, has the right to use the Agency's programs founded on the quoted principles.

119. Article 26 of the Proposal supplements the provision from article 77 of the law with 4 new paragraphs containing provisions which ensure that women and men receive the same pay when they are doing equal or equivalent work for the employer. In that respect, under "equal work" should be analyzed work that requires the same level of qualifications, educational level, professional qualifications, responsibilities, skills, efforts, working conditions and main results.

120. In that respect, any employer's decision or an agreement with the employee that is contrary to the quoted principles is void and null.

Reply to the issues raised in paragraph 21 of the list of issues

121. The data quoted in the Initial report, which show that only 17% of the women from the RAE population have paid work, while 71% are supported, are the findings by the research conducted as part of the project "RAE Basis in Montenegro" by the Institute for Statistics in collaboration with the National Roma Council and the alliance "Roma Circle". The research was conducted during October 2008 for the purposes of setting up a database of the RAE population in Montenegro. The research covered all the people who were willing to give personal information at the checkpoint organized for the purpose of gathering data about the number of people in this population. The main goal in the field of the employment of the people from the RAE population is to improve the quality of the service given to the unemployed. The measures and activities taken by the Employment Agency in this respect are:

- (a) Categorizing the unemployed people from the RAE population according to their individual chances of finding a job;
- (b) Registering the people from this community who are interested in participating in the programs of action employment policy;
- (c) Promoting the action employment policy among this population;
- (d) Developing a partnership between the Employment Agency, Roma groups and employers;
- (e) Developing and implementing activities applicable to the RAE population.

122. The Employment Agency is continually implementing projects specifically geared towards helping the RAE population. ("The Roma on the job market", "Second chance", "Reducing the vulnerability of the domicile RAE population")

123. One of the projects currently under way is "Creating equal access to jobs for the RAE population" which covered 42 people from this community. At least 30% of them will get a job after the training. Ten Roma women from this group will take on seasonal jobs. The previously mentioned principles contained in the Law on Employment and Exercising Rights Pertaining to Unemployment Insurance are being observed in implementing the measures of action employment policy among this population.

124. Around 4% of the recorded unemployed at the Employment Agency are from the RAE population with 43% being women. The majority of the people from the RAE population are registered with the Agency for the social and health insurance, not because they believe they could get a job offer. More than 90% of the registered Roma and Egyptians are people without an occupation or professional qualification. Around 40% of the candidates covered by the programs of active employment policy such as education and training for occupations requiring lower professional qualifications, local and public work and seasonal jobs, were women. The project "Roma on the job market" from 2006 and 2007, is a survey which was organized like a public activity, and it referred to polling people capable of work among the RAE population about their educational status, their willingness to regularly check in with the Employment Agency, their motivation and potential for inclusion into the programs of action employment policy, as well as about their personal identification documents. The survey was carried out by 27 pollsters, 25 of them being Roma, and 15 % among them women.

125. The project "Second chance" is an integration program for adults, through teaching illiterate people reading and writing skills and professional training for 61 people of Roma and Egyptian nationality from Podgorica and Niksic, aged between 15 and 40, over the course of 18 months. The participation of women was 40%.

126. For the project “Reducing the vulnerability of the domicile RAE population”, out of 75 people who successfully completed the training for some of the assistant occupations, the participation of women was 52%.

127. According to the latest data, there are 2,275 disabled people (invalids and less disabled people) on the record of the Employment Agency, 724 of them women, being 31% of the total number. Informing and motivating people to actively search for jobs, as a measure of action employment policy is aimed at providing people with information about their rights and duties defined by the law, and identifying the needs and limitations of a particular person, as well as at motivating them to a more active approach towards finding a job and mastering the skills to search for a job. Having in view the obstacles which affect the employment of disabled people: health limitations (reduced work ability), lack of self-confidence, lack of motivation, stigmatization, problems in adaptation and a low level of social support, the need arose for creating specific, long-term measures directed towards enabling those people to find a job. Thus, the program "I'll succeed" came into being, aimed at increasing personal competencies of an unemployed person for his successful joining the job market (recognizing obstacles to their finding employment, their acceptance, improving a self-perception, raising self-dignity and confidence, extrovertness in communication and interpersonal communication, support to the personal and professional development; improving the skills of unbiased listening and sympathy with other people; learning how to search for a job; learning how to introduce yourself to the employer; learning how to write an application or CV, devising plans and setting goals which are realistic and motivating to active search for a job). The program is carried out over six-month period and consists of: an informative-motivational workshop (one month), and professional help in actively searching for a job (five months).

128. During 2010, one thousand three hundred and fifty two unemployed people participated in this program, 1054 of them women, making 77, 96% of the total number of the attendees. Since this program is more complicated and lasts a few months, it is carried out at two specialized institutions.

129. The reforms in the field of labour and social legislation resulted in the need to pass the Law on professional rehabilitation and employment of disabled people (adopted on the 29th of July, 2008), which comprehensively legally covered the complex field of professional rehabilitation and employment of disabled people. Employment of disabled people, applying the quota system, implies that the employer who hire a disabled person is subsidized which can be realized in a few ways: subsidy for adapting the workplace and work conditions, preferential loans for buying machines, equipment or tools needed for the employment of a disabled person, assistance with covering the expense of a personal assistant for the disabled person as well as subsidies on the salaries of those people. A disabled person who is self-employed, or sets up a business, finds employment in a household and engages in farming as their only occupation, is legally entitled to subsidies. Also, as a means of support in employing the disabled the law stipulates that must be given professional help and assistance with the aim of efficiently integrating them into the world of work, helping them hold down their job, and aspire to promotion, informing and advising on the implementation of different technologies and techniques in learning and work and offering them technical support, monitoring and evaluation of the effectiveness of their work.

Different tailored measures are taken by the Employment Office to suit this category of people

(a) Pilot program "The implementation of the Law on professional rehabilitation and employment of disabled people"

130. To implement this Law, that is, to facilitate successful professional rehabilitation and increase the employment of disabled people by achieving their equal status on the job market, this program was launched in 2009, and lasted for six months.

131. The unemployed who participated in this program were mainly involved in the module for evaluating the level of incapacity of disabled people to determine what that person is capable of doing after which proper measures and activities would be defined for the inclusion of these people into the job market (measure of action employment policy or into further process of professional rehabilitation). A hundred and ten people were covered by this program in 2010; fifty one of them were women (46, 36%)

(b) The implementation of the Law on Professional Rehabilitation and Employment of Disabled people in practice - blind and partially sighted

132. Seven blind and partially sighted people participated in this program. The aim of this program, which lasts two months, from the standpoint of an individual is overcoming blindness as a communicative and mobility obstacle, reorganization and reorientation of life after being stricken with blindness, enhancing opportunities for potential future participation in training, educational and employment programs, adopting basic social and life skills and recognizing personal obstacles to finding a job. One woman participated in this program.

(c) Seminar for the hearing and speech impaired

133. A seminar for long time unemployed people was organized for the hearing and speech impaired people in 2010. Thirteen people, 9 of them (69.23%) being women, recorded at the Employing Agency, participated in this seminar which lasted 4 weeks. The attendees of the seminar were provided with assistance by a professional for the work with people with special needs, specialized in working with long time unemployed people. The aim of the seminar, from the standpoint of an individual, was acquiring necessary skills for actively taking control of their own personal career by recognizing their skills and strong points, as well as weaknesses, and enhancing motivation through the analysis of their own potentials.

(d) Program "Social inclusion of disabled people"

134. Twenty one people participated in this program, whose level of incapacitation was evaluated by the implementation of the Law on professional rehabilitation and employment of disabled people to be more than 70%. The participation of women was 66, 66% (14 women). The program was designed as a group work, in which, through making souvenirs (clay objects, various souvenirs), the attendees worked on improving their work skills, increasing their self-respect, taking responsibility for shaping their own future and solving problems on their own.

(e) Group work "Sunny workshop"

135. This project has been ongoing for several years and includes the manufacturing of souvenirs, greeting cards, decoration and paper stationery, for New Year and Women's Day. Between 50 and 80 people participate in this project every year. This way the participants improve their dexterity, work, social and communication skills along with

getting income from these temporary jobs. Sixty nine people were included in this work, 53.8% of them being women.

(f) Financial incentives to entrepreneurship amongst disabled people

136. Bidding for preferential loans intended to stimulate employment and entrepreneurship among disabled people was opened in the beginning of 2010.

137. Four applications for the employment of six people, 4 of them being disabled people (three women), were submitted over the course of the previous three years. All the requests were granted.

(g) Subsidising disabled people's wages

138. During last year, eight employers claimed from the Employment Agency subsidies on the wages of disabled people they hired. The claim included eight people, three of them being women (37.5%). The subsidies are significant, with 80% of the gross salary paid to those people in the first year, 60% in the second year, and 50% in the third and every subsequent year.

139. According to the Labour Law (Official Gazette of the republic of Montenegro, issue 49/08), the employer is required to ensure that the disabled person is given a job which is adequate to their level of incapacitation. If there is no such job position within the company, and their rights cannot be secured in accordance to the provisions of the law on employment and professional rehabilitation of disabled people, the disabled employee is entitled to severance pay in the amount of at least 36 average months pay, in case the disability is caused by an injury at work, or 24 average months pay if the incapacitation is caused elsewhere or by illness. (Official Gazette of Montenegro, issue 49/08).

140. The Law on professional rehabilitation and employment of disabled people provides provisions for specific measures and incentives for the hiring of disabled people, as well as for subsidising them. The Law created conditions for the increased employment of disabled people and their better prospects in the job market, removing barriers, and providing equal opportunities of employment for this group. The Law prohibited direct or indirect discrimination of the disabled in professional rehabilitation, employment, and in the course of their employment. A disabled person may be employed under general or special conditions. Employment under general conditions means that a disabled person competes on the open job market, while employment under special conditions implies work in special organisations, when the health and work ability of the person prevents them from finding a job on the open market. To create conditions for successful professional rehabilitation and employment of the disabled, the pilot programs: "Implementation of the Law on professional rehabilitation and employment of disabled people in practice", "Sunny workshop", "Social inclusion of disabled people". The program of preferential loans for stimulating employment and entrepreneurship of the disabled was launched, as well as the program of subsidizing wages of disabled people and financing equipment for making the workplace accessible to the disabled. In 2010, "Career fair for the disabled" was held for the first time, which helped in facilitating the contact between employers and disabled people, promising more employment of the disabled for the next year.

Reply to the issues raised in paragraph 23 of the list of issues

141. The Law on the Amendments and Supplements of the Law on Pension and Disability Insurance (Official Gazette of the republic of Montenegro, issue 78/10) that came into effect on the 6th of January, 2011, changed some of the provisions contained in

the previous law related to the age at which men and women are entitled to an old-age pension, making them equal before the law in that respect. The new law also granted including six months of maternity leave under the pension insurance for each child born.

142. The average pension in Montenegro for 2010, was €268.66, while the average pension in the first quarter of 2011, was €272.76

VIII. Health

Reply to the issues raised in paragraph 24 of the list of issues

143. In accordance with the reform of the health system, which is an ongoing and all-encompassing process covering health protection in primary level health institutions, aimed at improving conditions of perinatal health protection and education of women, especially women from rural areas, on the importance of taking regular gynecological checks. As part of the project “Fight against the use of tobacco products program” Counseling offices for the young and counseling offices for reproductive health were set up, aimed at prevention and education for all population groups, with the focus on women. The ultimate goal of setting up these offices is promoting a healthy lifestyle with prevention as the best instrument for health protection.

Reply to the issues raised in paragraph 25 of the list of issues

144. Incorporating education on sexual and reproductive health and rights into the school curriculum, aimed at the reduction of pregnancies and abortion amongst teenagers and the prevention of the spread of sexually transmitted diseases like HIV/AIDS, is implemented through programs of education for parents in schools, and programs of educational seminars, conferences, and workshops designed to inform them about the consequences about unhealthy behavior and lifestyles. Special attention was given to the introduction of a plan for special education in family medicine, as a contribution in raising awareness about the importance of the bond between parents and children. Family medicine, as a branch of medicine, emphasizes the family as a unit, in both the prevention and treating of diseases. Implementing family medicine into the health and educational system is aimed at providing health protection to the family as a whole.

Reply to the issues raised in paragraph 26 of the list of issues

145. The reform of the primary level of the health system being completed, the conditions are achieved for the covering of the refugees and dislocated people from the RAE population with primary health protection, and their access to the health institution as all other Montenegrin citizens until their status as permanent residents of Montenegro is legally determined.

Reply to the issues raised in paragraph 27 of the list of issues

146. The main causes of the morbidity and mortality, according to the latest official statistical reports by the Institute for Public Health, are cancer, gland diseases, nutritional and metabolic system diseases, vascular diseases, respiratory system diseases etc. The total number of the people who died in 2010 was 5,708; among them 2,982 were men and 2,726 women. The number of people who suffer from cancer is 920, among them 557 are men

and 363 women. Women most often suffer from breast cancer, ovarian cancer, and cervical cancer. The number of women who died from breast cancer was 76, and from ovarian and cervical cancer 17. To reduce the mortality from cancer among women and the whole population, The National program for cancer prevention was introduced. This program anticipates taking measures for the prevention, early diagnostics, improvement of the life, treatment and palliative care for cancer patients. Also, in accordance with this program, The National program for early diagnostics of cancer of the intestines and The National program for early diagnostics of cervical cancer were introduced. With the aim of prevention and early diagnostics of breast cancer, October was promoted as a month of free mammographic examinations, which gave good results in prevention and early diagnostics of breast cancer. As part of the programs introduced in 2010, a program of early diagnostics of cancer of the intestines has been carried out in the Health Center in Danilovgrad, and is still under way. A large number of people responded to this action and took the tests with positive results. The project was implemented in collaboration with the Clinical Centre in Podgorica.

IX. Equal rights in marriage

Reply to the issues raised in paragraph 28 of the list of issues

147. According to Montenegrin family legislation, family members have equal rights and duties regardless of gender or status. This comes from the wider constitutional principle of the prohibition of any form of discrimination in society (article 8 of the Constitution of Montenegro). Specially emphasized was the provision of the Family Law (Official Gazette of the republic of Montenegro, issue 1/07), according to which a man and a woman are equal in their personal and property rights. This law defines, besides family property law, certain judicial and administrative procedures in the legal matters concerning family relationships – family procedural law (articles 316-372).

148. The constitutional principle (article 71 of the Constitution of Montenegro) defines freedom to marry, which includes freedom to enter into marriage or not and to choose marriage partner.

149. This freedom is in a certain way stipulated by the provisions of Family Law. Montenegrin legislation doesn't contain any provision which would require a person to enter into a marriage. It can be said that a marriage is an institution of wider social importance. This is reflected in appropriate social mediation and intervention in entering, maintaining and ending marriage. Most of the provisions through which this intervention is carried out are imperative. Such provision is contained in article 16 of the Family Law which stipulates that the primary condition for entering a marriage is the free will of two future partners, which means that without it valid marriage cannot be entered in to.

150. The Family Law defines property-legal relationships between the marriage partners. They can have individual or common property. The individual property is the property acquired by a partner before entering the marriage, either by inheritance, gift or any other legal way. Each partner independently enjoys their individual property, unless otherwise is agreed. According to our family legislation, common property is considered the property and the proceeds from that which the marriage partners acquired in the course of their marriage through work. Marriage partner's common property is a specific legal institute in the family law.

151. The property holder is a double subject – husband and wife together. All the rights and duties belong to the marriage partners together and undivided. Indetermination of the of each partner's share in the property necessitates two regulations stipulated by the law:

1) a marriage partner cannot individually use their share in the undivided property 2) the rights of the marriage partners on the immobile property which is their common property are entered into the real estate record in the name of both partners as their common property in undivided parts. If only one marriage partner was recorded on the land register as a property holder, which is often the case in practice, it is going to be considered that the record was made in the name of both marriage partners, except when the record is done on the basis of written agreement between the marriage partners (article 289). In our legislation, the union between a man and a woman which has lasted for a longer period is equaled to marriage in respect of the rights on mutual support. Marriage partners, in the course of the marriage or before, may regulate their property relationships by written agreement. Marriage agreement is signed in a written form and must be notarized by a registrar, whose duty it is to read them their mutual rights and duties and warn them that the property in question is excluded from their common property and the regulation it falls under.
