

SOS Hotline for Women and
Children Victims of Violence Niksic



Study on the Implementation of the Istanbul Convention in Montenegro





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Summary

SOS Centre for Women and Children Victims of Violence Nikšić has prepared a study on the implementation of the Istanbul Convention in Montenegro as part of the regional program “SMART Balkans - Civil Society for a Connected Western Balkans” within the project “Improved Implementation of the Istanbul Convention in Western Balkan Countries.” For the study, research was conducted, which included three segments:

- ✓ Analysis of the alignment of Montenegro’s national legal and strategic framework with the provisions of the Istanbul Convention.
- ✓ Analysis of 15 interviews conducted with decision-makers at the national level and representatives of women’s NGOs that provide specialized support services.
- ✓ Analysis of 55 interviews with employees in local institutions: police, social welfare centers, misdemeanor courts, basic courts, free legal aid services, prosecutors, and healthcare institutions - health centers and hospitals.

The research has shown that decision-makers at the national level and representatives of women’s NGOs:

- ✓ Mostly emphasize that the Convention is mandatory and represents an international instrument that Montenegro should respect.
- ✓ Recognize that the Convention sets standards for the protection of women’s human rights and the fight against gender-based violence.
- ✓ The Convention is recognized as an instrument that provides specific protection measures for victims of violence, without discrimination based on factors such as gender, sexual orientation, nationality, and religion. This emphasizes the universality of the Convention and its importance for different categories of victims.

There is consensus that existing laws need to be amended to align with the Convention’s standards. This is considered a crucial step toward full Convention implementation.

The Convention is seen as a means to reduce violence against women, including femicide. It is emphasized that without the Convention, the situation could be worse because the Convention provides guidelines for combating violence.

Institutions point out the need for training various professionals to better identify victims of violence and provide them with appropriate support. This underscores the importance of continuous education.

The lack of consistency in the application of the Convention and coordination among institutions is highlighted as a challenge. There is also a need for changes in practice to ensure effective Convention implementation.

In the responses from institutions, there are no specific examples of how the Convention and its implementation have contributed to improving the situation in Montenegro. The responses do not provide a clear strategy or plan for enhancing the implementation of the Convention. Although it is mentioned that national laws are partially aligned with the Convention, most institutions have not provided sufficient specific details about amendments to laws or subordinate regulations they have adopted to align with the Istanbul Convention. The lack of specific information about changes in

laws makes it difficult to understand the extent of compliance.

There are deficiencies noted in the way institutions have explained their knowledge of the Convention, including the lack of detailed analyses and specific information about the level of knowledge. Most institutions provided ratings without offering concrete examples or illustrations of how they acquired their knowledge. Furthermore, there is a lack of in-depth analysis of areas where knowledge may be lacking, and the need for additional training or improvement is not adequately addressed. This makes it challenging to assess the actual level of expertise and capacity of institutions regarding the Convention's implementation.

Shortcomings in the application and discrepancies in the perception of the Convention's importance among different institutions have been observed, making consistent implementation difficult. There is a lack of deeper consideration of the essence of the Convention in terms of ensuring women's rights, issues such as marital rape, which are not clearly defined in the law. It has been highlighted that there are certain challenges in implementing the Convention in Montenegro, including the lack of adequate sanctions for perpetrators and incomplete coverage of key aspects of the Convention in legislation. Laws are not fully aligned with the Convention, primarily the Criminal Code, the Criminal Procedure Code, the Free Legal Aid Law, and the Domestic Violence Protection Law. Additionally, a clearly defined plan for full Convention implementation is lacking. Deficiencies have been noted in terms of concrete actions, analysis of challenges, progress monitoring, and inclusivity.

There is a highlighted need to increase penalties for certain criminal offenses such as sexual misconduct, domestic and family violence, rape, female genital mutilation, forced sterilization, and persecution. Institutions inadequately recognize various forms of violence covered by the Convention, including physical, psychological, sexual, persecution, online violence, etc.

Representatives of national-level institutions have pointed out that the state allocates insufficient financial resources for the implementation of the Convention in Montenegro, seriously limiting the effective fight against violence against women. There is an emphasized need for greater financial resources to support victims, including the establishment and maintenance of safe houses for women. Concerns have arisen about the misuse of funds and the need for better supervision and transparency in fund distribution. Women's NGOs highlight the lack of support from institutions for civil society organizations involved in women's protection. The lack of financial support can limit the capacity of these organizations to contribute to the implementation of recommendations. The research has shown that in the future, the majority of financial resources for fulfilling Convention obligations will come from the UN system and EU funds through IPA programs."

Some institutions and women's NGOs express concern about the lack of binding obligations in implementing the recommendations of the GREVIO Committee. There is a lack of a mechanism that would compel state institutions to act by the recommendations. Women's NGOs are also concerned about the selective acceptance of some recommendations by institutions while rejecting or not applying others. Selective acceptance can lead to incomplete implementation of the recommendations. It is not clear from the responses how the monitoring and reporting of the implementation of GREVIO Committee recommendations are conducted. The lack of adequate monitoring and reporting can hinder the assessment of progress. The Directorate for the Protection of Women Victims of Violence and Domestic Violence within the Ministry of Labor and Social Welfare has initiated the establishment of crisis centers for victims of sexual violence, amendments to the Criminal Code of Montenegro to improve access to services for Romani and Egyptian women, rural women, persons with disabilities, and LGBT individuals, to fulfill the most urgent recommendations of the GREVIO Committee.

Concrete examples of court verdicts based on the provisions of the Istanbul Convention have been identified. The reasoning in these verdicts primarily used the provisions of articles 30, 33, 35, 46, 52, and 53, but the analysis did not determine how frequently and what challenges are faced in their implementation.

Women's NGOs have stated that the Convention is a key tool in their work, primarily in advocating for the state to take responsibility for protecting women from violence. They particularly emphasize the importance of the Convention in cases of violence against women that are not sufficiently recognized by national legislation, such as child marriages and stalking."

The research shows that there is no unified approach for collecting relevant statistical data at regular intervals on cases of all forms of violence covered by the Convention by Article 11. Consequently, adequate strategies and plans cannot be created to ensure the full implementation of the Convention. The process of amending a significant number of laws is underway, which will obligate the Ministry of Labor and Social Welfare to include new categories in the database in the relatively near future: LGBT, and partner violence. However, not all data envisaged by the Convention will still be covered, once again confirming the need to establish a mechanism of obligation through the entire Montenegrin legislation as the only reliable way to fully implement the Convention's provisions. The analysis shows that there are resources that could relatively easily be utilized through the development of a unified/consolidated database through which the fundamental causes and consequences of violence against women, the frequency, conviction rates, and the effectiveness of measures taken could be reliably determined.

Nine years after the start of the Convention's implementation, only one of the interviewed individuals from national institutions mentioned a measure that has been adopted and is being implemented related to changing attitudes and norms to reduce violence. Most spoke about measures to change attitudes and norms at the personal impression level, indicating that there have been positive changes in individuals' approaches and the development of strategic documents on gender equality.

The research found that existing training programs are inadequate and institutions have limited coverage. Health and educational institutions were not targeted for employee training, despite it being mandatory by Article 20 of the Convention. The importance of these institutions in protecting victims needs to be recognized and highlighted. A focused approach is necessary to detect the causes and responsibilities of these institutions. NGOs are recognized by all research actors at the national level as one of the entities providing the best training. The key argument is a direct, comprehensive approach and involvement in solving victims' problems over an extended period. Some employees in institutions prefer training that helps them meet formal requirements, even if they do not contribute to strengthening capacity. This is at the expense of targeted training that meets Convention standards. Research has identified a lack of training in several areas, such as the application of the Convention for judges, empowerment and information for victims in all institutions, cooperation, and a comprehensive approach to protecting victims of violence, initial interviews, conducting interviews with victims, the role of the media in suppressing or spreading violence, gender-based violence and religion, and the role of supply chains in reducing human trafficking with a focus on girls and women as the most frequent victims. There is a specific emphasis on the lack of case management training. The priority is to develop a basic training package that contains chapters on how to approach victims, how to talk to victims, and how to talk to children. This will ensure that victims trust the person to whom they report violence, whether it's in social welfare centers, the police, the prosecutor's office, or NGOs. The research has shown deficiencies in the segment related to the safety of victims. It is insisted that the police are solely responsible for safety assessments, indirectly absolving other subjects in the system of responsibility. One-third of the interviewees mentioned that risk assessments are often missing or are only formally completed,

affecting the inability to make an adequate assessment. Protective measures before and/or during the proceedings are imposed disproportionately little compared to the total number of reports. The quality of implementing protective measures is questionable. One of the challenges is the lack of human resources and financial, and technical capabilities. The most drastic consequence of poor risk management is four femicides in a year. One of the proposed solutions is to establish a practice of a multidisciplinary approach/safety assessment of the victim by all community actors who have information about a specific case and a common safety plan with defined responsibilities for all involved.

- Summarizing the findings of the analysis, numerous challenges in implementing the Convention are noted:
- The National Coordination Body for Convention implementation has been formed multiple times but still doesn't function.
- Specialized multidisciplinary mechanisms addressing all aspects of violence against women covered by the Convention are lacking.
- There is no protocol for dealing with cases of sexual violence, and the regulations and protocols for dealing with perpetrators of violence are insufficient.
- Multidisciplinary ad hoc teams have not become operational, partly due to the inert approach of case managers who should convene them and partly due to the unwillingness of employees in other institutions to respond to calls. The main challenge is that it is not explicitly prescribed anywhere that it is a mandatory work task, and there are no additional benefits, primarily financial, for participation.
- The team for the formal identification of human trafficking victims has not achieved significant results. There are no standards for victim protection procedures.
- Unequal response times in reviewing the responsibility of institutions, even in femicide cases, send the message that some victims are more important than others due to their social status, ethnicity, age, etc.
- There is no feedback on how recommendations have been implemented in specific cases, what benefits have been provided to victims, and what needs improvement.

The Center for Social Work (CSR) is an institution that does the most harm to victims whose reports are suspected. It questions them and accuses victims of manipulation, so increased supervision is required. Penalties for perpetrators of violence are minimal.

Spatial and technical capacities in courts are insufficient. Especially in misdemeanor courts, conditions are unsuitable, lacking separate rooms, even for child victims of violence. Perpetrators and victims sit close to each other.

Institutions do very little in terms of prevention, almost exclusively dealing with the consequences of violence. Employees in institutions evaluate their motivation to participate in training by certificates/points for extending licenses rather than concrete knowledge that can improve their work. One solution is to equate the formal evaluation of accredited and non-accredited training for employees who collect points for licenses so that as many employees as possible can make the best use of specific, highly applicable expert knowledge, even though it cannot be converted into license points.

Safety measures for victim protection are ineffective and insufficient. There is a lack of risk assessment, and protective measures are imposed disproportionately on the number of domestic violence reports. For criminal proceedings, they are not available before and during the proceedings. The problem also lies in monitoring imposed protective measures, as frequently pointed out by the Ombudsman's office. Protective measures issued by courts are implemented and monitored by the Police Administration, and interviewees emphasize that they cannot adequately follow them.

Issues have been identified in communication between social welfare centers and first-instance judges. Although social welfare centers are expected to be available round the clock, they are sometimes unable to provide practical assistance. They are hesitant to evaluate the level of risk involved in proceedings, citing a lack of resources to determine whether the safety of victims and children is at risk. There is a lack of analysis and assessment review, as well as adequate supervision, particularly in cases involving violence where the victim lives with the perpetrator. The same is true for cases of child-arranged marriages, where the responsibility of social welfare centers is crucial. Perpetrators are often guardians or parents of the victim and are frequently not punished. Shockingly, in over 90% of cases, girls who are victims of arranged marriages are returned to the guardians or parents who are the perpetrators of violence against them. There is a significant issue with the lack of mandatory increased family supervision by social welfare centers. This lack of supervision is leading to recurring crimes against girls. Unfortunately, social welfare centers are reluctant to take a stance on important matters such as custody proceedings and cases of children's contact with abusive fathers. They ignore the committed violence, neglecting the obligation from Article 31, which concerns custody, visitation rights, and safety. Regression in this segment has been noted, with social welfare centers giving opinions in cases over 20 years ago in which they precisely expressed whom custody should be assigned to, and one disqualifying behavior was violence against the children's mother. Issues have been identified in communication between social welfare centers and first-instance judges. Although social welfare centers are expected to be available round the clock, they are sometimes unable to provide practical assistance. They are hesitant to evaluate the level of risk involved in proceedings, citing a lack of resources to determine whether the safety of victims and children is at risk. There is a lack of analysis and assessment review, as well as adequate supervision, particularly in cases involving violence where the victim lives with the perpetrator. The same is true for cases of child-arranged marriages, where the responsibility of social welfare centers is crucial. Perpetrators are often guardians or parents of the victim and are frequently not punished. Shockingly, in over 90% of cases, girls who are victims of arranged marriages are returned to the guardians or parents who are the perpetrators of violence against them. There is a significant issue with the lack of mandatory increased family supervision by social welfare centers. This lack of supervision is leading to recurring crimes against girls. Unfortunately, social welfare centers are reluctant to take a stance on important matters such as custody proceedings and cases of children's contact with abusive fathers. They ignore the committed violence, neglecting the obligation from Article 31, which concerns custody, visitation rights, and safety. Regression in this segment has been noted, with social welfare centers giving opinions in cases over 20 years ago in which they precisely expressed whom custody should be assigned to, and one disqualifying behavior was violence against the children's mother. A lack of empathy and sensitivity among social welfare center officials has been observed, with frequent complaints to higher authorities about their approach. Another challenge is the low number of employees in some social welfare centers in cities where the population has doubled, while the number of employees remains the same.

Specialized services for women are not being contacted for risk assessment. Institutions can only access their insights if NGOs initiate it. The development of risk assessment and the transmission of information are both challenging segments. Institutions rigidly interpret that risk assessment should only be done by the police, justifying it with incompetence. There are no specific forms/procedures focused on assessing the risk of femicide. Standardized forms contain general formulations of low, moderate, or high risk. Furthermore, protective measures through criminal proceedings are insufficient as they are applied only after a final judgment. Misdemeanor courts are not linked to the criminal record, and decisions are made without this crucial information because more severe acts of violence are prosecuted through criminal proceedings. In misdemeanor proceedings, protective measures are possible before and during the process, and recent research indicates that they have been used more frequently. This may suggest that their limited use in the past, even though prote-

ctive measures have more power than the prescribed penalties. Retrospective analyses of femicides in the context of domestic violence to identify systemic shortcomings for prevention have not been conducted. The absence of adequate procedures and support programs in cases of sexual violence and stalking is particularly concerning. Specialized support services for victims of these criminal acts are underdeveloped. Institutions inform victims about specialized support services orally. However, it is questionable how well the victim will be informed and understand the meaning of each of these services at the time of giving a statement/report, particularly vulnerable victims, such as those with language barriers.

NGOs have noticed that institutions tend to adopt a dual approach towards victims. If a victim seeks the help of an NGO and is accompanied by a confidential representative, there is a significantly higher chance that the victim will be properly informed. However, it is important to note that only a small percentage of victims seek help from NGOs. The service of a confidential representative is legally limited to victims of domestic violence and therefore there are challenges in ensuring confidential representation for victims of other forms of violence. Strict regulations on public procurement and cooperation with NGOs have limited the financial support available for crucial services such as SOS helplines, shelters, and counseling. Unfortunately, this means that even perpetrators and individuals with misogynistic and sexist views who hate women and LGBT individuals can access potential state support for these services. We must regulate this and ensure that support is only granted to those who truly need it. This can be achieved through cooperation with the Ministry of Public Administration, which is responsible for all public calls issued by the Government of Montenegro. We must align these calls with Articles 8 and 9 of the Convention to ensure that the right people receive the support they need. The majority of those interviewed believe that vulnerable groups of women do not have equal access to services. The most visible problem is the physical access for women with disabilities, as most institutions are inaccessible to them, or if accessible, not all areas are available to them. The right to free legal aid is unrestrictedly available only to women victims of domestic violence, not to women victims of other forms of violence covered by the Convention. There are also shortcomings in the implementation of the free legal aid system. About the number of cases of domestic violence, very few requests are made by victims for this service. Women from rural areas rarely report violence due to a lack of information, as well as stronger traditional norms and economic dependence. Therefore, it is necessary to develop an approach to support them adapted to their context, as the current system barely reaches them. Roma and Egyptian women and LGBT individuals are more exposed to negative beliefs and attitudes of institution employees than others. To overcome these barriers, continuous fieldwork by all actors (NGOs and institutions) is required, including visits to all homes/apartments. A register of these women needs to be created, and their real needs need to be explicitly listed. Additionally, migrant women, especially a significant number from the area affected by Russia's aggression in Ukraine, are restricted from obtaining information, seeking, and receiving assistance. Girls who are victims of child marriages are excluded from specialized support systems. They can receive initial help/reaction, but there is no long-term empowerment program for them. Currently, they cannot count on a safe place of residence because neither the state nor NGOs have a specialized service for them.

The analysis recognizes the need for staff education in institutions, particularly regarding human policies with a gender aspect related to violence against women from vulnerable groups. It suggests organizing specialized training on all forms of violence covered by the Convention: sexual violence, harassment, stalking, and online violence. Thus far, the focus of training has been on victims of domestic violence. To ensure the continuity of these training programs in courts and prosecutor's offices, they should be included in the training program for judges and prosecutors. It is suggested that all institutions and their employees should be required to attend an initial training program before they come into contact with victims.

The research has revealed that institutions do not inform the victim when the perpetrator is released from prison/detention or has possibly escaped. There is no mandatory guidance for this. One of the reasons is that the Montenegrin Prison Administration (ZIKS) is not obliged to transmit this information to the courts. The lack of a clear information flow has a direct consequence, leaving the victim alone, unprotected, and vulnerable to the perpetrator, while falsely believing they are completely safe.

When it comes to providing support for victims of crimes, the lack of a national victim support service often results in victims not receiving the necessary help that caters to their individual needs during the early stages of the process. Having specialized services is crucial to ensure that the victim's rights are protected efficiently and effectively. In cases where such services and organizations are absent, victims are often unprepared to report a criminal offense and participate actively in criminal proceedings, leaving their procedural rights to be "theoretical and illusory".

During interviews, a majority of the participants pointed out that children who witness violence are not often treated as victims, which goes against the Convention's Article 26 which emphasizes on "Protection and Support for Child Witnesses". This highlights the need for more training and additional efforts to ensure that all the stakeholders involved in child protection recognize them as victims and provide necessary support.

In criminal proceedings where children are affected, special protective measures such as separate testimony rooms and video conferencing with a support person present in the Prosecutor's Office are used. However, these measures are not commonly used in misdemeanor cases.

In certain police stations, prosecutor's offices, and courts, there are specially designed child-friendly rooms. These rooms are intended to make children feel more comfortable and at ease when they have to be present during legal proceedings. It is a positive development that these rooms are not only used for questioning children in criminal cases but also for civil cases and family law proceedings.

Institutions need to do more to protect non-abusive parents from further violence. It has been highlighted that non-abusive parents in criminal proceedings are at higher risk of becoming victims of violence. Unfortunately, they cannot rely on protective measures before and during the proceedings. While detention is the only effective method of protection, it is still underutilized despite the risks and harm it can cause to the victim's life and health. The analysis did not reveal how much national legislation considers the violence covered by the Convention when determining custody or child visitation or access. It's important to legally require social welfare centers to include in their opinions whether violence has occurred if someone has been convicted of violence, or if the parties involved have stated that there is violence. However, the decision on whether and how to use this information in determining custody and access should be left up to the courts. The analysis didn't provide a clear answer on how institutions determine what is in the best interests of the child in custody and visitation cases.

Recommendations:

1. Introduce “violence against women” and “gender-based violence” in national legislation to align with the Convention.

2. To ensure the effective protection of victims and full implementation of the Convention, it is necessary to amend the Criminal Code of Montenegro, the Law on Criminal Procedure, the Law on Protection from Domestic Violence, and the Law on Free Legal Aid to align them with the Convention.

3. Distinguish between criminal and misdemeanor liability in cases of domestic violence, expand the circle of protected individuals within the criminal and misdemeanor protection framework in cases of domestic violence, and expand the circle of individuals eligible for free legal aid to include all victims of violence covered by the Convention.

4. Develop a sustainable model for establishing a national coordinating body for monitoring the implementation of the Convention.

5. Ensure public policies related to gender-based violence in justice, health, safety, and social protection sectors at national and local levels. Develop Protocols for responding to cases of sexual violence, and stalking, as well as Rules and Protocols that effectively address actions against perpetrators of violence.

6. Develop a procedure specifically focused on assessing the risk of homicide.

7. One of the crucial steps towards preventing femicide in Montenegro is to amend the Criminal Code. This can be achieved by introducing femicide as a separate criminal offense. To accomplish this, a dialogue should be initiated to establish a consensus on the definition of the term. Once agreed upon, the definition should be incorporated into the Criminal Code of Montenegro. The Ministry of Justice and the Supreme Court play a vital role in this process, and their first step should be to establish a multidisciplinary team to arrive at a sustainable legal solution.

8. Develop a methodology for retrospective analyses of femicides to identify systemic deficiencies with the aim of prevention.

9. Develop mandatory Instruction for institutions on informing women victims of violence that the perpetrator has been released from prison/detention.

10. Improve the response of institutions to the implementation of the Convention by defining a clear Plan for its full implementation. The Plan should have specific actions and deadlines and develop tools for precise analysis of challenges, progress monitoring, and inclusivity.

11. Increase financial resources in the state budget of Montenegro for the implementation of Convention obligations and effective combat against violence against women. Increase funds for the sustainability of specialized support services, continuous training of institution employees, community awareness-raising, and economic empowerment of victims, and ensure more transparent distribution of financial resources.

12. Establish new specialized services for victims of sexual abuse, stalking, child child-arranged marriages.
13. Ensure coordinated cooperation between national and local institutions in implementing measures defined by public policies.
14. Establish a monitoring mechanism to ensure the mandatory implementation of GREVIO committee recommendations by state institutions, better coordination between institutions, and continuous evaluation of implementation.
15. Develop a protocol for supervising the work of lower-level officials at the national level, and improve legislation and practices to ensure sanctions for officials who violate laws, rules, and procedures.
16. It is crucial to establish a standardized method of gathering pertinent statistical information on all types of violence outlined in the Convention on a consistent basis. By using existing resources, a dependable database could be created to identify the underlying causes and outcomes of violence against women, along with conviction rates and the efficacy of implemented measures.
17. It is crucial to provide sustained financial support for women's NGOs that protect women who are victims of violence and domestic abuse as per the Convention. These NGOs should be included in the state's annual budget to ensure continued support for their services. It is important to establish contracts that do not infringe on their independence and autonomy.
18. Establish a coordinated reporting system for all institutions on Convention implementation and rotate relevant ministries for annual reporting.
19. Develop a plan for regular, multi-year awareness campaigns on the issue of violence against women, domestic violence, sexual abuse, sexual harassment, stalking, and other forms of violence covered by the Convention, legal and institutional protection mechanisms, and services available to victims. Define indicators for the success of implemented campaigns and redefine approaches based on them.

The research has shown that employees in local institutions believe they have a good understanding of the Istanbul Convention. The majority, approximately two-thirds of those interviewed in local institutions, rated their knowledge of the Convention highly, with scores of 4 and 5. The only exceptions were the interviewees from healthcare institutions (Health Centers and General Hospitals), who mentioned that they had insufficient knowledge, which they also provided in written form.

It's positive that 71.9% of interviewees at the local level believe that the Convention is necessary for Montenegro. This is especially significant given that only 8.8% of them stated that Montenegrin laws are sufficient for effective protection against violence against women and domestic violence. Most interviewees recognize that the national legislative framework is not fully aligned with the Convention, and they are informed about the ongoing amendments to the Criminal Code of Montenegro and the Law on Protection from Domestic Violence. It's essential to note that almost all of them agree that effective protection of victims of violence in Montenegro is not possible without the application

of a binding international legal framework, primarily the Convention. Encouragingly, almost half of them, in addition to the protection of victims, recognized the comprehensiveness of the Convention, emphasizing the need for stronger cross-sectoral and institutional cooperation, empowerment programs for victims, the development of preventive interventions, and a more prominent role for NGOs in all processes.

It's encouraging that 59.6% of interviewees from local institutions responded that the Convention has helped or facilitated their work. However, fewer than 30% stated that they had referred to its provisions when making decisions. Concrete examples of Convention implementation were primarily provided by employees in the judiciary, including courts and prosecutors. More than half of them mentioned specific instances where they or their colleagues referred to particular articles of the Convention. They referred to Articles 3, 42, 45, and 46 of the Istanbul Convention. Positive examples indicate that the provisions of the Convention are a valuable resource for better criminal policy, but their implementation is still in its early stages and is currently limited to cases of domestic violence. Therefore, it is necessary to ensure that the use of the Convention's provisions becomes common practice, extending beyond domestic violence to all other forms of violence against women covered by the Convention, which is recognized as a trend.

The analysis showed that most institutions do not have an electronic data recording system. Only 19.3% of them mentioned that their institution collects data through electronic databases, with many of those who mentioned electronic record-keeping referring to the PRIS system.

Less than half of the employees, 47.4%, reported that they participate in training sessions rarely or occasionally. When adding the percentage of 19.3% who did not respond or stated that they did not know, it becomes evident that the majority of employees in institutions lack continuous training. In addition, the research showed that almost all employees responded identically to the question of how often their colleagues participate in training sessions.

The survey revealed that training topics related to domestic violence and violence against children are dominant in the training sessions, whereas topics related to other forms of violence against women, such as sexual violence, stalking, and online violence, are neglected in the training sessions in Montenegro.

Almost half of the individuals interviewed in institutions either lacked information or didn't respond regarding the existence of a multidisciplinary mechanism for protecting against gender-based violence as covered by the Istanbul Convention. During the analysis, NGO personnel confirmed that they have practical experience regarding the occurrence of duplicate reports of violence by police officers. Representatives from all police departments mentioned having such cases. Although the prevalence of this practice couldn't be determined since the interviewees didn't provide exact numbers, they expressed personal impressions that duplicate reports occasionally occur, but they are not frequent. Almost half of the interviewees held the opinion that police officers recognize the primary aggressor. However, they emphasized that the final decision on whether both the victim and the perpetrator will be prosecuted is made by the prosecution and the courts. Although prosecutors play a significant role in criminal proceedings and judges are ultimately responsible for the outcome, police officers should not overlook their substantial responsibility as complainants when dealing with misdemeanor cases. This is particularly relevant in domestic violence cases, where more than 90% of cases are processed through misdemeanor proceedings. Police officers must take a more proactive approach to this issue, considering the harmful consequences of failing to recognize the primary aggressor. When police officers fail to do so, victims become subject to institutional violence and are often dissuaded from resisting their attackers.

The response to the question of whether the system's institutions adequately address the safety of victims shows that this aspect in Montenegro is a significant cause for concern. Only 22.8% gave an affirmative answer. Research results reveal a troubling fact: the majority of employees in institutions do not use standardized, obligatory risk assessment tools for assessing the risk of homicide or repeated attacks. Specifically, 59.9% responded that their institution either lacks standardized risk assessment tools or that they are not aware of them.

The research has also confirmed another negative practice. All interviewees stated that mediation between parties, as provided for in Family Law disputes, is practiced in cases where one of the parties is a victim of violence, even though two-thirds recognize that this could potentially further traumatize victims. It is unclear why this is insisted upon, especially considering they pointed out the possibility, according to Article 326, paragraph 2 of the Family Law, that courts may not refer parties to the first meeting with a mediator in cases where, due to suspected domestic violence, mediation would not be appropriate. Appropriateness is not present since mediation aims to achieve an agreement between the parties and/or reconciliation, which cannot and should not be expected as a positive outcome in cases involving violence.

The analysis also showed concerns regarding whether and to what extent employees in institutions refer victims to specialized support services. Specifically, 38.6% responded negatively or indicated that they did not know. It is particularly worrisome that only 3.5% stated that they inform the victim in writing about their rights and support services. 54.4% inform them verbally, and the rest either do not know how victims are informed about services or do not provide an answer. The analysis revealed that employees in institutions most commonly mention safe houses/shelters among the specialized services they collaborate with, followed by all general specialized support services. Differentiation between specialized and general services has been identified, which can hinder the understanding of the specific needs of victims of violence and proper guidance towards the appropriate resources.

The description of the monitoring and evaluation process of victims' progress in social welfare centers is quite general. There is a lack of defined specific indicators and evaluation methods to better understand the effectiveness of the support. There is no information about the exact actors who participate in the guidance and support process. This can make it challenging to understand the roles and responsibilities of all parties involved.

Less than half of the interviewees stated that vulnerable groups in Montenegro have equal access to services. While equal access to services, support, and protection for all victims is emphasized, the analysis did not provide specific information about special measures applied to vulnerable groups such as the elderly, children, persons with disabilities, and pregnant women. Overall, there is a need for a better consideration of the specific needs of vulnerable groups, a more detailed assessment of their needs and risks, a greater emphasis on legal support, and the provision of concrete examples of support to enhance the treatment of victims of violence.

The research shows that the majority of employees in local institutions believe that it is possible to provide international protection to victims of violence if needed. This is supported by a specific case from practice in which collaboration with foreign embassies and Interpol enabled the urgent protection of a foreign citizen who was a victim of violence in Montenegro. However, there are some shortcomings in the responses. The responses do not reveal the procedures and resources used to protect the victim. They mainly relate to foreign citizens as victims of violence, but it would be useful to consider the approach to domestic victims of violence and how international protection is provided to them if needed.

The research has shown that despite the recommendation of the GREVIO Committee to ensure access

to free legal aid for victims of all forms of violence against women, the Law on Free Legal Aid in Montenegro unequivocally grants this right only to victims of domestic violence and human trafficking. Other victims can potentially access this right indirectly, for example, if they are beneficiaries of family material support or other social protection rights, children without parental care, or individuals with special needs. In courts, there are free legal aid services through which this right is exercised. The practice is questionable because a representative of one free legal aid service stated that the Law prevents victims of domestic violence who are without documents or without a regulated legal status in Montenegro from exercising their right to free legal aid. Also, victims of domestic violence cannot obtain the right to free legal aid in property division proceedings unless the property is registered in their name and/or that of their spouse. Additionally, the Law stipulates that free legal aid will not be granted to the applicant for a case in which they have previously withdrawn the lawsuit or are deemed to have withdrawn the lawsuit by the law, which prevents a significant number of domestic violence victims from fully utilizing this right. The dynamics of domestic violence often involve multiple reports or legal actions before the victim can permanently escape the abusive situation

The analysis did not identify continuous active measures to ensure victims' awareness of this right. Half of the interviewees mentioned ad hoc campaigns aimed at informing the public about this right, as well as the availability of hardcopy information brochures/leaflets for victims in the courts.

The analysis revealed that institutions in Montenegro do not conduct or rarely conduct retrospective analyses of femicides in the context of domestic violence to identify systemic shortcomings in prevention. Different responses indicate a lack of standardization or guidelines to help institutions understand femicide and its causes. This could result in systemic deficiencies, highlighting the need for better awareness, stronger coordination, and standardization in procedures.

An additional risk for victims of all forms of violence is the fact that nearly all interviewees stated that, to their knowledge, no one informs the victim if the perpetrator is released from detention/prison or has possibly escaped.

In the segment of the research related to cases involving children, it was shown that the majority of interviewees who participated in the study did not know or did not respond to how they identify children who are victims of violence and other forms of gender-based violence. Only 22.8% mentioned that they directly recognize them based on observable psychological and physical symptoms or upon citizen and parental reports. The analysis indicates that most employees in institutions have the view that it is not their responsibility to eliminate the risk of a non-violent parent being safe from further violence. It is very concerning that 71.9% of the interviewees did not respond to how they eliminate the risk of a child witnessing violence. In line with this, it is expected, albeit alarming, that only 19.3% of interviewees mentioned that children witnessing violence are visible and protected within the system.

Only 19.3% of the interviewees stated that the institution they come from has adapted facilities for child victims/witnesses of violence. The situation is relatively better in the segment related to the assessment of the interviewees regarding the staff's training to work with child victims/witnesses of violence. Specifically, 54.4% of them assessed that the institution they come from has trained staff to work with child victims/witnesses of violence.

The analysis shows that a history of violence is rarely considered a relevant factor when determining custody or guardianship. Only 14% of the interviewees responded that this is an exceptionally serious indicator, and some provided superficial responses indicating that a specific assessment is conducted without explaining its implications for the proceedings. The majority of interviewees either stated that they did not know or that this was not within their jurisdiction.

Recommendations:

1. Train all institution employees and healthcare professionals on the Convention's provisions for broader protection of women victims of violence compared to Montenegrin law.
2. Create local-level multidisciplinary mechanisms to handle all aspects of gender-based violence under the Convention. This will improve coordination among institutions and deepen the understanding of this issue.
3. Encourage local employees to use Convention provisions. Create a platform with practical examples.
4. Develop a form for employees in local institutions to help collect data/information on the application of the Convention in local communities.
5. Develop a training program to educate local institution employees on the "due diligence" principle.
6. Employees in local institutions should receive an electronic package of documents including the Convention, GREVIO recommendations, relevant legal regulations, protocols, and regulations.
7. Establish a methodology for evaluating employee performance by legal and procedural requirements for full implementation of the Convention at the local level.
8. Ensure continuous employee training covering all Convention areas. Develop mandatory basic training for local professionals working with women victims of violence. Identify missing training topics and develop relevant programs. Involve knowledgeable women's NGOs in program development and implementation.
9. Establish a local operational database and assign staff to regularly store data in compliance with the Convention.
10. Create local teams to tackle violence against women. Assign a case manager to form and coordinate these multidisciplinary teams. Require participation of other institutional employees to ensure a coordinated effort.
11. Establish an efficient model for the exchange of information/data between national and local mechanisms for protection from gender-based violence.
12. Develop guidelines for the conduct of employees in local institutions in line with a gender-sensitive approach.
13. Develop and continually implement an education program on recognizing the primary aggressor and responding appropriately.
14. Ensure that all local institutions have consistent response times.
15. Boost technical and spatial capacities of local institutions, notably in smaller communities

and low-capacity misdemeanor courts. Also, make spatial facilities accessible for women from vulnerable groups, including persons with disabilities.

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16. Establish a regular, monthly analysis of case management in each institution.
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17. Establish a multi-disciplinary approach to develop, revise, and monitor plans for victims living with their abusers.
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18. Establish a mechanism for the rapid exchange of information on protective and safety measures between local institutions and NGOs, preparing safety plans, monitoring implementation, and revising as needed.
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19. Prepare and print information leaflets about rights and available support services in each institution, which must be distributed to victims after assisting.
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20. Establish a mechanism for the swift exchange of information between all institutions regarding risk assessment for each case. Include information from specialized women's services if the victim has approached them.
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21. Develop specific approaches for each vulnerable group of women to ensure equal access to support services. Create a registry of these women, list their actual needs, and create assistance, support, and empowerment plans based on their needs.
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22. Local healthcare institutions should be strengthened to identify victims of violence and implement protective measures related to perpetrators, such as mandatory treatment for addiction and psychosocial treatment.
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23. Ensure access for employees at local institutions who do not question or blame victims, improve supervision, and define sanctions.
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24. Strengthen evidence collection and criminal policies to reduce reliance on victim testimony.
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25. Introduce a practice in criminal proceedings to check the misdemeanor record of the accused, as well as to check the criminal record in misdemeanor proceedings, and in the right of proper punishment.
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26. Invest additional efforts and more training for all stakeholders dealing with child protection to ensure their visibility as victims in all cases where they have witnessed violence.
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27. Ensure that each police report and prosecutor's motion includes in the factual description that children were witnesses to violence so that the courts can proceed and render a conviction.
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28. Establish a mechanism to eliminate the risk that a non-violent parent is safe from further violence during custody proceedings, and the right to visit the perpetrator.
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29. Invest additional efforts to ensure that the history of domestic violence is taken into account in all custody cases and that social welfare centers play an active role in the report and opinion on child custody, considering domestic violence.
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30. Introduce a practice in courts that having one or more children cannot be considered a mitigating circumstance for perpetrators of domestic violence.
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31. Ensure that social welfare centers, in all cases of registered parental rights abuses, initiate proceedings for limiting/revoking parental rights as a matter of official duty.
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32. In cases of child neglect and begging, improve the practice of social welfare centers in risk assessment for child safety when returning to the family through effective supervision and support for parental capacities to ensure the child's well-being and prevent further abuse.
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33. Improve procedures and protective measures in cases where there is suspicion of child violence and sexual abuse. Establish a practice for social welfare
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34. Continuously conduct awareness campaigns for parents regarding their responsibility to protect children from violence, which is crucial for raising awareness of child safety.
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35. Establish a protocol in social welfare centers that recognizes the needs of non-violent mothers who are victims of violence, in addition to protecting and supporting children and upholding their best interests. Ensure that "parental alienation syndrome" is not considered relevant in proceedings due to a lack of scientific basis.
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