

5TH INTERNATIONAL STUDENT CONFERENCE ON LOCAL SAFETY AND SECURITY



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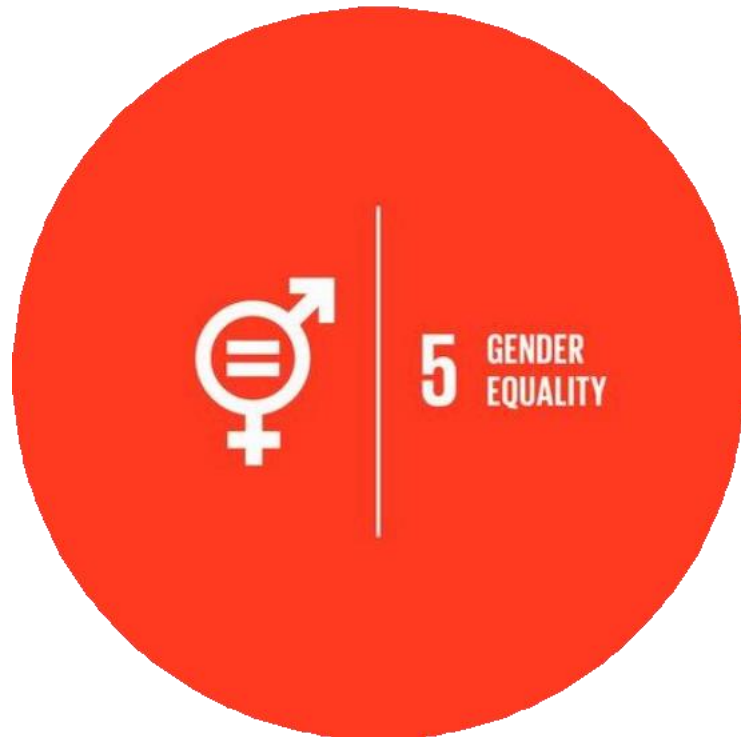
SLOVENIAN RESEARCH AGENCY

ELIMINATION OF GENDER DIFFERENCES AS A CONDITION FOR REDUCING GENDER-BASED VIOLENCE

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Sustainable Development Goal 5: Gender Equality

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1. Introduction

- Gender equality (SDG 5) is a necessary foundation for a peaceful, prosperous and sustainable world.
- Gender bias is undermining our social fabric and devalues all of us.
- One of the targets to create gender equality is:

*Ending all violence against and exploitation of women
and girls*



2. National Legislation

Endangering the physical, mental, sexual or economic integrity, mental health and tranquility of another family member.

The crime of domestic violence

The act consists of two separate acts: coercion and rape or an act equal to it.

The crime of rape

Teacher, educator, guardian, adoptive parent, parent, stepfather, stepmother or other person who abuses their position or authority.

The crime of rape as sexual abuse of power

(...) if the act has been committed by several persons or in a cruel or degrading manner, the perpetrator shall be punished by imprisonment for a term between two and ten years.

The crime of illicit sexual activity

3. Gender map

- Innovative approach in presenting the state of gender equality - e.g. in the field of violence.
- Statistics show that violence against women is the most common crime and a form of violation of women's human rights in Montenegro.
- Progress in the legal and policy reform is slow.



4. International legislation

International treaties ratified by Montenegro include:

- The Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention;
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- The Security Council Landmark Resolution on Women, Peace and Security (UNRSB1325).

(Co-ordinated) Policies

THE ISTANBUL CONVENTION

- Funding for policies and services**
- Support and work with civil society and NGOs**
- Human rights-based policies**
- Inter-agency co-operation**
- Whole societal response**

6  www.work-with-perpetrators.eu

5. Bodies and institutions that provide protection

- Police, State Prosecutor's Office, center for social work, or other social protection institutions, health institutions.
- The penalty offense authority and the police are obliged to inform the center for social work about the reported violence, in order to take measures to protect and assist the victim.
- After learning about the violence, the police are obliged to take actions and measures to protect the victim without delay.
- Filing criminal charges, informing the center for social work, informing the appropriate health institution for the provision of medical assistance, etc.



Imposing protective measures

- The law regulates the protection of victims of violence in offense proceedings and prescribes five protective measures as types of misdemeanor sanctions. These are - removal from the apartment or other living space, prohibition of approaching the victim, prohibition of harassment and stalking, mandatory treatment for addiction, and mandatory psychosocial treatment.
- Protective measures are imposed by the offense authority. A number of protective measures may be imposed on the offender.



6. Non-governmental organizations

- Other main actors in the implementation of gender equality policies are non-governmental organizations, which implement programs for the protection of women's human rights, promotion of gender equality and protection against violence.
- Organizations for the protection of women's rights and gender equality in Montenegro have been preparing reports on the implementation of ratified international agreements for years (*Women Right's Center, Women's Safe House*).

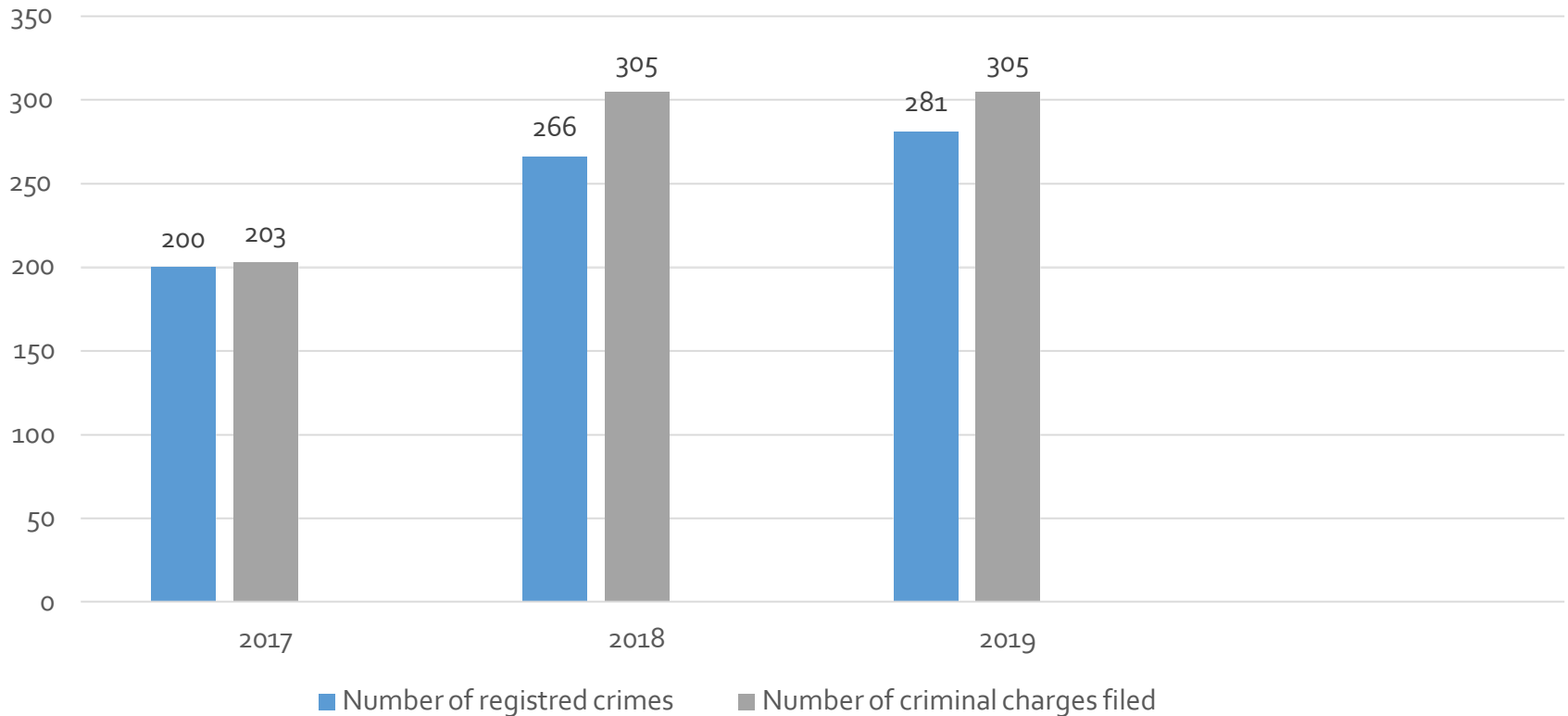


7. Statistics

Almost one in five women (19%) in Montenegro say they have experienced physical and/or sexual partner or non-partner violence after the age of 15.

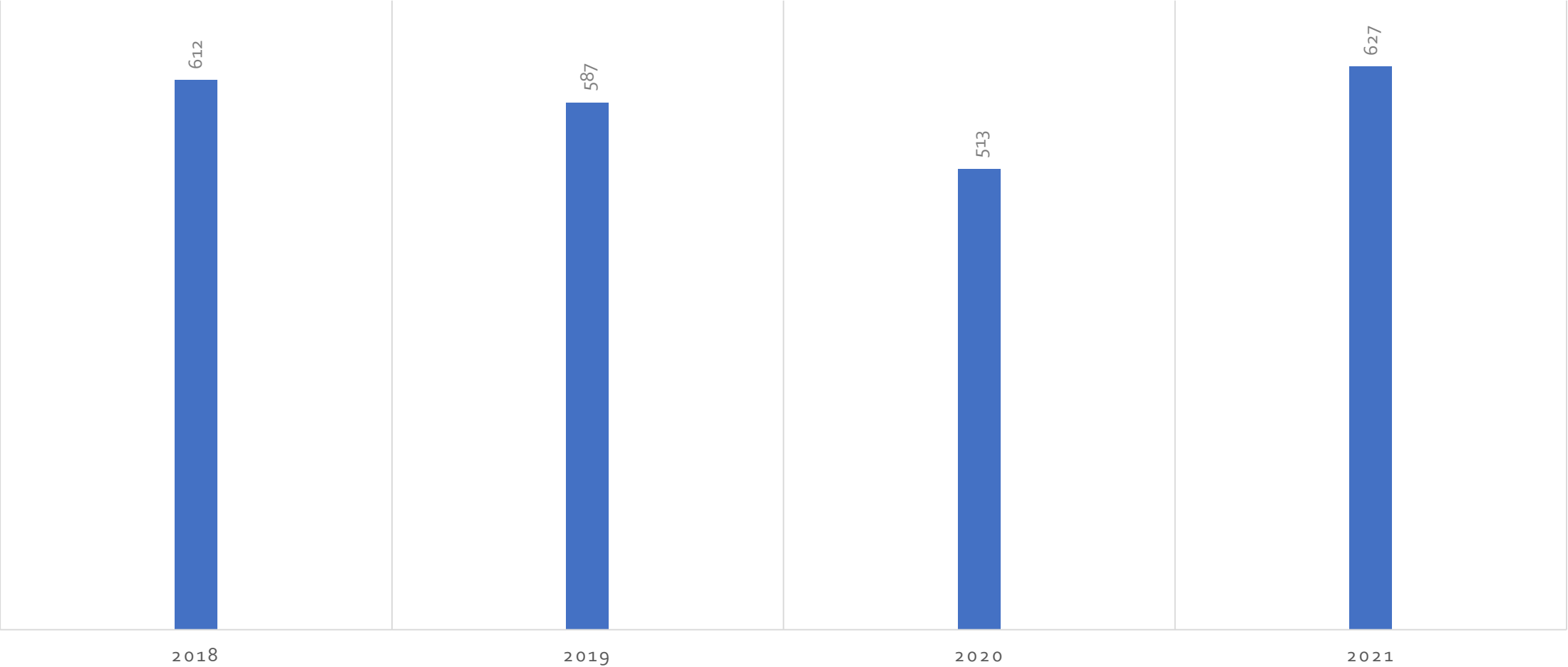
The Law on Health Records does not provide records of violence against women, so it is not possible to determine the number of cases, the type of injury and the type of assistance provided at the state level.

The crime of domestic violence



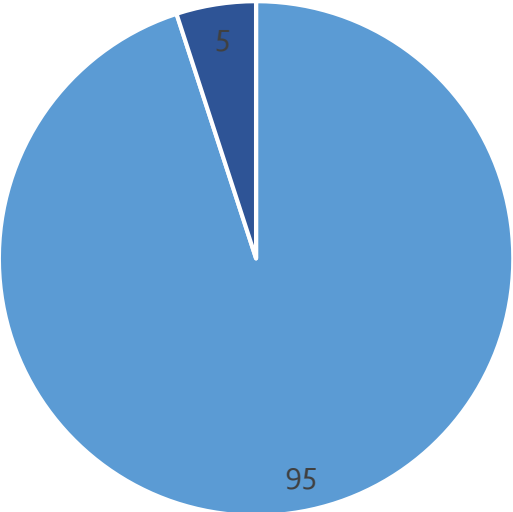
THE CRIME AGAINST MARRIAGE AND FAMILY

■ The number of persons reported for the crime



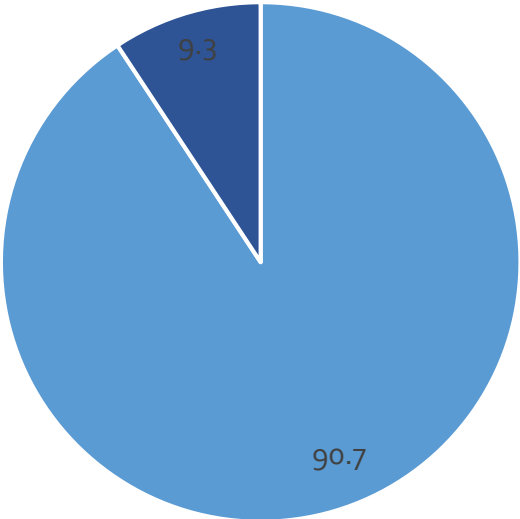
Criminal offenders by sex

2017



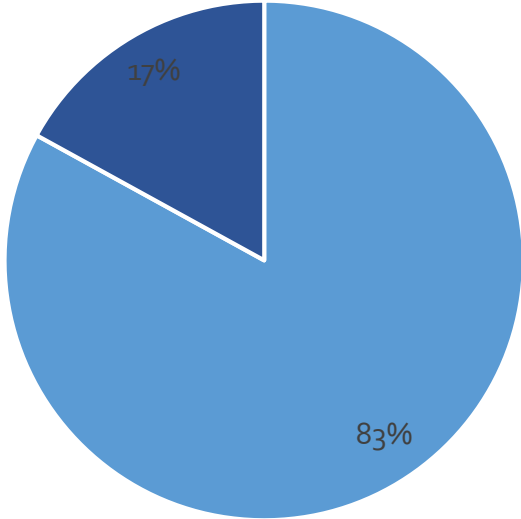
■ Men ■ Women

2018



■ Men ■ Women

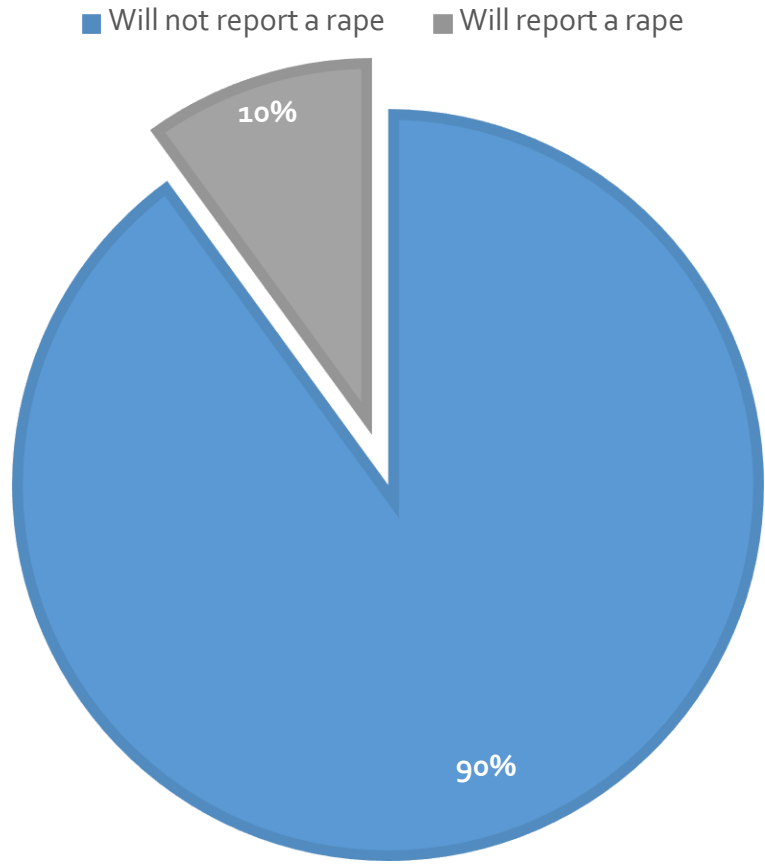
2019



■ Men ■ Women

In Montenegro, as many as 42% of women between the ages of 15 and 65 have experienced at least one of four types of partner violence during their lifetime - psychological, physical, economic or sexual.

VICTIMS OF SEXUAL ASSAULT



- In Montenegro, although the maximum prison sentence is 15 years, the average sentence for rape is four years and three months.
- There have been 50 rape reports in the last 10 years.

In the last six months, three women have been killed.

The oldest was 36, and the youngest 19 years old.

All three were victims of partner violence.



**They, as many others, had reported the violence -
which clearly shows that victims are not trusted
enough, and that institutions are passive and do not
respond adequately.**



- There are still deviations from European standards in the legislation in the field of prevention and protection against sexual violence in Montenegro.
- Perpetrators of crimes against sexual freedom are sentenced to imprisonment that is often close to the legally prescribed minimum.
- The concept of free consent (without pressure/coercion) in sexual relations, is completely unknown for most professionals, although Art. 204 of the Criminal Code for the crime of rape was amended in July 2017.
- In the cases of 100 women and girls who experienced sexual violence, 2% of perpetrators were punished, and only one of them received a prison sentence.

Key recommendations regarding the most significant deviations from the standards of the Istanbul and Lanzarot Conventions:

- Criminalizing sexual harassment;
- Tightening the penal policy for crimes against sexual freedom, and primarily consider the introduction of tougher sanctions for the crime of illicit sexual activity;
- Prescribing urgent action of institutions in the field of criminal protection in cases of the crime against sexual freedom;
- Introducing urgent protection measures in criminal proceedings for cases requiring immediate protection without delay;
- Prescribing protocols on the treatment of victims of crimes against sexual freedom by competent institutions.

The European Commission's last Progress Report on Montenegro for 2020/21

In the coming year Montenegro should in particular:

- *implement the key outstanding recommendations of the monitoring bodies of the United Nations (UN) and Council of Europe (CoE);*
- *improve the legal and institutional framework to ensure better access to justice, procedural rights and free legal aid for victims of human rights violations and crimes, in particular women (...)*



Elimination of Gender Inequalities as a Condition
for Reducing Gender-Based Violence

THANK YOU FOR YOUR ATTENTION

