



UNIVERZITET CRNE GORE
PRAVNI FAKULTET



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Broj:04-1240/2
Podgorica, 09.12.2022.godine

Na osnovu člana 64 stav 2 tačka 9 Statuta Univerziteta Crne Gore, a u skladu sa članom 35 Pravila doktorskih studija UCG, Vijeće Pravnog fakulteta je na elektronskoj sjednici održanoj od 08. do 09. decembra 2022. godine, za Odbor za doktorske studije utvrdilo p r i j e d l o g

ODLUKE

I

Usvaja se Izvještaj Komisije o ocjeni prijave doktorske disertacije doktorantkinje **Milene Aćimić Remiković** pod naslovom „**Rodna ravnopravnost i jurisprudencija: Korišćenje međunarodnih rodni standarda za ostvarivanje ženskih prava u crnogorskoj legislativi i sudskoj praksi**“.

II

Predlaže se Odboru za doktorske studije i Senatu Univerziteta Crne Gore da prihvati kao podobnu prijavu doktorske disertacije pod naslovom „**Rodna ravnopravnost i jurisprudencija: Korišćenje međunarodnih rodni standarda za ostvarivanje ženskih prava u crnogorskoj legislativi i sudskoj praksi**“, čime bi doktorantkinja Milena Aćimić Remiković stekla pravo da nastavi na izradi doktorske disertacije.

III

Izvještaj Komisije o ocjeni prijave doktorske disertacije iz tačke 1. ove Odluke, i Odluku Vijeća Pravnog fakulteta dostaviti na uvid Odboru za doktorske studije na dalju realizaciju.

O b r a z l o ž e n j e

Izvještaj Komisije o ocjeni prijave doktorske disertacije mr Milene Aćimić Remiković pod naslovom „**Rodna ravnopravnost i jurisprudencija: Korišćenje međunarodnih rodni standarda za ostvarivanje ženskih prava u crnogorskoj legislativi i sudskoj praksi**“, br.04-1240/1-1 od 22.11.2022. godine, Vijeće Pravnog fakulteta je razmatralo na elektronskoj sjednici održanoj od 08. do 09. decembra 2022. godine i na isti dalo pozitivno mišljenje.

Na osnovu izloženog odlučeno je kao u dispozitivu.

Dostaviti:
-Odboru za doktorske studije
-a/a



Dekanka
Prof.dr Aneta Spaić

Crna Gora
UNIVERZITET CRNE GORE
PRAVNI FAKULTET

Primljeno:	22.11.2022		
Org. jed.	Broj	Prilog	Vrijednost
UCG	04-1240/1-1		

UNIVERZITET CRNE GORE

Obrazac D1: Ocjena prijave doktorske disertacije

OCJENA PRIJAVE DOKTORSKE DISERTACIJE

OPŠTI PODACI O DOKTORANDU	
Titula, ime i prezime	mr Milena Aćimić Remiković
Fakultet	Pravni fakultet UCG
Studijski program	Međunarodno - pravni smjer
Broj indeksa	02/2020
Podaci o magistarskom radu	“Međunarodno – pravni standardi o nasilju u porodici i njihova primjena u Crnoj Gori”, Pravni fakultet UCG, 5.10.2020, srednja ocjena 10.00.
NASLOV PREDLOŽENE TEME	
Na službenom jeziku	Rodna ravnopravnost i jurisprudencija: <i>Korišćenje međunarodnih rodnih standarda za ostvarivanje ženskih prava u crnogorskoj legislativi i sudskoj praksi</i>
Na engleskom jeziku	Gender Equality and Jurisprudence: <i>Using International Gender Standards to Promote Women's Rights in Montenegrin Legislature and Case- Law</i>
Datum prihvatanja teme i kandidata na sjednici Vijeća organizacione jedinice	06.07.2022.godine
Naučna oblast doktorske disertacije	Međunarodno pravo
Za navedenu oblast matični su sljedeći fakulteti	
Pravni fakultet UCG	
A. IZVJEŠTAJ SA JAVNE ODBRANE POLAZNIH ISTRAŽIVANJA DOKTORSKE DISERTACIJE	
<p>Javna odbrana polaznih istraživanja kandidatkinje mr Milene Aćimić Remiković organizovana je u Svečanoj sali na Pravnom fakultetu Univerziteta Crne Gore u Podgorici, u ponedjeljak 03.10.2022.godine, sa početkom u 11:30 časova, pred Komisijom u sastavu: prof. dr Nebojša Vučinić (predsjednik Komisije), prof. dr Laura Sjøberg (mentor) i prof. dr. Aneta Spaić (član).</p> <p>Predsjednik Komisije, prof. dr Nebojša Vučinić, upoznao je kandidatkinje i članove Komisije sa procedurom odbrane, te je dao riječ kandidatkinji da izloži rezultate dosadašnjeg rada i zaključke do kojih je došla tokom polaznih istraživanja.</p> <p>Kandidatkinja je obrazložila temu, predstavila rezultate polaznih istraživanja i izložila detaljan plan istraživanja koji uključuje ciljeve, hipoteze, metodologiju, očekivani naučni doprinos i konsultovanu literaturu. Kandidatkinja je predstavila i preliminarnu strukturu rada, kao i kratak teorijski pregled rada po poglavljima.</p> <p>Nakon izlaganja kandidatkinje uslijedila su mišljenja, sugestije i diskusija članova Komisije sa kandidatkinjom.</p> <p>Komisija je, uzimajući u obzir kvalitet sprovedenih polaznih istraživanja i kvalitet odbrane, jednoglasno donijela odluku da je kandidat uspješno odbranio sprovedena istraživanja. Odbrana polaznih istraživanja završena je u 12 časova.</p>	

B. OCJENA PODOBNOSTI TEME DOKTORSKE DISERTACIJE

B1. Obrazloženje teme

Naziv disertacije “**Rodna ravnopravnost i jurisprudencija: Korišćenje međunarodnih rodnih standarda za ostvarivanje ženskih prava u crnogorskoj legislativi i sudskoj praksi**” upućuje na analizu rodne ravnopravnosti sa aspekta dva referentna pravna okvira - međunarodnog i domaćeg, kao i na evaluaciju implementacije relevantnih međunarodnih standarda u crnogorski pravni sistem, sa posebnim osvrtom na jurisprudenciju međunarodnih i nacionalnih sudova, kao i na analizu aktuelnih zakonskih prijedloga i inicijativa iz oblasti rodne ravnopravnosti.

Ova disertacija ima za cilj da na sveobuhvatan način evaluiira nivo uskađenosti crnogorskog pravnog sistema sa relevantnim međunarodnim okvirom i stepen napretka u ovoj oblasti u poređenju sa uporednim pravnim sistemima iz čije legislative i prakse će se utvrditi pozitivne i negativne strane koje će doprinijeti unaprijeđenju domaćeg pravnog okvira. Osim toga, detaljnom analizom međunarodne i domaće legislative i sudske prakse, kao i empirijskim doprinosom autora, ispitaće se svi prostori za poboljšanjem i unaprijeđenjem pravnog okvira i sudske prakse iz ove oblasti ali i mogućnost i spremnost crnogorskog pravnog okvira za implementaciju ne samo postojećih zakona već i aktuelnih legislativnih prijedloga koji postoje na nivou Evropske unije, a koji se tiču različitih pitanja iz oblasti rodne ravnopravnosti. Predmetna analiza predstavljaće osnovu za kreatora javnih politika i legislative, kao i polaznu bazu za detektovanje problema u cjelokupnoj crnogorskoj legislativi u cilju davanja adekvatnih rješenja za unaprijeđenje nacionalnog pravnog okvira iz ove oblasti. Najzad, izvršiće se identifikacija međunarodnih sudskih standarda, što će doprinijeti njihovoj neposrednoj primjeni u praksi crnogorskih sudova, kao i analiza domaće sudske prakse i aktuelnih problema sa kojima se pravosudni organi susrijeću, u cilju pružanja naučnih smjernica i doprinosa ka zaokruživanju pravnog okvira i sudske prakse iz predmetne oblasti.

Podstrek za pisanje disertacije iz ove oblasti prvenstveno proizilazi iz trenutne krize proizvedene pandemijom COVID-19 koja je imala neosporno enorman uticaj na živote ljudi. Pored zdravlja, koje je bilo i ostalo glavna briga, pandemija je nezaobilazno proizvela ekonomske i društvene posljedice koje su svojim asimetričnim efektima direktno uticale na najranjivije kategorije, u prvom redu žene (Fana, Torrejon, Fernandez-Macias, 2020). Činjenice iz postojeće, ali i iz proteklih kriza upućuju na to da su upravo žene te koje su u krizama nesrazmjerno pogođene, pa se one i dalje suočavaju sa velikim izazovima koji prijete da još više podupru i učvrste postojeće stereotipne rodne razlike (Akrofi, Mudasiru, Chinedu, 2021). Ova tendencija je izrazito pogoršana tokom pandemije, pa su na međunarodnom nivou otvorena nova legislativna pitanja i dileme koje tek treba rješavati, a sa naučnog aspekta detaljno analizirati. U tom smislu, posebnu pažnju zavrijeđuje analiza prijedloga Evropske komisije za dodavanje govora mržnje, zločina iz mržnje počinjenih nad ženama i rodno zasnovanog nasilja u članu 83 (1) Ugovora o funkcionisanju Evropske unije, i prijedloga Evropske komisije za donošenje zakona o borbi protiv nasilja nad ženama, kao posebno izraženih djela tokom pandemije COVID-19. Evropska komisija apeluje na hitnu potrebu institucija Evropske unije i država članica da djeluju u odnosu na ovaj oblik nasilja, kao i na sve druge oblike nasilja koje nesrazmjerno više pogađaju žene (Peršak, 2022). Izgleda da se čini opravdana bojazan da će globalna zajednica da preokrene napredak koji je napravljen kada je u pitanju emancipacija žena (Women, Business and the Law, 2022). Sve ovo vrijeme, veliki broj autora alarmantno naglašava posljedice ovakvih prilika koje sigurnim koracima vode ka sve većoj izloženosti žena nasilju (Bundervoet, Davalost, Garcia, 2021; Cucagna, Romero, 2021; De Paz Nieves, Gaddis, Muller, 2021; Kugler, ed. 2021), jer što su žene manje jednake u društvu sa muškarcima, to je izvjesnije da će oni biti nasiljniji (Yodanis, 2004).

Crnogorsko društvo je veoma muškocentrično i organizovano po principu prvenstva muškosti. Ono se još uvijek nalazi na pola puta od tradicije ka integraciji u Evropsku uniju, te je put od sloma realnog socijalizma pratila marginilazacija, diskriminacija i skoro pa potpuno potiskivanje žena iz javnog života. Žene u Crnoj Gori su još uvijek neravnopravne i problemi za postizanje rodne ravnopravnosti tek treba da se rješavaju u svojim različitim pojavnim oblicima. Indeks rodne ravnopravnosti je prvi put izračunat u Crnoj Gori 2019. godine sa vrijednošću indeksa 55 (od ukupno 100 poena), pa je Crna Gora ostvarila niži rezultat od prosjeka Evropske unije gdje je vrijednost indeksa 67,4. Zaposlene žene se suočavaju sa nizom diskriminatornih praksi na radnom mjestu, često su gurnute u slabo plaćene sektore i zanimanja uprkos sve većem stepenu obrazovanja (žene primaju 14% do 16% manje plate od muškaraca za isti angažman), posjeduju samo 4% nekretnina, što povećava njihovu finansijsku nesigurnost i zavisnost. Svakodnevno je vidljiva neproporcionalna predstavljenost na mjestima na kojima se donose političke odluke, znatno veća stopa nezaposlenosti, te efekat “staklenog plafona” (Indeks rodne ravnopravnosti, Žene i muškraci u Crnoj Gori, MICS). U svijetlu prethodno rečenog, žene u Crnoj Gori očigledno posjeduju manje moći, te ne čudi porast i onako već tolerisanog porodičnog nasilja, rodno zasnovanog nasilja i čestih slučajeva femicida na koje još uvijek nema adekvatne reakcije nadležnih organa (Izveštaj Ujedinjenih nacija u Crnoj Gori “Brza procjena socijalnog usticaja epidemije COVID-19 u Crnoj Gori”).

Prema Izveštaju Evropske komisije o rodnoj ravnopravnosti u Evropskoj uniji iz 2022. godine, uticaj pandemije izazvane COVID-19 virusom na poziciju žena i dalje nastavlja da se manifestuje u različitim pojavnim oblicima. Nesrazmjerni uticaj krize na žene prijete da onespobiti godinama dug proces postizanja rodne ravnopravnosti. Kako u kriznim vremenima ovi rodni stereotipi posebno isplivaju na površinu, te naučeni na primjeru tranzicije početkom devedesetih godina koja je pokazala da su ekonomske i socijalne promjene postsocijalističkih društava najviše pogodile žene (Gender in Transition, 2007), izgleda da kriza stvorena pandemijom predstavlja najznačajnije vrijeme za rasprave i analize ženskih prava u društvu.

Ženska prava su osnovna ljudska prava sadržana u brojnim međunarodnim dokumentima i standardima. Iako Ustav, nacionalno zakonodavstvo i unutrašnja regulativa garantuju ženama socijalna, ekonomska i politička prava, napredak ka rodnoj ravnopravnosti očigledno ide sporim korakom, a žene u Crnoj Gori i dalje nijesu jednake sa muškarcima. U tom smislu, postavlja se neizbježno pitanje: da li je postojeći pravni okvir adekvatan za postizanje rodne ravnopravnosti i šta je u tom smislu potrebno uraditi za ostvarivanje ovog ljudskog prava u legislativi i sudskoj praksi?

B2. Cilj i hipoteze

Disertacija u svom temelju ima brojne **ciljeve**:

- prikazivanje ideje rodne ravnopravnosti kao jednog od osnovnih ljudskih prava;
- ukazivanje na probleme diskriminacije i marginalizacije žena u javnoj i privatnoj sferi života sa pravnog aspekta;
- analiza međunarodnog pravnog okvira i sudske prakse iz ove oblasti u cilju utvrđivanja međunarodnih rodnih standarda i njihove primjene u Crnoj Gori;
- analiza relevantnih uporednih pravnih sistema u cilju implementacije dobrih praksi u domaći pravni sistem;
- analiza aktuelnih zakonskih prijedloga i inicijativa na nivou Evropske unije, te ispitivanje njihovog uticaja i spremnosti crnogorskog pravnog sistema da ih inkorporira i sprovede;
- analiza pozitivno - pravnog okvira i domaće sudske prakse uz autentičnu interpretaciju dobijenih podataka čime će se utvrditi pozitivne i negativne strane domaćeg pravnog sistema i doprinijeti naučnom pozicioniranju predmetne problematike;
- i sublimiranje i pružanje naučnih smjernica i doprinosa ka zaokruživanju odgovarajućeg pravnog okvira i sudske prakse iz predmete oblasti.

Sa tim u vezi, **hipoteza disertacije** glasi:

H1 Crna Gora je djelimično harmonizovala svoj pravni okvir sa relevantnim međunarodnim okvirom, pa postojeći pravni okvir ne omogućava sveobuhvatno ostvarivanje standarda rodne ravnopravnosti.

Proradne hipoteze su:

H2 Međunarodni i domaći zakoni moraju da budu čvrsto povezani kako bi se standard rodne ravnopravnosti u potpunosti postigao na nacionalnom nivou.

H3 Sudska praksa je od ključne važnosti za postizanje standarda rodne ravnopravnosti jer pravni okvir sam po sebi nije dovoljan bez adekvatnog sprovođenja zakona.

H4 Crnogorski sudovi u svojoj praksi ne primjenjuju međunarodne standarde rodne ravnopravnosti.

H5 Standardi rodne ravnopravnosti iz jurisprudencije međunarodnih sudova nijesu prepoznati u crnogorskoj legislativi i sudskoj praksi.

H6 Rodna ravnopravnost u jurisprudenciji domaćih sudova je od velikog značaja za postizanje jednakog pristupa pravdi.

Dakle, u disertaciji će se razmatrati normativne pretpostavke i stvarne mogućnosti za postizanje standarda rodne ravnopravnosti. Kako bi se ispitale hipoteze, izvršiće se analiza međunarodnog i nacionalnog okvira rodne ravnopravnosti, kao i evaluacija primjene međunarodnih dokumenata i standarda iz predmetne oblasti, te bogata praksa međunarodnih sudova i njihova primjena u crnogorskoj jurisprudenciji.

B3. Metode i plan istraživanja

U cilju testiranja hipoteza, u disertaciji će biti korišćene uobičajene pravne **metode** koje se koriste u istraživačkom radu. U disertaciji će se koristiti normativno - dogmatički metod kao naučni metod saznanja pomoću kojeg će se obraditi lepeza relevantnih međunarodnih dokumenata i standarda iz predmete oblasti i domaći pravni okvir kroz detaljnu analizu pozitivnih pravnih propisa kako u njihovoj cjelini, tako i u njihovim djelovima. Korišćenjem ovog metoda, uz korišćenje i sociološkog metoda biće uspostavljen teorijsko - metodološki pristup, kroz opisivanje teorija i osnovnih pojmova koji su važni u okviru istraživanja. U disertaciji će se koristiti i komparativni metod na osnovu kojeg će se izvršiti uporedno - pravna analiza više pravnih sistema u pogledu predmetne oblasti. Koristiće se i metod deskripcije prilikom opisivanja i definisanja osnovnih pojmova i relevantnih pitanja za predmetnu oblast, kao i empirijski metod čime će se akcenat staviti na statističke podatke i tehnike, odnosno na relevantna istraživanja, ali i studije slučaja iz prakse međunarodnih sudova i prakse crnogorskih sudova.

Osim navedenih uobičajenih pravnih metoda u disertaciji će se koristiti i brojni pomoćni metodi kako u pogledu strukturisanja sadržine materije, tako i u pogledu izvođenja konačnih sudova, odnosno zaključaka, kao što neki specifični metodološki pravni instrumenti: jezička analiza pravnih normi, autonomna analiza pravnih normi, ciljna analiza pravnih normi, analiza prakse međunarodnih i domaćih sudova, analiza vodeće pravne doktrine u međunarodnom i domaćem pravu, kao i analiza statističkih podataka, itd. Korišćenje ovih metodoloških mehanizama ima za cilj sagledavanje međunarodnog i domaćeg pravnog okvira i sudske prakse, kao i relevantnih uporednih pravnih sistema, te zaključivanje koje bi se prednosti iz uporednih prava mogle integrisati u crnogorsko zakonodavstvo i sudsku praksu i da li je ono u potpunosti harmonizovano sa međunarodnim pravom koje po Ustavu Crne Gore uživa primat nad domaćim, te analizu zakonskih prijedloga i inicijativa na nivou Evropske unije iz ove oblasti i spremnosti crnogorskog pravnog sistema da iste primijeni. Ovi metodi pružiće objektivan prikaz trenutnog stanja u obrađivanim pravnim sistemima po pitanju predmetne tematike.

Izvori na kojima će se oslanjati izrada disertacije, analiza i istraživanje predmetne tematike su prvenstveno relevantni međunarodni dokumenti i standardi iz ove oblasti, Ustav Crne Gore i zakonski akti koji se bave ovom problematikom kako bi se dao potpun uvid u sve izvore koji su operacionalizovani i koji bliže propisuju stvarni obim i sadržaj instituta ravnopravnosti polova. Disertacija će se oslanjati i na radovima domaćih i inostranih autora i teoretičara koji se bave relevantnim pitanjima za predmetnu problematiku, kao i na analizama, izvještajima i drugim dostupnim radovima značajnim za zaokruživanje teme disertacije, i posljednje ali ne i manje važno na bogatu praksu međunarodnih sudova i praksu domaćih sudova, legislativne prijedloge i inicijative iz ove oblasti, kao i empirijski doprinos autora disertacije koji će omogućiti detaljniju analizu svega navedenog.

Rad će orijentaciono sadržati sljedeće tematske cjeline:

Uvod u okviru kojeg će se objasniti metodološki pristup, cilj i hipoteze naučnog istraživanja, kao i očekivani naučni doprinos disertacije;

I Teorijsko - istorijski pravni okvir: Osnovi rodne ravnopravnosti u kojem će se kroz teorijsko - metodološki pristup opisati teorije i osnovni pojmovi koji su važni u okviru istraživanja. Osnovni pojmovi biće izloženi jezgrovito, jer su oni u znatnoj mjeri analizirani u radovima naših i stranih teoretičara u ranijem periodu.

II Međunarodno - pravni okvir: Ženska prava i međunarodni sistem zaštite ljudskih prava predstavlja značajan dio rada u kojem će posebna pažnja biti posvećena međunarodnim standardima utvrđenim i donijetim na tri nivoa: nivo Ujedinjenih nacija, nivo Savjeta Evrope i nivo Evropske unije. U okviru ovog dijela izvršiće se analiza međunarodnih dokumenata iz ove oblasti, poput Istanbulske konvencije, CEDAW konvencije i drugi značajnih dokumenata koji će svoje mjesto naći u ovoj disertaciji, kao i bogata praksa Evropskog suda za ljudska prava i Suda pravde Evropske unije. Cilj ovog dijela disertacije je da se utvrde međunarodni rodni standardi kako bi se ispitala njihova primjena u domaćoj legislativi i sudskoj praksi. U okviru ovog poglavlja obradiće se dva značajna segmenta: legislativa i jurisprudencija (empirijski podaci).

III Usporedno - pravni okvir: Ženska prava u komparativnim pravnim sistemima koji će sadržati prikaz najznačajnijih karakteristika različitih pravnih sistema kada su u pitanju ženska prava. Cilj ovog dijela disertacije jeste da se pruži bolji pregled i razumjevanje ove teme tako što će se prikazati legislativa i sudska praksa i izvršiti komparacija sa domaćim sistemom, te mogućnost primjene dobrih praksi iz uporednih - pravnih sistema u domaći. U tom smislu, treba istaći određene uporedne pravne sisteme, poput Slovenačkog u okviru čijeg krivičnog zakonodavstva su izvršene značajne promjene koje se tiču ženskih prava, odnosno krivičnih djela silovanja i seksualnog zlostavljanja. Promjena se odnosi na model prinude koji je zamijenjen modelom veta ("ne znači ne") pa do konačnog usvajanja modele afirmativne saglasnosti ("da znači da") kod krivičnog djela silovanja. Kroz analizu predmetne situacije, stvorice se jasnija slika o ženskim pravima i njihovim limitima u pravu, posebno imajući u vidu da već postoji određen broj autora koji su ovu promjenu negodovali i pored značajnog pritiska javnosti i nevladinog sektora da se ovako nešto inkorporira u krivični zakonik. Prvenstveno se ovom modelu prigovara zbog nedostatka relevantne sudske prakse i zabrinutosti oko pravne sigurnosti, te donošenja izmjena pod političkim pritiskom, a bez prethodne i odgovarajuće pravne rasprave i analize (Šuta, Berglez, Šepec, 2022). Takođe, interesantno je pomenuti trenutni "talas" zabrane abortusa u Sjedinjenim Američkim državama i situaciju u Poljskoj, kao i kako će to uticati na prava žena u svijetu, pa i kod nas. Tokom izrade disertacije biće određene koje zemlje će ući u analizu, u zavisnosti od aktuelnih pitanja iz predmetne tematike u datom trenutku. U okviru ovog poglavlja obradiće se dva značajna segmenta za svaki uporedno - pravni sistem pojedinačno: legislativa i jurisprudencija (empirijski podaci).

IV Zakonski prijedlozi i inicijative iz oblasti rodne ravnopravnosti u okviru kojeg će posebna pažnja biti posvećena aktuelnim zakonskim prijedlozima i inicijativama koje će uticati na pitanje rodne ravnopravnosti u svijetu i kod nas. Zakonski prijedlozi i inicijative zauzeće posebno mjesto u radu uvažavajući napore Evropske komisije i Evropskog parlamenta da adekvatno odgovore na postojeće probleme koji su posebno došli do izražaja tokom pandemije COVID-19. Uprkos obimu rodno zasnovanog nasilja i šteti koje ono nanosi, Evropska unija ne raspolaže posebnim pravnim instrumentom za rješavanje tog problema. Problem postoji jer države članice imaju različite pristupe kriminalizaciji, pa postojeća inicijativa za promjenu člana 83 (1) Ugovora o funkcionisanju Evropske unije u smislu dodavanja rodno zasnovanog nasilja, govora mržnje i zločina iz mržnje nad ženama, predstavlja težnju ka uniformisanju kriminalizaciji u državama članicama. Tokom izrade disertacije biće određeno koja pitanja iz predmetne tematike će, pored navedenog prijedloga Evropske komisije za dodavanje govora mržnje i pijedloga Evropske komisije za zakon o borbi protiv nasilja nad ženama, naći mjesto u ovoj disertaciji. Dakle, svaki legislativni prijedlog koji može uticati na pitanje rodne ravnopravnosti biće predmet analize disertacije.

V Pozitivno - pravni okvir: Ženska prava u Crnoj Gori prikazaće i analizirati crnogorsku legislativu i jurisprudenciju, kroz detaljno ispitivanje ustavnog i zakonskog pravnog okvira, svih zakona koji se tiču rodne ravnopravnosti (Zakona o rodnoj ravnopravnosti, Zakona o zabrani diskriminacije čije su izmjene u toku, Zakona o zaštiti od nasilja u porodici, Zakona o prekršajima, Krivičnog zakonika, Zakona o krivičnom postupku itd), i detaljnu analizu sudske prakse i prakse drugih državnih organa iz ove oblasti. U okviru ovog poglavlja obradiće se dva značajna segmenta: legislativa i jurisprudencija (empirijski podaci).

I najzad, **zaključne ocjene** u kojima će se na bazi analize prethodnih djelova rada izvršiti sublimacija i sinteza rada. Njima će biti sublimirana cjelina materije, ali ne na nivou deskripcije, već kroz iznošenje konkretnih prijedloga za unaprjeđenje i poboljšanje nacionalnog pravnog okvira iz oblasti rodne ravnopravnosti.

Poglavlja u disertaciji će biti logično i koherentno sistematizovana, u svemu saglasna sa metodološkim zahtjevima izrade naučno - istraživačkog rada. Dobijeni rezultati biće originalni i zasnovani ne samo na bibliografskim referencama, već će biti i naučno fokusirani kroz kvalitativno - kvantitativne sadržajne elemente empirijske analize, analizu legislativnog okvira i sudske prakse iz oblasti rodne ravnopravnosti, uz autentičnu interpretaciju dobijenih podataka od strane autora disertacije, čime će se doprinijeti naučnom pozicioniranju predmetne tematike.

B4. Naučni doprinos

Rodna ravnopravnost u Crnoj Gori do nedavno nije bila predmet značajnijeg interesovanja i proučavanja, koje je dobilo zavriježenu društvenu pažnju zahvaljujući snažnom djelovanju ženskih lobija, nevladinog sektora i međunarodnih organizacija. Međutim, pravni položaj žena u Crnoj Gori ostaje nedovoljno obrađen u pravnoj nauci, te uticaj i važnost legislative i sudske prakse na sveukupan položaj žena često ostane zanemaren ili potcijenjen, pa se o rodnoj ravnopravnosti često govori sa drugih aspekata, ali ne i sa aspekta prava što ono i jeste.

Kao što je već prethodno rečeno, više je razloga obrađivanja ove tematike, a jedan od glavnih jeste njen naučni doprinos. Aktualnost teme, ratovi na prostoru Balkana, veliki ekonomski problemi i siromaštvo, postojanje nacionalizma i nacionalističkih ideologija koje su dovele do zaborava nekih od temeljnih postupalata ostvarene emancipacije žena, pokretač su izrade ove disertacije. Sa naučnog aspekta, nedovoljno prisustvo predmetne tematike na polju društvenih, a posebno pravnih nauka predstavlja samo po sebi određeni doprinos nauci. U crnogorskoj pravnoj teoriji ovo pitanje nije dovoljno istraženo, a donedavno ova tematika nije privlačila posebnu pažnju. Tek aktuelni Ustav Crne Gore po prvi put u ustavnom razvitku eksplicitno garantuje ravnopravnost žene i muškaraca među svojim osnovnim načelima gdje obavezuje državu da vodi politiku jednakih mogućnosti.

Na prostoru Crne Gore ima neznatan broj radova koji se dijelom svoje materije odnose na predstavljenu temu, ili se odnose samo na njene pojedine aspekte, ali rijetko i na pravni aspekt, sa posebnim osvrtom na međunarodni. Imajući u vidu navedeno, rad će dati svoj doprinos u ovoj oblasti jer će na sveobuhvatan način da evaluira i analizira da li crnogorski pravni okvir omogućava postizanje rodne ravnopravnosti, posebno u svijetlu primjene postojećih međunarodnih standarda donijetih pod okriljem međunarodnih organizacija, te međunarodnih sudskih standarda u crnogorskoj legislativi i sudskoj praksi, kao i na analizu zakonskih prijedloga iz ove oblasti koji utiču i na međunarodni i na domaći pravni okvir.


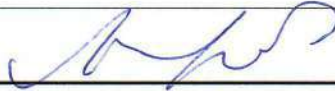


Dakle, disertacija će imati kako teorijski tako i praktični doprinos, gdje će se teorijski doprinos ogledati u analizi međunarodnog, komparativnog i domaćeg pravnog okvira, kao i zakonskih prijedloga i inicijativa koje se tiču pitanja rodne ravnopravnosti, kroz konsultovanje domaće i inostrane literature, kao i analizu jurisprudencije međunarodnih i domaćih sudova, sve to uz empirijski doprinos autora disertacije. Praktični doprinos disertacije ogleda se u tome što će disertacija tvorcima legislative i kreatorima javnih politika ukazati na postojeće nedostatke u crnogorskom pravnom okviru u ovoj oblasti, kao i na moguća rješenja i prijedloge za stvaranje adekvatnijeg pravnog okvira za postizanje standarda rodne ravnopravnosti u potpunosti. Osim toga, disertacija će crnogorskim sudovima predstavljati bazu konkretno identifikovanih međunarodnih sudskih standarda, što će doprinijeti njihovoj neposrednoj primjeni kao jednog od najvažnijih ustavnih postulata.

B5. Finansijska i organizaciona izvodljivost istraživanja

Finansijski i organizaciono, istraživanje je optimalno planirano, ne iziskuje značajna finansijska sredstva i moguće ga je sprovesti u skladu sa postavljenim vremenskim okvirom. Mišljenje je Komisije da Pravni fakultet Univerziteta Crne Gore može obezbijediti odgovarajuće finansijske i organizacione uslove neophodne za izradu ove doktorske disertacije, a posebno komunikaciju sa nadležnim organima u cilju prikupljanja egzaktnih statističkih podataka.

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Mišljenje i prijedlog komisije		
<p>Izjavljujemo i potpisom potvrđujemo da je doktorantkinja mr Milena Aćimić Remiković, broj indeksa 02/2020, javno odbranila polazna istraživanja na temu "Rodna ravnopravnost i jurisprudencija: Korišćenje međunarodnih rodni standarda za ostvarivanje ženskih prava u crnogorskoj legislativi i sudskoj praksi". Odbrana polaznih istraživanja je održana javno u Svečanoj sali Pravnog fakulteta u Podgorici, dana 05.10.2022.godine.</p> <p>Mišljenje Komisije je da doktorska disertacija kandidatkinje predstavlja originalan i vrijedan naučno-istraživački projekat.</p> <p>Kandidatkinja je zadovoljila sve neophodne kriterijume i uspješno odbranila polazna istraživanja. Komisija u punom sastavu je ocijenila odbranu polaznih istraživanja ocjenom izuzetno uspješno.</p> <p>Predloženi sadržaj, metode i dinamika istraživanja su kvalitetni, adekvatni i izvodljivi, te Komisija jednoglasno predlaže Vijeću Pravnog fakulteta i Senatu Univerziteta Crne Gore da private pozitivan izvještaj Komisije.</p>		
Prijedlog izmjene naslova		
/		
Prijedlog promjene mentora i/ili imenovanje drugog mentora		
/		
Planirana odbrana doktorske disertacije		
2024. godina, ljetnji semestar		
Izdvojeno mišljenje		
/		
Napomena		
/		
ZAKLJUČAK		
Predložena tema po svom sadržaju odgovara nivou doktorskih studija.	DA	NE
Tema je originalan naučno-istraživački rad koji odgovara međunarodnim kriterijumima kvaliteta disertacije.	DA	NE
Kandidat može na osnovu sopstvenog akademskog kvaliteta i stečenog znanja da uz adekvatno mentorsko vođenje realizuje postavljeni cilj i dokaže hipoteze.	DA	NE
Komisija za ocjenu podobnosti teme i kandidata		
Prof. dr Nebojša Vučinić, Pravni fakultet UCG, Crna Gora		
Prof. dr Laura Sjoberg, Royal Holloway, University of London, UK		
Prof. dr Aneta Spaić, Pravni fakultet UCG, Crna Gora		
U Podgorici,		
21.11.2022. godine	 DEKAN	
		

PRILOG

PITANJA KOMISIJE ZA OCJENU PRIJAVE DOKTORSKE DISERTACIJE	
Prof. dr Nebojša Vučinić	<p>Ova tema je jako važna i dugo je vremena bila zabranjena u našoj patrijahalnoj kulturi. Zbog toga, mislim da će ova disertacija da bude jako značajna sa teorijskog ali i praktičnog aspekta. Koje korake ćete preduzeti kada je u pitanju praktičan doprinos ove disertacije?</p> <p>U kom smislu je potrebno posebno obratiti pažnju na jednak tretman žena i muškaraca?</p>
Prof. dr Laura Sjoberg	<p>Šta će predstavljati najveći izazov u Vašem istraživanju?</p> <p>Uzimajući u obzir da ste u izlaganju naveli da se ova tema često smatra nevažnom i podcijenjenom u različitim krugovima, čak i akademskim, na koji način ćete disertacijom uticati na to, odnosno, kome je ona upućena?</p> <p>Da li ćete disertaciju pisati kao kombinaciju akademskih članaka i izvještaja i analiza kao bi postigli navedene ciljeve?</p>
Prof. dr Aneta Spaić	<p>Pošto će disertacija da se tiče promjene legislative, koje je Vaše mišljenje povodom predloga Evropske komisije koji će imati efekta na 83(1) TFEU, a koji se odnosi na govor mržnje povodom stanja u Ukrajini, a tiče se i rodno zasnovanog govora mržnje u tom smislu?</p> <p>Šta mislite o slučaju Slovenije povodom promjene njihovog krivičnog zakona kada je u pitanju krivično djelo – silovanje i inkorporiranje modela pristanka umjesto modela prisile u zakonu?</p> <p>Da li imate komentar na Tesco slučaj pred Sudom pravde Evropske unije o jednakim platama zaposlenih?</p>
PITANJA PUBLIKE DATA U PISANOJ FORMI	
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ZNAČAJNI KOMENTARI	
<p>Kandidatkinji je sigurisano da posebnu pažnju usmjeri ka praksi međunarodnih sudova i aktuelnim slučajevima koji se odnose na promjenu legislative iz predmetne oblasti.</p> <p>Disertacija ne treba da se odnosi samo na diskriminaciju, jer je ovo mnogo dublji problem od toga, te osvrt treba da bude na jednakom tretmanu žena i muškaraca u klasičnom patrijahalnom društvu koje je u procesu tranzicije ka modernom, evropskom društvu. Jako je važno obratiti posebnu pažnju na sudsku praksu. U tom smislu, kandidatkinji je predložena veoma detaljna i pažljiva analiza naše sudske prakse i prakse drugih državnih organa. To je potrebno da bi se dobila prava slika o jednakom tretmanu između žena i muškaraca.</p>	



Primljeno: 22. 11. 2022.			
Org. jed.	Broj	Prilog	Vrijednost
04-	1240/1-2		

EVALUATION OF DOCTORAL DISSERTATION APPLICATIONS

GENERAL INFORMATION ABOUT THE DOCTORAL STUDENT	
Title, name and surname	Milena Aćimić Remiković, M.Sc
Faculty	UCG Faculty of Law
Study program	International - legal major
Index number	02/2020
Master's thesis information	"International - legal standards on domestic violence and their application in Montenegro", Faculty of Law UCG, October 5, 2020, average grade 10.00.
SUGGESTED TOPIC TITLE	
In the official language	Rodna ravnopravnost i jurisprudencija: Korišćenje međunarodnih rodni standarda za ostvarivanje ženskih prava u crnogorskoj legislativi i sudskoj praksi
In English	Gender Equality and Jurisprudence: Using International Gender Standards to Promote Women's Rights in Montenegrin Legislature and Case-Law
The date of acceptance of the topic and candidate at the session of the Council of the organizational unit	06/07/2022
Scientific area Ph.D dissertations	International law
The following faculties are registered for the mentioned field	
UCG Faculty of Law	
A. REPORT ON THE PUBLIC DEFENSE OF THE INITIAL RESEARCH OF THE DOCTORAL DISSERTATION	
<p>The public defense of the initial research of candidate Milena Aćimić Remiković, MSc, was organized in the Ceremonial Hall at the Faculty of Law of the University of Montenegro in Podgorica, on Monday, October 3, 2022, starting at 11:30 a.m., in front of the Commission consisting of: prof. Nebojsa Vučinić Ph.D (chairman of the Commission), prof. Laura Sjoberg Ph.D (mentor) and prof. Aneta Spaić Ph.D (member). President of the Commission, prof. Nebojša Vučinić, Ph.D., introduced the candidates and members of the Commission to the defense procedure, and gave the floor to the candidate to present the results of her work so far and the conclusions she reached during the initial research.</p> <p>The candidate explained the topic, presented the results of initial research and presented a detailed research plan that includes goals, hypotheses, methodology, expected scientific contribution and consulted literature. The candidate presented the preliminary structure of the work, as well as a short theoretical overview of the work by chapter.</p> <p>The candidate's presentation was followed by the opinions, suggestions and discussion of the Commission members with the candidate.</p> <p>The commission, taking into account the quality of the initial research conducted and the quality of the defense, unanimously decided that the candidate successfully defended the conducted research. The defense of initial research was completed at 12 noon.</p>	

B. ASSESSMENT OF THE SUITABILITY OF THE DOCTORAL DISSERTATION**B1. Explanation of the topic**

Dissertation title "**Gender equality and jurisprudence: Using international gender standards for realizing women's rights in Montenegrin legislation and judicial practice**" refers to the analysis of gender equality from the perspective of two reference legal frameworks - international and domestic, as well as to the evaluation of the implementation of relevant international standards in the Montenegrin legal system, with special reference to the jurisprudence of international and national courts, and the analysis of current legal proposals and initiatives in the field of gender equality.

This dissertation aims to comprehensively evaluate the level of alignment of the Montenegrin legal system with the relevant international framework and the degree of progress in this area in comparison with comparative legal systems whose legislation and regulations will determine the positive and negative aspects that will contribute to the improvement of the domestic legal framework. In addition, through a detailed analysis of international and domestic legislation and court practice, as well as the author's empirical contribution, all areas for improvement of the legal framework and judicial practice in this area will be examined, as well as the possibility and readiness of the Montenegrin legal framework for the implementation of not only existing laws but also current legislative proposals that exist at the level of the European Union, which concern various issues in the field of gender equality. The subject analysis will represent the basis for the creators of public policies and legislation, as well as the starting point for detecting problems in the entire Montenegrin legislation in order to provide adequate solutions for improving the national legal framework in this area. Finally, the identification of international judicial standards will be carried out, which will contribute to their immediate application in the practice of Montenegrin courts, as well as the analysis of domestic judicial practice and current problems faced by judicial authorities, with the aim of providing scientific guidelines and contributing to rounding off the legal framework and judicial practice.

The impetus for writing a dissertation in this area primarily stems from the current crisis produced by the COVID-19 pandemic, which has undeniably had an enormous impact on people's lives. In addition to health, which was and remains the main concern, the pandemic inevitably produced economic and social consequences that, with their asymmetric effects, directly affected the most vulnerable categories, primarily women (Fana, Torrejon, Fernandez-Macias, 2020). Facts from the current and past crises indicate that it is women who are disproportionately affected in crises, so they continue to face great challenges that threaten to further support and strengthen the existing stereotypical gender differences (Akrofi, Mudasiru, Chinedu, 2021). This tendency is significantly aggravated during the pandemic, therefore, new legislative issues and dilemmas have been opened at the international level that still need to be resolved and analyzed in detail from a scientific point of view. In this sense, the analysis of the European Commission's proposal to add hate speech, hate crimes committed against women and gender-based violence to Article 83 (1) of the Treaty on the Functioning of the European Union, and the European Commission's proposal to adopt a law on combating violence against women deserves special attention, as particularly pronounced acts during the COVID-19 pandemic. The European Commission appeals to the urgent need for the institutions of the European Union and member states to act in relation to this form of violence, as well as to all other forms of violence that disproportionately affect women (Peršak, 2022). There seems to be a justified fear that the global community will reverse the progress that has been made when it comes to the emancipation of women (Women, Business and the Law, 2022). All this time, a large number of authors have been alarmingly emphasizing the consequences of such situations, which lead with certain steps to the increasing exposure of women to violence (Bundervoet, Davalost, Garcia, 2021; Cucagna, Romero, 2021; De Paz Nieves, Gaddis, Muller, 2021; Kugler, ed., 2021), because the less equal women are in society with men, the more likely they are to be violent (Yodanis, 2004).

Montenegrin society is very male-centric and organized according to the principle of the primacy of masculinity. It is still halfway from tradition to integration into the European Union, and the path from the collapse of real socialism was followed by marginalization, discrimination and almost complete suppression of women from public life. Women in Montenegro are still unequal and the problems of achieving gender equality have yet to be solved in their various forms. The gender equality index was calculated for the first time in Montenegro in 2019 with an index value of 55 (out of a total of 100 points), so Montenegro achieved a lower result than the European Union average, where the index value is 67.4. Employed women face a number of discriminatory practices in the workplace, they are often pushed into low-paid sectors and occupations despite an increasing level of education (women receive 14% to 16% less salary than men for the same engagement), own only 4% of real estate, which increases their financial insecurity and dependence. Disproportional representation in the places where political decisions are made, a significantly higher unemployment rate, and the "glass ceiling" effect (Gender Equality Index, Women and Men in Montenegro, MICS) are visible every day. In the light of the above, women in Montenegro obviously have less power, and it is not surprising that there is an increase in already tolerated family violence, gender-based violence and frequent cases of femicide to which there is still no adequate reaction from the competent authorities (Report of the United Nations in Montenegro "Fast assessment of the social impact of the COVID-19 epidemic in Montenegro").

According to the European Commission Report on Gender Equality in the European Union from 2022, the impact of the pandemic caused by the COVID-19 virus on the position of women continues to manifest itself in various forms. The disproportionate impact of the crisis on women threatens to disable the years-long process of achieving gender equality. As these gender stereotypes especially come to the surface in times of crisis, and learned from the example of the transition in the early nineties, which showed that the economic and social changes of post-socialist societies affected women the most (Gender in Transition, 2007), it seems that the crisis created by the pandemic represents the most significant time for discussions and analyzes of women's rights in society.

Women's rights are basic human rights contained in numerous international documents and standards. Although the Constitution, national legislation and internal regulations guarantee women social, economic and political rights, progress towards gender equality is clearly slow, and women in Montenegro are still not equal to men. In this sense, the inevitable question arises: is the existing legal framework adequate for achieving gender equality and what needs to be done in this sense to realize this human right in legislation and judicial practice?

B2. Objective and hypotheses

The dissertation has numerous foundations in its foundation **goals:**

- presenting the idea of gender equality as one of the basic human rights;
- pointing out the problems of discrimination and marginalization of women in the public and private sphere of life from the legal aspect;
- analysis of the international legal framework and court practice in this area in order to determine international gender standards and their implementation in Montenegro;
- analysis of relevant comparative legal systems in order to implement good practices in the domestic legal system;
- analysis of current legal proposals and initiatives at the level of the European Union, and examination of their impact and the readiness of the Montenegrin legal system to incorporate and implement them;
- positive analysis of the legal framework and domestic judicial practice with an authentic interpretation of the obtained data, which will determine the positive and negative sides of the domestic legal system and contribute to the scientific positioning of the issue in question;
- and sublimation and provision of scientific guidelines and contributions towards rounding off the appropriate legal framework and judicial practice in the subject area.

In that regard, **dissertation hypothesis** reads:

H1 Montenegro has partially harmonized its legal framework with the relevant international framework, so the existing legal framework does not enable realization of gender equality standards.

Accompanying hypotheses are:

H2 International and domestic laws must be tightly linked in order for the gender equality to be fully achieved at the national level.

H3 Jurisprudence is of crucial importance for the achievement of gender equality standards because the legal framework in itself is not sufficient without adequate implementation of the law.

H4 Montenegrin courts do not apply international standards of gender equality in their practice.

H5 The standards of gender equality from the jurisprudence of international courts are not recognized in Montenegrin legislation and judicial practice.

H6 Gender equality in the jurisprudence of domestic courts is of great importance for achieving equal access to justice.

Therefore, the dissertation will consider normative assumptions and real possibilities for achieving the standards of gender equality. In order to examine the hypotheses, an analysis of the international and national framework of gender equality will be performed, as well as an evaluation of the application of international documents and standards in the subject area, as well as the rich practice of international courts and their application in Montenegrin jurisprudence.

B3. Research methods and plan

In order to test the hypotheses, the dissertation will use the usual legal **methods** which are used in research work. In the dissertation, the normative-dogmatic method will be used as a scientific method of knowledge, with which a range of relevant international documents and standards from the subject area and the domestic legal framework will be processed through a detailed analysis of positive legal regulations both in their entirety and in their parts. By using this method, along with the use of the sociological method, a theoretical-methodological approach will be established, through the description of theories and basic concepts that are important within the research. In the dissertation, the comparative method will be used, on the basis of which a comparative legal analysis of several legal systems will be carried out with regard to the subject area. The method of description will also be used when describing and defining basic terms and relevant issues for the subject area.

In addition to the usual legal methods mentioned in the dissertation, numerous auxiliary methods will be used, both in terms of structuring the content of the matter, and in terms of final judgments, i.e. conclusions, such as some specific methodological legal instruments: linguistic analysis of legal norms, autonomous analysis of legal norms, target analysis of legal norms, analysis of practice of international and domestic courts, analysis of leading legal doctrine in international and domestic law, as well as analysis of statistical data, etc. The use of these methodological mechanisms is aimed at reviewing the international and domestic legal framework and judicial practice, as well as relevant comparative legal systems, and concluding which advantages from comparative law could be integrated into Montenegrin legislation and judicial practice and whether it is fully harmonized with international law, which according to the Constitution of Montenegro enjoys primacy over domestic law, and analysis of legal proposals and initiatives at the level of the European Union from this areas and the readiness of the Montenegrin legal system to apply them. These methods will provide an objective presentation of the current situation in the treated legal systems regarding the topic in question.

The sources on which the preparation of the dissertation, analysis and research of the topic will be based are primarily relevant international documents and standards in this area, the Constitution of Montenegro and legal acts that deal with this issue in order to give a complete insight into all the sources that have been operationalized and which they more closely prescribe the actual scope and content of the institute of gender equality. The dissertation will rely on the works of domestic and foreign authors and theorists who deal with relevant issues for the subject matter, as well as on analyses, reports and other available works significant for rounding off the topic of the dissertation, and last but not least on the rich practice of international courts and the practice of domestic courts, legislative proposals and initiatives in this area,

The work will contain the following thematic units:

Introduction within which the methodological approach, goal and hypotheses of the scientific research will be explained, as well as the expected scientific contribution of the dissertation.

I Theoretical - historical legal framework: Foundations of gender equality in which theories and basic terms that are important in the research will be described through a theoretical-methodological approach. The basic terms will be presented succinctly, because they have been analyzed to a considerable extent in the works of our and foreign theoreticians in the earlier period.

II International - legal framework: Women's rights and the international system of human rights protection represents a significant part of the work in which special attention will be paid to international standards established and adopted at three levels: the level of the United Nations, the level of the Council of Europe and the level of the European Union. Within this part, an analysis of international documents from this field will be carried out, such as the Istanbul Convention, the CEDAW Convention and other important documents that will find their place in this dissertation, as well as the rich history of the European Court of Human Rights and the Court of Justice of the European Union. The goal of this part of the dissertation is to determine international gender standards in order to examine their application in domestic legislation and judicial practice. This chapter will deal with two important segments: legislation and jurisprudence (empirical data).

III Comparative - legal framework: Women's rights in comparative legal systems which will contain a presentation of the most significant characteristics of different legal systems when it comes to women's rights. The goal of this part of the dissertation is to provide a better overview and understanding of this topic by presenting the legislation and judicial practice and making a comparison with the domestic system, as well as the possibility of applying good practices from comparative legal systems to domestic ones. In this sense, certain comparative legal systems should be highlighted, such as the Slovenian one, within whose criminal legislation significant changes have been made regarding women's rights, i.e. the criminal acts of rape and sexual abuse. The change refers to the model of coercion, which was replaced by the model of veto ("no means no") until the final adoption of the model of affirmative consent ("yes means yes") in the criminal offense of rape. Through the analysis of the subject situation, a clearer picture of women's rights and their limits in law will be created, especially bearing in mind that there is already a certain number of authors who resented this change despite considerable pressure from the public and the non-governmental sector to incorporate something like this into the criminal code. Primarily, this model is objected to because of the lack of relevant judicial practice and concerns about legal certainty, and the adoption of changes under political pressure, without prior and appropriate legal discussion and analysis (Šuta, Berglez, Šepec, 2022). Also, it is interesting to mention the current "wave" of banning abortion in the United States of America and the situation in Poland, as well as how it will affect women's rights in the world, including in our country. During the preparation of the dissertation, it will be determined which countries will be included in the analysis, depending on the current issues in the subject matter at the given time.

IV Legal proposals and initiatives in the field of gender equality within which special attention will be paid to current legal proposals and initiatives that will affect the issue of gender equality in the world and in our country. Legal proposals and initiatives will take a special place in the work, respecting the efforts of the European Commission and the European Parliament to adequately respond to the existing problems that came to the fore during the COVID-19 pandemic. Despite the scope of gender-based violence and the damage it causes, the European Union does not have a special legal instrument to solve this problem. The problem exists because member states have different approaches to criminalization, so the existing initiative to change Article 81 (1) of the Treaty on the Functioning of the European Union in terms of adding gender-based violence, hate speech and hate crimes against women, represents an aspiration towards uniform criminalization in the member states. During the preparation of the dissertation, it will be determined which questions from the subject matter, in addition to the aforementioned proposal of the European Commission to add hate speech and the European Commission's flag for the law on combating violence against women, will find a place in this dissertation. Therefore, any legislative proposal that can affect the issue of gender equality will be the subject of the dissertation analysis.

V Positive - legal framework: Women's rights in Montenegro will present and analyze Montenegrin legislation and jurisprudence, through a detailed examination of the constitutional and statutory legal framework, all laws concerning gender equality (the Law on Gender Equality, the Law on Prohibition of Discrimination, which is currently being amended, the Law on Protection from Domestic Violence, the Law on misdemeanors, the Criminal Code, the Criminal Procedure Act, etc.), and a detailed analysis of court practice and the practice of other state authorities in this area. This chapter will deal with two important segments: legislation and jurisprudence (empirical data).

And finally, **final grades** in which, based on the analysis of the previous parts of the work, the sublimation and synthesis of the work will be carried out. They will sublimate the whole matter, but not at the level of description, but through the presentation of concrete proposals for the improvement and improvement of the national legal framework in the field of gender equality.

The chapters in the dissertation will be logically and coherently systematized, in all respects in accordance with the methodological requirements of scientific research. The obtained results will be original and based not only on bibliographic references, but will also be scientifically focused through qualitative and quantitative content elements of empirical analysis, analysis of the legislative framework and court practice in the field of gender equality, with an authentic interpretation of the obtained data by the author of the dissertation, which will contribute to the scientific positioning of the topic.

B4. Scientific contribution

Until recently, gender equality in Montenegro was not the subject of significant interest and study, which received deserved social attention thanks to the strong action of women's lobbies, the non-governmental sector and international organizations. However, the legal position of women in Montenegro remains insufficiently addressed in legal science, and the influence and importance of legislation and judicial practice on the overall position of women is often neglected or underestimated, so gender equality is often discussed from other aspects, but not from the aspect of law. which it is.

As previously mentioned, there are several reasons for working on this topic, one of the main ones being its scientific contribution. The topicality of the topic, the wars in the Balkans, major economic problems and poverty, the existence of nationalism and nationalist ideologies that led to the forgetting of some of the fundamental procedures for the emancipation of women, are the driving force behind the creation of this dissertation. From the scientific aspect, the insufficient presence of the subject matter in the field of social and especially legal sciences represents a certain contribution to science in itself. In Montenegrin legal theory, this issue has not been sufficiently investigated, and until recently this topic did not attract special attention.

In the area of Montenegro, there is an insignificant number of works that partly refer to the presented topic, or refer only to its individual aspects, but rarely also to the legal aspect, with special reference to the international one. Bearing in mind the above, the work will make its contribution in this area because it will comprehensively evaluate and analyze whether the Montenegrin legal framework enables the achievement of gender equality, especially in light of the application of existing international standards adopted under the auspices of international organizations, and international judicial standards in Montenegrin legislation and judicial practice, as well as the analysis of legal proposals in this area that affect both the international and domestic legal framework.

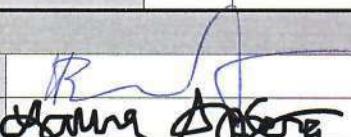
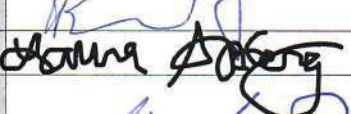
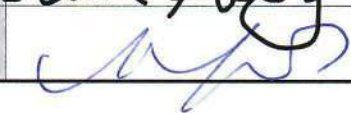


Therefore, the dissertation will have both a theoretical and a practical contribution, where the theoretical contribution will be reflected in the analysis of the international, comparative and domestic legal framework, as well as legal proposals and initiatives concerning the issue of gender equality, through consulting domestic and foreign literature, as well as analysis of the jurisprudence of international and domestic courts, all with the empirical contribution of the author of the dissertation. The practical contribution of the dissertation is reflected in the fact that the dissertation will point out the existing shortcomings in the Montenegrin legal framework in this area to the makers of legislation and public policies, as well as possible solutions and proposals for creating a more adequate legal framework to achieve the full standard of gender equality.

B5. Financial and limited feasibility of research

Financially and organizationally, the research is optimally planned, does not require significant financial resources and can be carried out in accordance with the set time frame. The opinion of the Commission is that the Faculty of Law of the University of Montenegro can provide the appropriate financial and organizational conditions necessary for the preparation of this doctoral dissertation, and especially communication with the competent authorities in order to collect exact statistical data.

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Opinion and proposal of the committee		
<p>We declare and confirm with our signature that PhD candidate Milena Aćimić Remiković, MSc, index number 02/2020, publicly defended her preliminary research on the topic "Gender equality and jurisprudence: Using international gender standards to promote women's rights in Montenegrin legislation and Case-Law". The initial research defense was held publicly in the Ceremonial Hall of the Faculty of Law in Podgorica, on October 5, 2022.</p> <p>The opinion of the Commission is that the candidate's doctoral dissertation represents an original and valuable scientific research project.</p> <p>The candidate met all the necessary criteria and successfully defended the initial research. The committee in its full composition evaluated the defense of initial research as extremely successful.</p> <p>The proposed content, methods and dynamics of the research are of high quality, adequate and feasible, and the Commission unanimously proposes to the Council of the Faculty of Law and the Senate of the University of Montenegro to approve the Commission's positive report.</p>		
Proposal to change the title		
/		
Proposal to change the mentor and/or appointment of another mentor		
/		
Planned defense of doctoral dissertation		
Year 2024, summer semester		
Separate opinion		
/		
Note		
/		
CONCLUSION		
The content of the proposed topic corresponds to the level of doctoral studies.	YES	NO
The topic is an original scientific-research work that corresponds to international dissertation quality criteria.	YES	NO
Based on his own academic quality and acquired knowledge, the candidate can, with adequate mentoring, realize the set goal and prove the hypotheses.	YES	NO
Committee for evaluation of subject and candidate suitability		
Prof. Nebojša Vučinić Ph.D. Faculty of Law, UCG, Montenegro		
Prof. Laura Sjöberg Ph.D. Royal Holloway, University of London, UK		
Prof. Aneta Spaić Ph.D Faculty of Law, UCG, Montenegro		
In Podgorica,		
21.11.2022.		
		  DEAN

APPENDIX

QUESTIONS OF THE COMMITTEE FOR ASSESSMENT OF DOCTORAL DISSERTATION	
Prof. Dr. Nebojsa Vučinić	This topic is very important and for a long time it was forbidden in our patriarchal culture. Because of this, I think that this dissertation will be very important from a theoretical but also a practical point of view. What steps will you take when it comes to the practical contribution of this dissertation?
	In what sense is it necessary to pay special attention to the equal treatment of women and men?
Prof. Dr. Laura Sjoberg	What will be the biggest challenge in your research?
	Taking into account that you stated in your presentation that this topic is often considered unimportant and undervalued in various circles, even academic ones, in what way will you influence it with your dissertation, that is, to whom it is addressed?
	Will you write your dissertation as a combination of academic articles and reports and analyzes to achieve the stated goals?
Prof. Dr. Aneta Spaić	Since the dissertation will concern changes in legislation, what is your opinion regarding the proposal of the European Commission that will have an effect on 83(1) TFEU which refers to hate speech regarding the situation in Ukraine, and also concerns gender-based hate speech in that sense?
	What do you think about the case of Slovenia regarding the change of their criminal code when it comes to the crime of rape and incorporating the model of consent instead of the model of coercion in the law?
	Do you have a comment on the Tesco case before the Court of Justice of the European Union on equal pay for employees?
AUDIENCE QUESTIONS GIVEN IN WRITTEN FORM	
(Name and surname)	/
(Name and surname)	/
(Name and surname)	/
SIGNIFICANT	
The candidate is assured to direct special attention to the practice of international courts and current cases related to changes in legislation in the subject area.	
The dissertation should not only refer to discrimination, because this is a much deeper problem than that, and the focus should be on the equal treatment of women and men in a classic patriarchal society that is in the process of transition to a modern, European society. It is very important to pay special attention to court practice. In this sense, a very detailed and careful analysis of our court practice and the practice of other state bodies was proposed to the candidate. This is necessary in order to get a true picture of equal treatment between women and men.	