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GENDER EQUALITY PROFILE OF MONTENEGRO



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Podgorica, 2021

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ABBREVIATIONS

AC	Agricultural census
CA	Customs Administration
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CoE	Council of Europe
CSO	Civil society organizations
DS	Department of Security
EC	European Commission
EBM	Employment Bureau of Montenegro
EBRD	European Bank for Reconstruction and Development
EIDHR	European Instrument for Democracy and Human Rights
EU	European Union
EUD	Delegation of the European Union in Montenegro
FSS	Farm Structure Survey
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
HRMA	Human Resources Management Authority
IECS	Institute for Execution of Criminal Sanctions
MONSTAT	Statistical Office of Montenegro
MOD	Ministry of Defense
MOI	Ministry of Interior
MP	Member of Parliament
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
NSA	National Security Agency
OSCE	Organization for Security and Cooperation in Europe
PAR	Public Administration Reform
PD	Police Directorate
PS	Police Station
SDGs	Sustainable Development Goals
UN	United Nations
UNDP	United Nations Development Program
WPN	Women's Political Network
WPS	Women, Peace, Security

INTRODUCTION

European Commission adopted the EU Gender Equality Strategy 2020–2025 in March 2020. It represents the essential framework for member states when it comes to policy objectives and actions aimed at achieving gender equality. Since human rights are fundamental in the accession process, this document is a relevant guideline in measuring gender equality. The courses of action are related to the areas of political participation, fight against gender-based violence, and closing the gender gap in the labor market while applying gender mainstreaming and intersectionality approaches. In this regard, member states and candidate states are expected to create an adequate strategic framework for addressing gender equality. Another requirement is to create a country gender profile using guidelines and indicators contained in the GAP III action plan accompanying the Strategy.

Having this in mind, the Gender Equality Profile of Montenegro is made with the aim to present a comprehensive analysis of the state in specific sectors regarding legal and institutional framework and gender equality aspects. The analysis also included whether there are preconditions for integrating gender equality principles into the policy-making process in the specific sector.

The methodological guidelines used were defined in the Joint Staff Working Document *Objectives and Indicators to frame the implementation of the Gender Action Plan III (2021-25)*, accompanying the “Gender Action Plan III: An ambitious vision of Gender equality and women’s empowerment for EU external action.” This means that efforts were made to collect all available data concerning the indicators set out in GAP III. In that regard, the data used for this publication are data available from the Statistical Office of Montenegro, data from line ministries collected upon our request, data available from the official websites of relevant institutions, as well as data from relevant publications. Having this in mind, it is important to emphasize that despite multiple sources, certain data remain unavailable, which is a concern for the upcoming period since sex-disaggregated statistics is mandatory by law. This also leaves room for future improvements in terms of the data and policies that institutions need to monitor in order to be able to perform a more comprehensive and comparable analysis.

Gender Equality Profile covers the general legislative framework and institutional mechanisms as well as the following sectors:

- ❖ Rule of Law (*Political Participation, Public administration reform, Violence against Women, Trafficking in Human Beings*)
- ❖ Education and Science
- ❖ Employment and Social Protection
- ❖ Health care
- ❖ Agriculture
- ❖ Environment and Climate Change
- ❖ Energy
- ❖ Transport
- ❖ Competitiveness and Innovation
- ❖ Security and defense

Each sector is analyzed from the legislative framework perspective, the current situation in the sector including key statistics and assessment of gender-sensitive approach. In addition to the set of recommendations for improvement, the main barriers to achieving gender equality in the sector were identified.

Gender Equality Profile of Montenegro is conducted within the program „Communicating Gender Equality“ funded by the European Union and implemented by UNDP and Ministry of Justice, Human and Minority Rights.



1. COUNTRY CONTEXT

Montenegro is the smallest country in the Western Balkans, with 13,812 square km and an estimated population of 620,000. According to the 2011 census, women make up 50.6% of the population.

After regaining independence in 2006, Montenegro became the 192nd UN member on the same year and has been actively contributing to the work of the UN and its specialized and affiliated agencies since. In 2006, following the signing of the Helsinki Final Act, Montenegro became a member of the OSCE and had been involved in the activities of political-military, economic-environmental and human dimensions of its work. Montenegro signed the European Convention on Human Rights in 2006 and became the 47th member of the Council of Europe in 2007. In 2017, it became the 29th member of NATO.

Montenegro started negotiations with the EU in June 2012. Out of the 35 negotiations chapters, two have been provisionally closed, and 32 have been opened.

Along with establishing and deepening partnerships with international organizations, Montenegro has ratified all significant international documents, integrated them into its legal framework creating the preconditions for developing policies and measures related to the protection of human rights and achieving gender equality.

Although the legislative framework is often rightfully praised as being in line with all international requirements, the institutional capacity for full implementation is a significant challenge. Montenegro's society remains patriarchal, with the huge presence and impact of customary norms, especially when it comes to inheritance, land, and ownership over immovable property. Representation of women in decision-making bodies, their share in entrepreneurship, the percentage in managerial positions in the economic sphere remain low.

The previous assessment is supported by the fact that every second citizen believes that women and men are so different that full gender equality is impossible to achieve, while two out of five citizens believe that the feminist movement has harmed women more than it has improved their position.

When we know that about 60% of citizens believe that for the benefit of children, it is preferable for a man to work and for a woman to dedicate herself to the family, it becomes clear that stereotypical views prevail.

This is yet another proof that achieving gender equality is demanding and requires strategic partnerships, coordinated actions, a thorough approach based on knowledge and adequate expertise, as well as the political will of decision-makers to treat this matter as one of the most critical development-related priorities.



2. EXECUTIVE SUMMARY

Gender equality is a fundamental principle of democratic societies and an inseparable part of the human rights corpus. It is one of the crucial preconditions of continuous sustainable development worldwide.

Women make up half of the world's population. In most countries, like in Montenegro, they are the majority of the population. And yet, over a hundred years after the first demands of women's movements worldwide related to political rights, equal access to health and education, equal pay for the same work, we are still far from achieving gender equality.

The backlash we are experiencing when it comes to human rights and gender equality in this regard is a warning that vested rights are often challenged in times of crisis and the rise of populism and retrograde movements. It is also a reminder that along that long path of progress, we are still fighting the same battles, encountering obstacles trying to make at times painful, necessary changes for fulfilling the end goal – the societies of equal citizens, regardless of their sex, gender, or any other distinction for that matter.

All these processes are reflected In the Gender Equality Profile of Montenegro. Although it is evident that legislation and policies have changed and significantly contributed to progress in gender equality, the society remains highly patriarchal. Traditional gender roles and gender stereotypes persist in all spheres of life, notably at home, political life, the labor market, and education. Violence against women, in its different forms, is still the most widespread violation of women's human rights.

While the percentage of women in political life is slightly higher compared to the majority of the previous term (27%), it is noticeable that as the number of women in politics grows, so does the violence against them, especially in the public sphere. Women still spend more hours in unpaid household and care work. COVID-19 highlighted existing inequalities in this area. It is estimated that in the first three months of the COVID-19 pandemic (April, May, and June), women earned 50% more euros in cash equivalent of the value of unpaid care and domestic work than men. The huge presence and impact of customary norms are especially reflected in inheritance, land, and immovable property ownership – data shows that women are owners of only 4% of houses and 8% of the land.

Women still make the majority of unemployed. The violation of labor rights is mainly connected with the termination of contracts due to maternity. The most recent surveys also show a low level of knowledge of labor rights since every second citizen believes that the employer has the legal right to request female job candidates to submit a certificate that they are not pregnant. The same percentage believes that successful women professionals must inevitably neglect their families.

When it comes to education and health, the access is universal. In terms of workforce, both sectors remain dominantly "female" since more than 70% of employees are women. Women are also a better-educated part of society since every year, more of them graduate at all levels of education. When it comes to policies in both of these sectors, they are not gender-informed at an adequate level, with health policies being slightly better mainstreamed.

There are several sectors in which women, other than being employees or members of managerial bodies, remain invisible in terms of specific policies, such as Climate change, Energy, and Transport.

The general knowledge about gender mainstreaming procedures in public administration is not satisfactory and leaves room for continuous improvements that are crucial for the implementation of gender-informed policies in all sectors. The existing legislation enables it, but also seeks enhancements, especially when it comes to penal provisions.

The main recommendations still refer to adequate implementation of existing laws, strengthening the capacities of institutions, and the development of policies that address the needs of both men and women. This requires both political and institutional will, partnership with international organizations and CSOs, and the understanding that gender equality is a development issue and a condition for the prosperity of every community.



3. LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

Prerequisites for achieving gender equality in Montenegro are embodied in national legislation, as well as international documents Montenegro has ratified and incorporated into its legal system.

3.1 INTERNATIONAL STANDARDS

The basis for the integration of international standards regarding gender equality in Montenegro's legal system is found in **Article 9** of the Constitution.

*"The ratified and published international agreements and generally accepted rules of international law **shall make an integral part of the internal legal order, shall have the supremacy over the national legislation and shall be directly applicable when they regulate the relations differently from the internal legislation.**"*

When we talk about gender equality globally, there are few milestones worth mentioning. Firstly, we have the UN Charter (1945) and the UN Universal Declaration of Human Rights (1948). Equality between men and women in the exercise and protection of human rights was proclaimed in both these documents. After the United Nations was founded, the Commission on the Status of Women was established within the UN Economic and Social Council in 1946 with the mandate to monitor the status of women and accordingly make proposals to the General Assembly and reports on women's rights in the political, economic, civil, social and educational spheres.

The **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, as the fundamental Convention that regulates the area of gender equality, was adopted by the United Nations General Assembly in 1979. It entered into force on 3 September 1981 after the twentieth country had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred nations have agreed to be bound by its provisions.

It was mainly the result of the work by the Commission on the Status of Women.

- ❖ In **Article 2** of CEDAW, it is stated that States Parties condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.¹
- ❖ It obliges the State Parties, among other things, to embody the principle of the equality of men and women in their national constitutions; to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women; to establish legal protection of the rights of women on an equal basis with men;²

1 <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

2 <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

- ❖ In line with **Article 3**, States Parties are obliged to take all appropriate measures, including legislation, in all fields, in particular in ***the political, social, economic, and cultural fields***, to ensure the full development and advancement of women;³
- ❖ **Article 4** stresses that the ***adoption of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention***, but shall in no way entail as a consequence the maintenance of unequal or separate standards; ***these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved***.⁴
- ❖ **Article 7** sets the ground for establishing the appropriate measures to eliminate discrimination against women in the political and public life of the country. In particular, it ensures to women the active and passive right to vote on equal terms with men; the right to participate in the formulation of government policy and the implementation thereof, and to hold public office and perform all public functions at all levels of government; the right to participate in non-governmental organizations and associations concerned with the public and political life of the country.⁵

With the purpose of monitoring and evaluating the implementation of the Convention, The Committee on the Elimination of Discrimination against Women was established, as a body that consists of 23 independent experts on women's rights from around the world.

Montenegro reported on CEDAW implementation twice so far, in 2011 and 2017. The next report will be submitted in 2021. The CEDAW Committee's concluding observations on both reports commended progress made in relation to the legislative framework.

The biggest complaint in the observations after the 2011 and 2017 reports was the lack of information on any judicial or administrative proceedings in which the Convention has been directly applied or invoked.

Another important international standard is **Beijing Declaration and Platform for Action**, adopted at the Fourth World Conference on Women held in Beijing in 1995.

It was a major turning point since it set the Platform for action in various areas with ambitious goals. The following areas were included: *Women and Poverty, Education and Training of Women, Women, and Health, Violence against Women, Women and Armed Conflict, Women and the Economy, Women in Power and Decision Making, Institutional Mechanisms for the Advancement of Women, Human Rights of Women, Women and the Media, Women, and Environment and The Girl Child*.⁶

Montenegro chose to act in eight thematic areas: *Promotion of women's human rights and gender equality, Gender-sensitive upbringing and education, Gender equality in the economy; Gender-sensitive health care, Gender-based violence, Gender equality in the media, culture, and sports, Equality in the decision-making process in political and public life, Institutional mechanisms for implementation of gender equality and international cooperation*.

³ Ibid

⁴ Ibid

⁵ Ibid

⁶ <https://www.un.org/womenwatch/daw/beijing/pdf/Beijing%20full%20report%20E.pdf>

3.2 NATIONAL LEGISLATION

In the **Constitution of Montenegro**, the highest law in the country adopted in 2007, gender equality is addressed in two articles.

- ❖ Direct or indirect discrimination on any grounds is prohibited by **Article 8**. The provisions of this same article define that ***regulations and introduction of special measures aimed at creating the conditions for the exercise of national, gender, and overall equality and protection of persons who are in an unequal position on any grounds shall not be considered discrimination***. It is emphasized, as well, that special measures may only be applied until the achievement of the aims for which they were undertaken. This article is directly incorporated in the Constitution from the CEDAW Article 4.⁷
- ❖ In **Article 18**, it is defined that ***the state shall guarantee the equality of women and men and shall develop the policy of equal opportunities***.⁸

In the **Law on Prohibition of Discrimination**, which was adopted in 2010, and lastly amended in 2017, direct and indirect discrimination are defined more precisely.

- ❖ Discrimination, as any unjustified, legal or actual, direct or indirect distinction or unequal treatment, or failure to treat a person or a group of persons in comparison to other persons, as well as exclusion, restriction, or preferential treatment of a person in comparison to other persons, based on race, the color of skin, national affiliation, social or ethnic origin, affiliation to the minority nation or minority national community, language, religion or belief, political or other opinion, ***gender, gender identity, sexual orientation***, health conditions, disability, age, material status, marital or family status, membership in a group or assumed membership in a group, political party or other organization, as well as other personal characteristics, is defined by **Article 2**.⁹
- ❖ ***Direct discrimination*** is defined as a situation in which a person or a group of persons, in the same or are brought in an unequal position by an act, action, or failure to act, on any ground referred to in paragraph 2 of this Article, while ***indirect discrimination*** exists if an apparently *neutral provision of a regulation or general act, criterion or practice* is bringing or can bring a person or a group of persons into unequal position in respect to other person or group of persons, on any ground referred to in paragraph 2.¹⁰
- ❖ Discrimination based on gender identity and sexual orientation is defined explicitly by **Article 19** as ***any differentiation, unequal treatment, or bringing a person in an unequal position based on gender identity or sexual orientation***. It is stated as well that ***everyone has the right to express their gender identity and sexual orientation. Gender identity and sexual orientation are personal matters of every person, and no one can be invited to publicly declare its gender identity and sexual orientation***.¹¹

The **Law on Gender Equality** was adopted in 2007, becoming an important milestone when it comes to achieving gender equality in Montenegro, especially if one takes into account the struggle that activists from the region had regarding the adoption of this law in their countries.

7 https://www.constituteproject.org/constitution/Montenegro_2013.pdf?lang=en

8 Ibid

9 https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Montenegro_the-Law-on-Prohibition-of-Discrimination.pdf

10 Ibid

11 https://www.un.org/development/desa/disabilities/wpcontent/uploads/sites/15/2019/11/Montenegro_the-Law-on-Prohibition-of-Discrimination.pdf

The fact that this law was adopted the same year as the Constitution has at least symbolic meaning – as the country's commitment towards achieving gender equality. The law was further improved in 2015 with amendments regarding different gender identities.

- ❖ The scope of the law as a frame for regulating the manner of providing and implementing rights based on gender equality, in accordance with the international regulations and generally accepted rules of international law, as well as measures to eliminate discrimination based on sex and create equal opportunities for participation of women and men, as well as persons of different gender identities in all spheres of social life, is defined in **Article 1**.¹²
- ❖ **Article 2 defines** the gender equality.

"Gender equality shall mean ***equal participation of women and men, as well as persons of different gender identities in all spheres of the public and private sectors***, equal position and equal opportunities to exercise all rights and freedoms and use personal knowledge and skills for the development of society, as well as realize equal benefits from work achievements."¹³

- ❖ The core article of this law is **Article 3**. It should represent the basis for creating policies, practices for achieving gender equality, monitoring, and evaluating them.

"In order to achieve gender equality ***in all phases of planning, making and implementing decisions, as well as taking actions in their competency, the state organs, organs of state administration and local self-government, public institutions, public enterprises and legal persons exercising public authority (hereinafter: organs), as well as business companies, other legal persons and entrepreneurs shall be obliged to assess and evaluate the impact of those decisions and activities on the position of women and men.***"¹⁴

Unfortunately, there are no penal provisions that would be imposed on institutions or legal persons in case they do not act in accordance with this and many other articles of this Law. For many years of its implementation, besides indisputable benefits, it is evident that the penal provisions are the only incentive for complying fully with any law provisions. A good example is the Law on the Election of Councilors and Members of Parliament, which will be analyzed later in the text below.

When it comes to the national strategic framework, it is worth mentioning that the **National Strategy for Sustainable Development of Montenegro until 2030** was adopted in 2016 with the goal to integrate UN SDGs into Montenegro's development goals. In that sense, the measures and sub-measures defined within the strategic goal "**Stimulate active relationship of the key stakeholders towards development sustainability**"¹⁵ are in line with SDGs¹⁶.

Some of the expected outcomes by 2030 are:

- ❖ eliminated political, economic, and any other gender-based discrimination;
- ❖ at least 40% of women in political decision-making bodies at the national and local level;
- ❖ eliminated all forms of violence against all women and girls in public and private spheres, including trafficking in human beings;

12 https://www.legislationline.org/download/id/8174/file/Montenegro_law_gender_equality_2007_am2015_en.pdf

13 Ibid

14 Ibid

15 <http://www.nssd2030.gov.me/>

16 The Sustainable Development Goals (SDGs), were adopted by the United Nations in 2015 as a universal call to make efforts in order to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity. SDG5 is concerning the ending of all discrimination against women and girls.

- ❖ gender-equal participation in unpaid work;
- ❖ gender-equal share in unemployment;
- ❖ strengthened national gender equality mechanism.

Another important document that develops measures regarding gender equality is **National Strategy for Gender Equality in Montenegro 2021–2025**. The Strategy is still in draft form, and the expectation is that it will be adopted soon. A thorough public discussion which included groups of various actors (members of the working group, representatives of national institutions, representatives of international organizations, and civil society), was conducted, and all participants provided comments and suggestions on the draft document before it entered the adoption procedure.

The Strategy is based on the evaluation of the Action Plan for Achieving Gender Equality 2017–2021. The Plan that expires this year was based on eight areas of the Beijing Declaration and Platform for Action in which Montenegro chose to act.

The principal strategic goal of the new strategy is to “Achieve higher levels of gender equality in Montenegro by 2025”.¹⁷

The operative goals are to improve the implementation of the existing normative framework regarding gender equality policy and protection against gender-based discrimination, as well as to improve education, culture, and media policies in order to reduce the level of stereotypes and prejudices towards women and persons of different gender identities. The final operative goal is to increase the participation of women and persons of different gender identities in areas that provide access to natural and social resources and the benefits of their use.¹⁸

Some of the specific measures are:

- ❖ Standardization of the procedures for shaping public policies;
- ❖ Education of employees and management staff in institutions on key issues concepts in the field of gender equality and their obligations in the field of gender equality in accordance with the law;
- ❖ Introduction of gender-responsive content and mandatory use of gender-sensitive language in curricula and teaching;
- ❖ Encouraging the media to introduce gender-responsive programs and use gender-sensitive language;
- ❖ Organize campaigns for a more even distribution of work at home, care for children, the elderly, people with disabilities, etc. between men and women and regularly monitor data on the participation of men and women in unpaid care and household work;
- ❖ Empower women and people of different gender identities to participate in political decision-making.¹⁹

Specific legal instruments regulating gender equality in different sectors will be addressed in detail in the forthcoming chapters.

17 National Strategy for Gender Equality in Montenegro <https://www.gov.me/dokumenta/68b84d08-44b6-47b2-b356-f7ae7d8dff7f>

18 Ibid

19 National Strategy for Gender Equality in Montenegro <https://www.gov.me/dokumenta/68b84d08-44b6-47b2-b356-f7ae7d8dff7f>

3.3 INSTITUTIONAL MECHANISMS

The principal institutional mechanism for gender equality, **Gender Equality Committee**, was established in 2001.

According to the Article 45 of The Rules and Procedures of the Parliament of Montenegro, the Committee's main competence is to consider proposals for laws, other regulations, and general acts related to the exercise of gender equality principles, as well as to monitor the application of these rights through enforcement of laws and improvement of gender equality principles, particularly in the area of rights of the child, family relations, employment, entrepreneurship, decision-making process, education, health care, social policy, and information. Within its competences, the Committee shall monitor and assess harmonization of the laws of Montenegro with the Acquis Communautaire, and, based on the Government reports, monitor and assess the implementation of the adopted laws, especially those which establish the obligations complied with the Acquis Communautaire.²⁰

The Committee's competence is the monitoring of the implementation of just one law – the Law on Gender Equality.

Section for Gender Equality under the auspices of the Directorate General for Human Rights within the Ministry of Justice, Human and Minority Rights is another institutional mechanism. During the previous Government's term, it was a Department for Gender Equality Affairs. Due to merging several ministries when the new Government was elected, the Department has been downgraded to the level of Section, holding the lower level within the organizational structure of public administration. According to recently adopted systematization by the Government of Montenegro, the Gender Equality Section was reduced to three employees.

The mandate of this institutional mechanism is to coordinate and monitor government policies regarding gender equality, among other things, to ensure the implementation of the National Strategy for Gender Equality with an accompanying Action plan.

The National Council for Gender Equality, established in 2016 as an advisory body with the aim of discussing the issues of the implementation of gender equality policy at the national and local levels, is another institutional mechanism. There are no records of any significant activities of this institutional mechanism.

Focal points for gender equality

In accordance with the Law on Gender Equality, all public institutions at the national and local levels exercising public authority are obliged to appoint a person who will perform the activities of coordinator of activities related to gender equality. These coordinators should monitor the implementation of an Action Plan for Gender Equality within their institutions. Even though the coordinators have been appointed at the majority of the institutions, the main obstacle in their work is that being a coordinator for gender equality is not their principal job description.

Protector of Human rights and Freedoms (Ombudsman)

Article 81 of the Constitution of Montenegro defines the Protector of Human Rights and Freedoms as an independent and autonomous authority that takes measures to protect human rights and freedoms.²¹

20 <https://api.skupstina.me/media/files/1616748663-rules-of-procedure-of-the-parliament-of-montenegro.pdf>

21 https://www.constituteproject.org/constitution/Montenegro_2013.pdf?lang=en

In Article 3 of the Law on Protector of Human rights and Freedoms, it is defined that *the Protector can be addressed by anyone who believes that an act, action, or failure to act of the authorities violated his/her rights or freedoms. The Protector shall, as well, act on his/her own initiative. Proceeding before the Protector shall be free of charge.*²²

Article 9 defines that The Protector shall have one or more Deputies. Additionally, it describes the internal division of work which shall provide specialization, especially the protection of rights of persons deprived of their liberty in order to prevent torture and other cruel, inhuman, or degrading treatment or punishment, protection of the rights of members of minority nations and other minority national communities, the protection and promotion of children's rights, protection of the rights of persons with disabilities, **gender equality and protection from discrimination**.

Specific institutional mechanisms in charge of implementing gender equality-related policies in different sectors will be addressed in detail in the forthcoming chapters.



²² https://www.legislationline.org/download/id/8813/file/Montenegro_law_protector_human_rights_freedoms_am2014_en.pdf



4. GENDER EQUALITY IN SPECIFIC SECTORS

4.1 THE RULE OF LAW

4.1.1 Political participation

In addition to the Constitution and general laws and international standards that ensure the creation of a legal and social environment for equal political participation of men and women, the crucial provisions are found in the **Law on the Election of Councilors and Members of Parliament** (Election Law).

The current Law was adopted in 1998. It has been amended 14 times since, and yet, until 2011, there were not any provisions regarding specific measures that would ensure more women were elected to Parliament.

In 2011, as a result of the efforts made in previous decades, mostly by female political and civil society activists, representatives of international organizations, academia, the mandatory quota for underrepresented sex were introduced in the Election Law for the first time. The crucial factor was the pressure from the international community, particularly the EU, since the adoption of the amended Law was one of the necessary criteria Montenegro had to fulfill to begin the negotiation process.

In the new **Article 39a** of the Election Law, it is defined that ***in order to exercise the gender equality principle, there shall be at least 30% of candidates on the candidate list from the underrepresented sex.***²³

This resulted in the increase of the female candidates at Parliamentary elections held in October 2012. However, the position of women on candidate lists was not satisfactory since the majority of them were in the second half of the list.

The new changes of The Election Law were introduced in 2014, and this time the improvements were somewhat more purposeful.

In the Article 39a, the following provisions were added:

"Among every four candidates in the candidate list order (the first four places, the second four places, and so on until the end of the list), there shall be at least one candidate who is a member of the underrepresented sex."²⁴

Candidate lists that do not meet these requirements are given the deadline to remove the shortcomings referred to in paras. 1 and 2 of this Article shall be deemed to contain shortcomings in conformity with the Law. If they fail to do the election commission shall refuse to publish candidate list, the party cannot compete at the elections.

In addition to this change, **Article 104** was amended as well.

²³ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2020\)031-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2020)031-e)

²⁴ Ibid

It was defined that if the term of a ***councilor or MP from the underrepresented sex terminates, the successive candidate on the candidate list from among the underrepresented sex shall be elected in their place.*** If there are no more candidates of the underrepresented sex in the candidate list from which the councilor or MP was elected, the successive candidate in the order of the list shall be elected.²⁵

The first results of these provisions were evident after local elections in a dozen municipalities. It was the argument against all those, particularly political parties, that claimed that there are not enough women interested in politics. The first time these articles were enacted at the national level was during Parliamentary elections in 2016, and the result was the highest percentage of women in Parliament ever (23,5%). Although this was a significant milestone, as it can be seen in Table 1, it was evident that the goal of having at least 30% of women in the legislative branch of power will only happen if quota in law is raised, and the list order requirements are changed as well. In 2017, Women's Political Network²⁶ demanded 40% of women on electoral lists and positioning on lists of at least one in three candidates should be from the under-represented sex. These requests were widely supported by almost all political party leaders who made public promises to vote for it, the international community, civil society, and academia. They became an integral part of the Draft of Election Law. They remain current since the Law is still unchanged due to the lack of 2/3 majority necessary to amend the Law. The request is set as one of the foals in the new National Strategy for Gender Equality in Montenegro 2021-2025.

Another important legal instrument that directly impacts women's political participation is the **Law on the Financing of Political Entities and Election Campaigns**. The pioneering changes of the law proposed by the Women's Political Network that allowed the finances for the work of women's groups within parties happened in 2019.

Article 13 refers to budgetary assets for the financing of the regular operation of the political entities. It is defined that ***20% of the funds shall be distributed in equal amounts to political entities that win seats in the Parliament and municipal assemblies, respectively, and the remaining 60% of funds in proportion to the total number of MP and councilor seats they have at the time of distribution while remaining 20% shall be distributed in equal amounts to political entities in the Parliament or municipal assemblies, in proportion to the number of elected representatives of the less represented gender.***²⁷

Additionally, **Article 14** refers to the allocation of budget funds for regular financing of women's organizations within political parties. It defines that budget funds for regular activities of women's organizations within political entities in the Parliament shall amount to 0.05 % of the planned total budget funds. In contrast, they shall amount to 0.11 percent of the planned total budget funds in the municipal assembly.

The obligation of the political party is to open a separate bank account and submit the annual consolidated financial statement for the previous year, including the special report on the manner and purpose for which the funds were spent.

The Law entered into force in 2020. By the end of that year, around 500,000 euros were allocated for the regular financing of women's organizations, according to Article 14. The implementation

²⁵ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2020\)031-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2020)031-e)

²⁶ In November 2017, the Women's Political Network (WPN) was established in Montenegro. The result of a long-term process of the political empowerment of women, the WPN was financed by the Delegation of the European Union to Montenegro through IPA 2010 and implemented by the United Nations Development Program (UNDP) in partnership with the Ministry of Human and Minority Rights. The WPN is a coalition of women from 18 political parties, united in joint political action to improve the status of women in society, increase the numbers of women in decision-making and empower one another until equality is reached.

²⁷ http://www.antikorupcija.me/media/documents/Law_on_Financing_of_Political_Entities_and_Election_Campaigns.pdf

of provisions of Article 13 began in January 2021, and it is expected that by the end of this year, the funding based on these two norms will increase by at least 50% compared to 2020. The provisions of Article 13 were intended as an incentive for political parties to position women higher on candidate lists to get more funding.

Two important legislative initiatives regarding the **Rules of Procedure of the Parliament of Montenegro** happened during 2020. The Working group with the mandate to improve the existing Rules of Procedure of the Parliament of Montenegro was established after the Parliamentary elections.

It was proposed that at least **one Vice President should be elected from among underrepresented sex**.²⁸ The provision became an integral part of Article 2 of the Rules of Procedures of the Parliament of Montenegro.²⁹

The other proposed change of this document was defined in Article 34 that **in the process of approving the composition of Parliamentary Committees, including the chairperson and deputy chairperson of the board, the appropriate participation of the underrepresented sex shall be taken into account**.³⁰

Additionally, **Article 210** was amended, and it was defined that **in the procedure of determining the composition of the delegations of the Parliament of Montenegro, the appropriate participation of the underrepresented sex shall be taken into account**.³¹

The current 27th term of the Parliament was established on 23rd September 2020, after the elections that took place on 30th August 2020. At the beginning of the term, there were 18 female MPs or **22,2%**.³² After the several changes within MP groups, we currently have 22 female MPs or **27%**.³³ This is the second-highest percentage of women in the Parliament of Montenegro ever, keeping in mind that at the end of the 26th term of the Parliament, there were 24 female MPs of **29,6%**.³⁴ However, it is important to take into account the fact that the increase in the last year of the previous term happened because, unfortunately, two MPs passed away, and fortunately, another two were appointed as Montenegro's Ambassadors and one became a Mayor.

Table 1: Parliament of Montenegro (2006–2020)³⁵

Term	Men	Women	Men %	Women %
2006 - 2009	63	8	90,1%	9,9%
2009 - 2012	71	10	87,7%	12,3%
2012 - 2016	66	15	81,5%	18,5%
2016 - 2020	62 (57)	19 (24)	76,5% (70,4%)	23,5% (29,6%)
2020 -	59	22	73%	27%

28 <https://api.skupstina.me/media/files/1620284789-00-32-1-20-2-11.pdf>

29 The proposal was the initiative of The Vice President of the Parliament Ms Branka Bosnjak. The coordinated action between her and members of Women's Political Network who send a letter of support for the proposal to all MP groups in the Parliament, asking for their support, was successful.

30 <https://api.skupstina.me/media/files/1620284789-00-32-1-20-2-11.pdf> The proposal was the joint initiative of Vice President Bosnjak and Women's Rights Center.

31 Ibid

32 Source: www.skupstina.me

33 Ibid

34 Source: www.skupstina.me

35 Ibid

As an illustration of what women do when they enter Parliament, the review of the representation in the Parliamentary Working bodies can be a good illustration. Women are still the majority in the Gender Equality Committee, although this is the term with the largest percentage of men in the Committee. The other committees in which women are represented with more than 30% are Constitutional Committee, Legislative Committee, Committee on Political System, Judiciary and Administration, Committee on European Integration, Committee on Education, Science, Culture and Sports, and Committee on Health, Labor and Social Welfare.

This is the first time after two terms that we do not have a woman member in the Security and Defense Committee, and a second time in a row that we have women in the Committee on Economy, Finance, and Budget.

Table 2: Working bodies in the Parliament of Montenegro, 2021³⁶

WORKING BODIES	N (%) male MPs	N (%) female MPs	Male Chairpersons	Female Chairpersons
Constitutional Committee	9 (69.2%)	4 (30.8%)	0	1
Legislative Committee	8 (61.5%)	5 (38.5%)	1	0
Committee on Political System, Judiciary and Administration	9 (69.2%)	4 (30.8%)	1	0
Security and Defence Committee	12 (100%)	0 (0%)	1	0
Committee on International Relations and Emigrants	11 (84.6%)	2 (15.4%)	1	0
Committee on European Integration	8 (66.7%)	4 (33.3%)	1	0
Committee on Economy, Finance and Budget	10 (76.9%)	3 (23.1%)	1	0
Committee on Human Rights and Freedoms	11 (84.7%)	2 (15.3%)	1	0
Gender Equality Committee	4 (30.8%)	9 (69.2%)	0	1
Committee on Education, Science, Culture and Sports	8 (66.7%)	4 (33.3%)	1	0
Committee on Tourism, Agriculture, Ecology and Spatial Planning	10 (76.9%)	3 (23.1%)	1	0
Committee on Health, Labour and Social Welfare	9 (69.2%)	4 (30.8%)	1	0
Anti-corruption Committee	12 (92.3%)	1 (7.7%)	0	1
Administrative Committee	10 (76.9%)	3 (23.1%)	1	0
Commission for Monitoring and Control of the Privatisation Procedure	11 (78.6%)	3 (21.4%)	1	0

³⁶ Ibid

When we analyze the local level, we notice that the situation is somewhat different. There are only five local assemblies where the percentage of women's representation is lower than in the Parliament of Montenegro – Andrijevica, Bijelo Polje, Danilovgrad, Mojkovac, and Ulcinj.

This fact can support the view that it is easier for men to “give up power” at the local level since it is not considered as prestigious as politics at the national level. Either way, it is encouraging to see that the percentage of women at the local level is quite high, even higher than the minimum required by Law. It is an excellent argument against those who question women's interest in politics as well as their dedication.

Table 3: Municipal assemblies, 2021

Municipality	Councilors total	Female	Male	Female mayors	Local assemblies' female presidents
Andrijevica	31	8 (25.8%)	23 (74.2%)	0	0
Bar	37	14 (37.8%)	23 (62.2%)	0	1
Berane	35	11 (31.4%)	24 (68.6%)	0	0
Bijelo Polje	38	10 (26.3%)	28 (73.7%)	0	0
Budva	33	12 (36%)	21 (64%)	0	0
Cetinje	33	11 (33.3%)	22 (66.7%)	0	1
Danilovgrad	33	8 (24.2%)	25 (75.8%)	1	0
Gusinje	30	9 (30%)	21 (70%)	1	0
Herceg Novi	34	10 (29%)	24 (71%)	0	0
Kolašin	31	11 (35.5%)	20 (64.5%)	0	0
Kotor	33	10 (30.3%)	23 (69.7%)	0	1
Mojkovac	31	7 (22.6%)	24 (77.4%)	0	0
Nikšić	41	15 (36.6%)	26 (63.4%)	0	1
Petnjica	31	10 (32.2%)	21 (67.8%)	0	0
Plav	31	10 (32.3%)	21 (67.8%)	0	1
Pljevlja	35	10 (29%)	24 (71%)	0	0
Plužine	30	10 (33%)	20 (67%)	0	0
Podgorica	61	25 (40%)	36 (60%)	0	0
Rožaje	34	10 (29.4%)	24 (70.6%)	0	0
Šavnik	30	9 (30%)	21 (70%)	0	1
Tivat	32	11 (34.3%)	21 (65.7%)	0	0
Tuzi	32	10 (31.2%)	22 (68.8%)	0	0
Ulcinj	33	8 (24%)	25 (76%)	0	0
Žabljak	31	9 (29%)	22 (71%)	0	0
Total	820	258 (31.4%)	562 (68.6%)	2 (8%)	6 (24%)

There are currently 4 female ministers in the Government of Montenegro, which is 33,3% of all ministerial positions. Although this percentage, which is the highest ever, is commendable, it is important to have in mind that the number of women ministers remained the same as in the previous Government. The percentage is higher due to the merging of certain ministries.

The recent UNDP Research on Gender Equality in Montenegro and Assessment of Gender Mainstreaming in Public Authorities contains the attitudes and perceptions of citizens and public administration employees on gender equality. The key findings confirm that the road to achieving full gender equality is long and demanding and that the change of social context is of crucial importance.

More than half of the citizens think that men are better political leaders than women. Although this view is, to some extent, more common among men, it is also present in nearly half of women.³⁷ In line with this is the finding that more than half of the citizens believe that **leadership skills are more characteristic for men** and that, as a result, they **should take leadership positions is in line with the aforementioned**.³⁸

As the primary motive for political involvement of both women and men, citizens most often quote personal interest, i.e., material gain. The second most frequently mentioned motive **for men is power and desire to dominate, be a leader**, while for women, it is **the fight for gender equality and the improvement of women's status in various spheres of life**. Certain motives, such as **avoiding housework or a requirement of international institutions**, although appearing less frequently, were given as reasons why women get politically involved, while **tradition and heritage**, on the other hand, appear as motives for men only.³⁹

Three-quarters of citizens are of the opinion that it is much easier for men to advance in politics. **Private and family obligations, lack of support from the family, and lack of ambition** are seen as the biggest obstacles for women to get actively involved in politics. On the other hand, **lack of qualifications, lack of funds, and support from voters and a political party** were cited as the biggest obstacles for men's political involvement.⁴⁰

Most citizens believe that **men are favored by political parties** in various situations.⁴¹

When it comes to the political involvement of spouses with children of high school or younger age, most citizens believe that **it is more appropriate for a husband to be politically involved**. However, as the age of children increases, so does the percentage of those who say that it is more appropriate for a wife to enter politics or that it does not matter who of the spouses will get politically involved. Thus, **only in the case of families with adult children, the prevailing opinion among citizens is that it does not matter whether a husband or wife will enter politics, but close to 40% still think that it is more acceptable if it is a man**.⁴²

37 Gender Equality in Montenegro and Assessment of Gender Mainstreaming in Public Authorities
<https://www.rodnamapa.me/assets/documents/stavovi-2021.pdf>

38 Ibid

39 Ibid

40 Ibid

41 Gender Equality in Montenegro and Assessment of Gender Mainstreaming in Public Authorities, Ipsos

42 Ibid

Most citizens cite education and competencies as the most important qualities both men and women politicians should have. In addition, qualities that citizens consider important **for men politicians include honesty, reliability, wisdom, and resourcefulness**, while for **women politicians, those are wisdom, ambition, ability, honesty, and perseverance**. The qualities that appear slightly more often as qualities of women politicians are **ambition, courage, good appearance, and charm**.⁴³

A significantly larger number of citizens believe that **men politicians, rather than women politicians in Montenegro, could give the greatest contribution in most sectors**. The only two areas in which there are differences in the potential contribution that give **advantage to women are health and education**. There are no differences in the estimated contribution that women or men can give in job creation and the judiciary.⁴⁴

The senior positions of **the President of the State and the Prime Minister are still predominantly perceived as men's positions**. As regards senior positions such as the Speaker of the Parliament of Montenegro, president of a political party, or mayor, citizens' opinions are divided – while about two-fifths think that men would be more successful, the same share of respondents think that men and women would be equally successful. It is important to keep in mind that for all national and political senior positions, the share of those who think that men would perform better is significantly higher than the share of those who think that women would be more successful.⁴⁵



43 Ibid

44 Ibid

45 Ibid

In order to get the full picture regarding the barriers to women's participation, it is worth mentioning some of the findings from the Research on violence against women in politics, the first of that kind conducted in Montenegro. The Research showed that 9 out of 10 politicians were discriminated against just because they were women, and 7 out of 10 experienced some form of violence.⁴⁶

The Research also showed that various forms of violence are present in the political arena – verbal, psychological, economic, sexual, and physical, as well as online violence and violence in traditional and social media. The interviewed women stated that low interest of political parties for greater participation of women and difficulty to change “men's rules of the game” are very often obstacles impossible to overcome. Every other women politician has a clear view that their parties do not pay enough attention to women in politics and gender equality issues.⁴⁷

When we talk about women's share in media when it comes to politics, whether they talk or are talked about, it stands at 13%.⁴⁸

When we take into account the findings of the latest UNDP Research on Gender Equality in Montenegro and Assessment of Gender Mainstreaming in Public Authorities regarding the representation of the topic of gender equality in the media, **citizens mostly associate content in the media on this topic with negative events** – close to a third of them cite domestic violence (30%), 17% cite trafficking in human beings, and approximately the same percentage cite discrimination against people with disabilities (16%). Equality of women at work, in politics, as well as activities of organizations advocating for gender equality, and media representation of women are mentioned by a significantly smaller share of the population, and more than a third of citizens cannot remember an article/show they read/watched in the past year on the topic of gender equality (36%).

Two out of five citizens notice that women who are involved in politics are not sufficiently represented in the media, while one out of two thinks that the frequency of their appearance in the media is adequate, with men more often sharing this view (56%) than women (47%).

It is clear that various factors affect women's political participation in Montenegro and several issues need to be addressed. Some of the possible courses of action in order to improve the current state are:

- Amending the Law on the Election of Councilors and Members of Parliament by increasing the mandatory quota to 40%, and list order of at least one candidate of the underrepresented sex within the group of three. This will provide a percentage in the legislative branch of power of around 35%, keeping in mind that a number of parties have less than three MPs in the Parliament.
- Amending the Law on Political Parties by introducing the mandatory quota for all decision-making bodies in line with the requirements of the Law on the Election of Councilors and Members of Parliament, and the obligation of creating of gender-sensitive political programs. Since political parties are important actors that directly impact the participation of women in decision-making processes, the necessary change within their structure would affect the change in the political arena.

⁴⁶ “Violence Against Women in Politics”, WPN and UNDP, Natasa Vukovic and Ivana Rascanin

⁴⁷ “Violence Against Women in Politics”, WPN and UNDP, Natasa Vukovic and Ivana Rascanin

⁴⁸ “Media through gender lenses”, UNDP, Duska Pejovic

- Creation and adoption of the Law on Parliament and Law on Government. Within these laws, the mandatory quota for women's representation for all levels of managerial positions would be introduced.
- Sanctioning of violence against women in politics as a particular form of violence.
- Capacity building of institutional mechanisms for achieving gender equality.
- Capacity building of women's groups within political parties and networking.

4.1.2 Public administration reform

Public Administration Reform (PAR) has been one of the crucial demands of the EU in Montenegro's negotiation process. According to the last EC Report, Montenegro is moderately prepared in this area, with one of the most important recommendations being the adoption of the new Public Administration Reform Strategy.

Since the new Strategy is currently being drafted, the process itself is a great opportunity to mainstream gender into all aspects of this important document that will set the grounds for establishing transparent, efficient, inclusive, and citizens-oriented public administration.

This means that strengthening the planning, implementing, monitoring, and evaluation of gender-informed mechanisms must be one of the priorities.

UNDP has recently launched the Research **Gender Equality in Montenegro and Assessment of Gender Mainstreaming in Public Authorities**, about attitudes and perceptions of citizens and public administration employees about gender equality and gender mainstreaming.

Some of the key findings can be used for a more comprehensive analysis of potential areas for intervention and a baseline for recommendations for future courses of action.

Although gender inequality and discrimination against women are clearly perceived in the public administration, the largest number of employees in the public administration tends to conform the patriarchal values and considers the issue of gender equality to be excessively forced as an unnatural and unattainable goal.

Women make up the majority of employees in public administration. They are equally burdened with the regular and extraordinary workload as their male colleagues. A significantly higher percentage of women excel in performing work tasks compared to their male colleagues but receive significantly fewer benefits and rewards. At the same time, women are often being described as not ambitious enough and face obstacles and double standards in the workplace. There are significantly fewer of them in managerial positions in public administration, so the possibility for flexible working hours is reduced because that is mostly the privilege of the managerial staff.

Nevertheless, women employed in public administration are more satisfied with the balance of private and professional life than their male counterparts. At the same time, being additionally burdened by their private and family life, women employed in public administration use sick leave more often, which is the most commented aspect of their professional life. Gender-based discrimination in public administration remains a barely visible topic, regardless of whether employees directly suffer or witness it.



Some of the findings corroborating these statements are following:

- ❖ Unlike citizens, who mostly believe the feminist movement has harmed women more than it has improved their position, **every second public administration employee views the contribution of feminism positively.**
- ❖ Every third employee in public administration **does not have the capacity to assess whether the principle of gender equality is being applied** in the processes of employment and selection of staff in public administration.
- ❖ Male employees in public administration see insufficient qualifications, motivation, and unequal treatment by decision-makers as the main obstacles to their career advancement in public administration.
- ❖ Men believe that the key barrier to career advancement for women is an insufficient commitment to their careers and do not notice the existence of any other barriers.
- ❖ Women see reconciling work with their personal and family obligations as the major obstacle to their career advancement.
- ❖ Every second citizen believes that leadership skills are more characteristic of men. At the same time, **the majority of public administration employees, approximately 75% of them, do not share the opinion that men naturally have better leadership skills.**
- ❖ **40% of employees** in public institutions believe that **there should be more women in decision-making positions.**
- ❖ Although women make up approximately a quarter of the total management staff in the public administration, **2 out of 3 men believe that women are adequately represented in governing bodies**, while every other woman believes that there should be significantly more of them.
- ❖ **3 out of 4** employees in the institutions **would support the introduction of quotas for women** in high-ranking management positions in the Government.
- ❖ **3 out of 4 men** think that men and women in public administration have equal incomes, while every third woman thinks that men have higher incomes.
- ❖ Half of the employees in the public administration notice that **women are more efficient in performing work tasks.**
- ❖ According to the data from the Human Resources Management Authority on the performance of employees in state administration bodies, 79% of women excel in the performance of their work, compared to 38% of men.
- ❖ **Every fourth** employee in the public administration states that **it is men who, on average, enjoy benefits more often and are being more frequently rewarded**, while every tenth respondent states that it is women who enjoy benefits more often and are being more frequently rewarded.
- ❖ **Men and women** employed in public administration **are equally working overtime, traveling for business purposes, and working during weekends.**
- ❖ **Every fifth employee expressed dissatisfaction with their work-life balance**, with **men** being the ones who were **significantly more often dissatisfied.**
- ❖ The possibility of flexible working hours and working from home is more common among managerial staff, a significant majority of whom are men.

- ❖ Persons working in public institutions believe that women in public administration are significantly more likely to use the leave to care for children or family members than their male colleagues.
- ❖ 1 in 10 public administration employees **states they have personally experienced gender-based discrimination**. When speaking about their colleagues' experience, every second employee testifies to the presence of some kind of violence in their institution, regardless of their gender.
- ❖ **2 out of 3 public administration employees**, who have experienced gender-based discrimination, would generally seek help from **superiors**, while **every fifth** would contact the **Ombudsperson**, and only **a few** would seek the support of the **police, NGOs, and unions**.
- ❖ Every fifth public administration employee clearly recognizes psychological and emotional violence, as well as sexual harassment.
- ❖ 3 out of 4 public administration employees feel they can report sexual harassment without fear of consequences.

When it comes to integrating the principles of gender equality in the work of public administration, representatives **of institutions generally show a poor understanding of the concept of gender analysis of regulations**, and most interlocutors cannot remember the regulations in their field that have passed gender analysis.

The interlocutors point out that when drafting the law, the draft is sent to other ministries before sending it to the Government in order to avoid inconsistencies, and the Ministry with the mandate for human and minority rights is expected to deal with such analyzes because, according to representatives of most other ministries, it is their jurisdiction. So, in most cases, it happens that the laws either do not pass any gender analysis or the analysis is done by the Ministry of Human and Minority Rights, as well as organizations from the non-governmental sector.

Furthermore, gender equality contact persons are seen as solely responsible for creating and implementing gender equality policies and gender equality mechanisms. Often, public administration employees are not even aware of the existence of contact persons at all, and when they are, they confuse them with experts, despite the fact that the topic of gender equality is not their main scope of work in most cases. The employment of gender equality experts in public institutions is almost completely non-existent. The lack of in-house experts for gender equality within gender mechanisms and other institutions within public administration needs to be stressed out since it is of crucial importance for the successful application of the gender mainstreaming concept.

As the illustration of the above mentioned, here are some of the findings:

- ❖ About 60% of the public administration employees cannot say with certainty, while over 30% state that their institution **does not conduct a gender analysis of public policies**.
- ❖ However, **over 60% of public administration employees** believe that employees in their institutions **have the knowledge to integrate gender equality principles into their work. Interestingly, it is actually men who are leading when it comes to these attitudes**.
- ❖ Over **75% of employees in public institutions have not attended any training in the field of gender equality in the last five years**.

- ❖ Of those who attended at least one such training, 60% believe that they were important for improving their work in the institution.
- ❖ Every second employee believes that **there are clear instructions** in their institutions on how to **include the principles of gender equality** in the drafting of laws, strategies, and programs, although as many as 60% cannot say with certainty whether a gender analysis has been conducted in their institution in the last year.
- ❖ **80% of employees in institutions believe that the topic of gender equality is the duty of contact persons for gender equality**, while only 20% are of the opinion that each employee has a duty with regards to gender equality.
- ❖ In addition to the legal obligation for each public institution to have a person in charge of gender equality issues, **every second public administration employee is not aware of the existence of a contact person for gender equality in their institution.**
- ❖ Half of the employees do not know how their institution contributes to the fulfillment of obligations that stem from international conventions, such as CEDAW, the Beijing Platform for Action, etc.
- ❖ 2 out of 3 public administration civil servants believe that, at the annual level, sufficient financial resources are being allocated for the activities in the field of gender equality.
- ❖ Employees in public administration are insufficiently familiar with the concept and practice known as gender-responsive budgeting (GRB).

Key pillars of reformed public administration, able to apply gender mainstreaming concept are:

- ❖ Knowledge-based leadership;
- ❖ Strengthened capacities of institutions, including capacities of employees;
- ❖ A comprehensive system for measuring results and achievements;
- ❖ Partnership development that will include international actors, NGOs, and academia.

More concrete recommendations for capacity building within institutions for the implementation of gender mainstreaming include:

- ❖ Independently of the National Strategy for Achieving Gender Equality, it is necessary to adopt and implement plans for achieving gender equality within the institutions with the obligation to report. The plan and report should contain the indicators for monitoring and evaluation of the achievements within the institution.

Some of the indicators could be grouped as follows:

- **Management and planning:** a strategy for gender equality (GE) in the institution, women make up 40–50% of management positions, a share of institution's budget funds are allocated for GE, management and staff are continuously educated in the areas of GE;
- **Institutional capacities for gender equality:** there is an in-house expert for GE in the institution, each sector has a gender person or team, the institution has clear goals and results that contribute to GE, all employees have passed at least two GE training programs, at least one public appearance of management focused on issues of GE, program, strategic, methodological forms contain instructions on the integration of gender aspects into strategies, programs;

- **Work environment:** the institution has developed measures to balance private and business life and encourages their implementation, applies active measures to promote zero tolerance for sexual harassment, abuse of power, and mobbing, at least 80% of reported cases resolved, regularly conducts anonymous employee satisfaction surveys, there are formal and informal support networks for employees who experienced violence;
 - **Partnerships for achieving gender equality:** the institution has a developed partnership with other institutions with which it has close mandates, institutions exchange data and analyzes that contribute to better policies, laws, improvement of work, institutions cooperate with civil society dealing with GE, institutions have an active partnership with institutional mechanisms, institutions have created all the preconditions for citizens to be able to access the institution and responsible persons directly without administrative barriers.
- ❖ The budget of the institution with gender components, and its analysis, which includes the budget provided for the implementation of the Action Plan for achieving gender equality, and the percentage of the total program budget intended for targeted gender programs;
 - ❖ Publication of gender statistics, which by law should be kept within the institution, as well as monitoring of gender aspects with regard to defined indicators;
 - ❖ Implement measures to achieve a balance in the number of employed men and women.
 - ❖ Knowledge of the basic principles of gender equality as one of the criteria in the recruitment process in public administration;
 - ❖ Introduce the obligation to evaluate the contribution to achieving gender equality within the institution, the integration of the gender aspect during the annual evaluation of civil servants, especially when it comes to the heads of organizational units;
 - ❖ Continuous and mandatory training in the field of gender equality for public administration, which would be conducted by the Human Resources Administration.

4.1.3 Gender-based violence

The most comprehensive international legal instrument in fighting violence against women is The Council of Europe Convention on preventing and combating violence against women and domestic violence, the **Istanbul Convention**⁴⁹.

Montenegro was one of the first countries to sign it in 2011, immediately after it was open for signature. The Convention came into force in 2014.

In Article 3 of the Convention, violence against women is defined as a violation of human rights and a form of discrimination.

By ratifying the Convention, Parties are obliged to criminalize several offenses, including psychological violence, stalking, physical violence, sexual violence, rape, explicitly covering all engagement in non-consensual acts of a sexual nature with a person, forced abortion, and forced sterilization.

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is the independent body established by the Convention with the mandate to monitor the implementation of the Convention.

⁴⁹ <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

The most important national instrument in this area is **Law on Domestic Violence Protection**⁵⁰, adopted in 2010.

In **Article 2** of the Law, domestic violence is defined as omission or commission by a family member in violating physical, psychological, sexual, or economic integrity, mental health, and peace of other family members, irrespective of where the incident of violence has occurred.

Article 3 defines family members as 1) spouses or former spouses, children they have in common, and their stepchildren; 2) consensual partners or former consensual partners irrespective of the duration of consensual union, children they have in common, and their stepchildren; 3) persons related by consanguinity and relatives by full adoption, in the direct line of descent with no limitation and in the collateral line of descent up to the fourth degree; 4) relatives by incomplete adoption; 5) relatives on the side of wife/consensual partner up to the second degree in a marital or consensual union; 6) persons sharing the same household irrespective of the nature of their relationship; 7) persons who have a child in common or who have conceived a child.

In **Article 5**, the Police, misdemeanor body, public prosecution service, social work center or other social and child protection agencies, health care institutions, and other agencies or institutions acting as care providers are defined as institutional mechanisms that have the duty to provide the victim with complete and coordinated protection, within their respective powers and depending on the severity of the violation. In this article, it is also defined that non-governmental organizations, other legal or natural persons, may provide protection in accordance with the law. Bodies and institutions are obliged to set incidences of violence in order of priority, ensure mutual communication, and provide assistance to prevent and detect violence, eliminate causes, and provide assistance to the victim in regaining security in life.

Article 20 defines orders of protection abuser may be issued:

- 1) order of removal from place of residence or other premises ('removal from residence');
- 2) restraining order;
- 3) prohibition of harassment and stalking;
- 4) mandatory addiction treatment;
- 5) mandatory psycho-social therapy.

Article 26 defines that an order of protection may be issued either in addition to a sanction or as a sanction in itself. A misdemeanor body may issue one or several orders of protection to the abuser provided pre-requisites for such orders as set by this act are satisfied. A misdemeanor body may decide to prolong the duration of protection measures imposed if reasons for imposing measures still exist, but no longer than for a period of two years.

Domestic Violence is also treated in **the Criminal Code of Montenegro**⁵¹.

In **Article 220**, it is defined that whoever uses gross violence to violate the bodily or mental integrity of his family member or member of a family community shall be punished by a fine or a prison sentence for a term not exceeding two years. If the offense was committed by means of weapons, dangerous tools, or other instruments suitable for inflicting serious bodily injury or seriously impairing one's health, the perpetrator should be punished by a prison sentence for a term from three months to three years.

50 https://www.legislationline.org/download/id/8406/file/Montenegro_CC_am2018_en.pdf

51 https://www.legislationline.org/download/id/8406/file/Montenegro_CC_am2018_en.pdf

If the offense resulted in a serious bodily injury or serious impairment of health or where they are committed against a minor, the perpetrator should be punished by a prison sentence for a term from one to five years, and if it results in the death of a member of a family or family community, the prison sentence term is from three to twelve years. For violation of protection measures against domestic violence imposed by the court or another state authority under the law, punishment is a fine or a prison sentence for a term not exceeding one year.

The Law also recognizes offenses that can be related to domestic violence, such as Abduction of a Minor (Article 217), Neglecting or Ill-treating a Minor (Article 219), Failure to Pay Maintenance (Article 221), Violation of Family Obligations (Article 222).

The legal framework also includes **Criminal Procedure Code, Family Law, Law on Free Legal Aid, Law on Social and Child Protection**. Protocol on the treatment, prevention, and protection against domestic violence is another important legal instrument that establishes procedures in coordinated actions of the relevant institutions in the cases of domestic violence.





Strategy for protection of domestic violence 2016-2020 that expired last year defined five key objectives:

- ❖ Improved legal framework for protection against domestic violence;
- ❖ Strengthened administrative and professional capacities and multidisciplinary approach in the implementation of regulations in the field of protection from domestic violence;
- ❖ Increased level of public awareness about violence against women and domestic violence;
- ❖ Improved system of institutional protection against domestic violence;
- ❖ Improved access to justice and legal protection from domestic violence.

National document for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), a new strategic document has been drafted, and its adoption is expected soon.

Number of legislative actions taken to criminalize gender-based violence, including online, and to prosecute perpetrators, in line with international standards;

There have been initiatives in the previous period to improve the legal framework in this field and make sure that it is fully aligned with provisions of the Istanbul Convention. The initiatives mainly came from women NGOs and WPN. During the previous Government, a Working group was formed with the task to improve several laws related to combating gender-based violence. NGOs with expertise in this field, as well as those licensed service providers, always make part of the working groups for improving the legal framework.⁵²

52 Three NGOs with the biggest capacities, licensed service providers are SOS PG, SOS NK and Safe Women's House

It is often stated that gender-based violence is the most widespread violation of women's human rights worldwide. UNDP Survey on Violence against Women (2017) revealed that the prevalence of FGBV in the country is high with every third woman who experienced some form of violence during her lifetime and every fifth woman who suffered from the violence over the last 12 months.

Although the awareness of gender-based violence's existence and presence increases, it is still widely considered a private issue, and different types of violence are not always detected. This view is largely corroborated by the findings of the *UNDP Survey on citizens' perceptions and attitudes about gender-based violence from 2020*.

The majority of citizens view domestic violence as a significant problem in Montenegro, which is why **about two-fifths consider it one of the most important problems**, while a slightly higher share states that although significant, domestic violence is not a priority problem. However, it is noticeable that compared to 2016, citizens perceive domestic violence as a burning problem to a significantly greater extent. The attitude about the need to report violence is related to the problem of domestic violence so that those citizens who point out that it is not necessary to report every case of domestic violence tend to relativize the importance of this problem.

On the other hand, **almost two-thirds of citizens believe that the problem of domestic violence is not paid enough attention** in Montenegro. However, compared to the period three years ago, the share of these citizens has dropped significantly, while the share of citizens who believe that this topic is being paid attention to is just as much as it is.

Every second citizen believes that domestic violence is a frequent occurrence in Montenegro, which compared to 2016 represents **an increase of 7 percentage points**. Despite that, the largest share of them, **about two-fifths, comparing the current situation with the one from three years ago, does not notice that anything has changed in terms of the frequency of domestic violence**. This finding may indicate a greater presence of domestic violence topics in the media. In addition, one-quarter believe that violence is less common now, while the same number of them state that it is more common now.

The vast majority of citizens, three-quarters or more of them, recognize a wide range of forms of violence as domestic violence. However, when it comes to certain types of violence, Montenegrin citizens do not show a sufficient degree of sensitivity – **16% do not classify slaps and emotional threats and accusations as violence, while even one in five believes that control of movement or communication is not domestic violence**.

Citizen's view is that victims of domestic violence are primarily women (73%) and then children (40%), while male family members, husbands, fathers, and sons (79%) are most often perceived as perpetrators of domestic violence, indicating a gender component that plays a significant role in the perception of victims and perpetrators when it comes to domestic violence.

Citizens most often attribute the causes of violence to factors beyond the personal control of the perpetrator – addiction and vices (42%), poor financial situation (19%), mental illness (10%), or even consider violence a consequence of traditional and patriarchal relations in society (10%). Only every tenth citizen perceives the main cause of violence to be the perpetrator's temperament.

Findings from focus groups show that citizens see **jealousy, male character, upbringing, and vices as the main causes of violence**. However, as the topic of violence against women has become topical, **the interlocutors believe that there is an increasing number of women**

who suffer find it harder to prove forms of violence – primarily psychological and then economic violence. It is emphasized that it is crucial to direct further efforts towards increasing support for women victims of violence through economic empowerment, solving their housing issues, and the like.

The largest share of citizens believes that it is necessary to report any form of domestic violence to competent institutions, which is a significant increase compared to 2016. While three years ago, about half shared this view (49%), now it is 58%. However, **two out of five citizens still believe that it is not necessary to report every type of domestic violence and that there are exceptions that can be resolved within the family.**

In contrast, over three-quarters of citizens are convinced that they would report violence to competent institutions in case they experienced it in person. Interestingly, a significantly higher percentage of men point out that they would not report if they were victims of domestic violence (16%). At the same time, every tenth respondent refuses to answer this question or is not sure how they would act in such a situation.

Close to three-quarters of citizens believe that a larger number of cases of domestic violence are not reported to competent institutions. Only every fifth citizen believes that the number of reported cases is higher than the number of unreported cases.

The reasons that citizens see in the basis of the lack of reporting cases are **fear of the perpetrator or fear of retaliation (65%) and fear of the public (32%).**

Providing help to victims of domestic violence in most cases took place non-institutionally and consisted of talking to the perpetrator or victim (51%), giving advice (15%), or directly preventing violence (12%). **Only 15% of citizens who provided assistance to the victim did so by reporting violence or providing assistance to the victim to get in touch with the competent institutions,** with this type of support being somewhat more common in the central region of the country (21%).

Similar to 2016, **citizens who stated that they did not provide assistance to the victim as a justification for the lack of reaction most often state that domestic violence is a private matter in which they did not want to interfere (47%).** It is interesting that citizens, more often than ever before, state that they did not react because they were afraid of the perpetrator (19%), while the decision not to help less often is a consequence of seeing that nothing would be achieved.

An inevitable topic for a comprehensive understanding of the current context regarding gender-based violence is the impact of the COVID-19 pandemic. All shortcomings of the institutional response and inadequacies of the support system were perhaps most evident in the area of the fight against gender-based violence.

Since its outbreak, the COVID-19 pandemic has only intensified VAWG, particularly in, but not limited to, the domestic sphere, and it is for this reason that more often, it is referred to the issue of violence against women as the “shadow pandemic.” Stay-at-home measures are compounding perpetrators’ use of mechanisms of power and control to isolate victims of VAWG. Unemployment, economic instability, and stress, respectively was expected to exacerbate the frequency and severity of offenders’ abusive behavior. At the same time, the crisis was generating additional barriers for women and girls’ access to essential life-saving services such as counseling and justice resources, and legal advice as well as sexual health, and other crucial medical assistance.

Gender-based violence tends to increase during times of crisis, including the COVID-19 epidemic, and this was the case in the first six months of the pandemic outbreak in Montenegro. Stress, disruption of social and protective networks, decreased access to services, and family separation can exacerbate the risk of violence for women and adolescent girls.

Helplines for victims of gender-based violence report a 15% increase in calls in 2020. The three largest licensed women's groups – Women's Safe House, National SOS Helpline, and SOS Podgorica received 4,088 calls from January until December. Out of these calls, 1,156 cases were processed and supported by different services of these NGOs, while 333 cases were reported to institutions, out of which 143 victims were accommodated in shelters. Despite expectations of the experts' number of victims of GBV accommodated in the shelters did not increase during 2020.

It can be observed that a significant increase in calls was registered only for the first months when lockdown measures were stricter. For example, during March and June 2020, Women's safe house from Podgorica has received 46% more calls than during the same period in 2019. Also, the National helpline only in May 2020 received 32,5% more calls than during the same period last year. The same trend can be observed in police records. Namely, between January 30th and November 30th in 2020, Police registered 226 criminal offenses of GBV, while for the same period in 2019, Police registered 267 cases. Within the first six months of the pandemic outbreak, when the lockdown measures were strict, Police registered 130 GBV crimes, while for the same period of 2019. there were 110 crimes registered, which suggests that only within this first period a 15% rise of reported cases towards institutions have happened. The greatest number of criminal offenses has been conducted during June, while one-third of all cases have occurred in Podgorica.

Within the first six months of the pandemic, additionally was emphasized slow adjustments of the institutions to complexities of the realities that GBV brings.

To date, there is only one specialized service for victims of GBV incorporated in the system and financed through the state budget, which is National SOS lines, while others are obtaining financial support for their organizations and services based on different projects mainly supported by international organizations which was also the case during the pandemic.

Reduced multisector and multidiscipline cooperation could be noticed during the whole time the physical distancing measures were enforced.

According to data provided by **Supreme State Prosecutor's Office** during 2020, due to the commission of the criminal offense of domestic violence under Article 220 of the Criminal Code of Montenegro, **271 persons** were reported, so with unresolved reports from the previous period against 22 persons, the total number of reports was 293.

State prosecutors **rejected criminal charges against 90 persons, indictments were filed against 181 persons, direct indictments were filed against one person, charges were filed against 4 persons**, while at the end of the reporting period, **charges against 17 persons remained unresolved**.

The review of the cases for Article 220 of the Criminal Code by the **Supreme Court of Montenegro**

Criminal Code Article	Total number of cases	Number of legally resolved cases as of 31. 12. 2020	Type of final decisions by persons		
			Convictions	Acquittal	Suspension of proceedings
220	252	140	139	3	3

When the type of sentence is analyzed, it is shown that the number of prison sentences and probation sentences are almost equal and represent the biggest share of all imposed sentences.

Case review by the type of sentence

Type of final sentence in 2020	Total
Prison sentence	57
Probation	55
Public service	8
Financial fine	6
Restraining order Article 77a	6
Imprisonment in residential premises	5
Compulsory psychiatric treatment with freedom of movement	5
Compulsory treatment of alcoholics and drug addicts	3
Compulsory psychiatric treatment in a health institution	3
Disciplinary measure (reprimand)	2
Compulsory treatment of alcoholics	2
Compulsory psychiatric treatment and care in a health institution	1
Compulsory treatment of drug addicts	1
Revocation of travel document-passport	1
Referral to a non-institutional facility	1
Grand Total	156

When it comes to Centers for Social Work data, according to their data, most victims reported emotional and physical abuse.

Number of victims by the type of violence, Centers for Social Work

Year	Institution	# of victims; Domestic violence / negligence	# of victims; Domestic violence / economic abuse	# of victims; Domestic violence / emotional abuse	# of victims; Domestic violence / physical abuse	# of victims; Domestic violence / sexual abuse
2020	CSW Bar	3	9	48	34	n/a
2020	CSW Berane	3	2	50	34	n/a
2020	CSW Bijelo Polje	n/a	1	22	42	n/a
2020	CSW Cetinje	n/a	n/a	4	2	n/a
2020	CSW Herceg Novi	n/a	n/a	46	38	n/a
2020	CSW Kotor	1	3	28	15	n/a
2020	CSW Mojkovac	3	n/a	27	12	n/a
2020	CSW Nikšić	30	30	195	93	6
2020	CSW Pljevlja	n/a	1	80	34	1
2020	CSW Podgorica	40	16	265	162	1
2020	CSW Rožaje	n/a	1	4	11	n/a
2020	TU Andrijevica	n/a	n/a	2	3	n/a
2020	TU Budva	6	7	64	26	n/a
2020	TU Golubovci	n/a	2	12	10	n/a
2020	TU Kolašin	n/a	n/a	6	7	n/a
2020	TU Šavnik	n/a	n/a	1	1	1
2020	TU Tivat	n/a	n/a	7	3	n/a
2020	TU Tuzi	6	2	6	6	n/a
2020	TU Ulcinj	n/a	n/a	17	7	n/a
2020	TU Žabljak	n/a	n/a	n/a	1	n/a

During 2020 there have been 15 registered criminal offenses against sexual freedom of females aged 15+ by persons who are not their emotional partners.

Year of birth	Place of occurrence	Article	Criminal Offense
1982	Bar	204	Rape
2005	Nikšić	211	Child pornography
2005	Herceg Novi	208	Unlawful Sex Acts
2004	Bijelo Polje	204	Rape related to Art.223 Incest
1982	Podgorica	208	Unlawful Sex Acts in relation to Art. 204 Rape
1999	Podgorica	204	Rape
2004	Cetinje	204	Rape
1970	Pljevlja	208	Unlawful Sex Acts
2002	Herceg Novi	208	Unlawful Sex Acts
2003	Podgorica	208	Unlawful Sex Acts
1998	Nikšić	204	Rape
2001	Cetinje	208	Unlawful Sex Acts
2000	Podgorica	204	Rape
1993	Bijelo Polje	204	Rape
2005	Podgorica	208	Unlawful Sex Acts

Police Directorate⁵³ data for 2020 show that **265 criminal offenses** under Article 220 of the Criminal Code of Montenegro were committed, for which **260 criminal charges were filed**. The stated number of criminal offenses **was committed by 277 persons**, of which **246 were male** (six were minors) and **32 were female**.

During this period, **45 persons are returnees in the commission of criminal** offenses of domestic violence. Of all the committed criminal offenses, almost a third was executed in the area of jurisdiction of Security Center Podgorica.

The victims of committed crimes of domestic violence **are 300 people, 83 men, and 217 women**. Out of the total number of victims, **57 are minors (23 males and 34 females)**.

55 criminal offenses related to domestic violence were recorded that were qualified differently.

In 2020, **the Police Directorate** filed **1,474 misdemeanor charges for 1,505 violations** of the Law on Protection from Domestic Violence. The stated number of offenses was committed by **1,601 perpetrators, of which 1,200 were male (of which 20 were minors) and 401 were female (nine of whom were minors)**. **245 returnees were registered in the commission of misdemeanors** in accordance with the Law on Protection from Domestic Violence.

The victims of the committed offenses are **1772 persons**, of which **706 are male and 1066 female**. Of the total number of victims of misdemeanors, **273 are minors (151 male and 122 female)**.

⁵³ The Police Directorate is territorially organised through eight security centres (regional level), which are further subdivided into 10 security departments (in mid-size municipalities) and four police stations (in smallest municipalities). This structure follows (almost exactly) the division of Montenegro into local self-government units.

In the past year, police officers in 56 cases ordered the perpetrator to be removed or banned from the place of residence or other premises, 44 times in Security Center Nikšić; four times in Security Center Berane and Security Department Kotor; three in Security Center Budva and one in Security Center Bar.

Also, officers of the Police Directorate filed **140 reports of neglect**.

In two cases, the use of firearms was registered, and both resulted in death (two criminal offenses under Article 144 of the CC of Montenegro, in one, the perpetrator's uncle and aunt were killed, while in the other, the wife was killed by the husband), while in one in the case of registered use of a cold weapon-knife (criminal offense under Article 143/20 of the CC of Montenegro, the brother is the victim of the brother).

In the table below, there is a review by Police Directorate Security Centers and Security Departments on the number of proposed protective measures and the type of measure by police officers.

PD Security Center / Security Department	# of final sentences; Removal from the place of residence or other premises	# of final sentences; Restraining order	# of final sentences; Prohibition of harassment and stalking	# of final sentences; Mandatory addiction treatment	# of final sentences; Mandatory psycho-social therapy
Bar	0	9	2	0	0
Berane	n/a	n/a	n/a	n/a	n/a
Bijelo Polje	1	1	0	8	2
Budva	12	23	22	0	0
Cetinje	0	0	0	0	0
Danilovgrad	n/a	n/a	n/a	n/a	-
Herceg Novi	n/a	n/a	n/a	n/a	n/a
Kolašin	0	0	0	0	0
Kotor	0	25	20	0	3
Mojkovac	6	3	0	6	1
Nikšić	16	29	16	0	0
Plav	0	0	0	0	0
Pljevlja	2	2	0	0	0
Podgorica	8	11	7	6	3
Rožaje	1	2	17	0	0
Tivat	n/a	n/a	n/a	n/a	n/a
Ulcinj	0	1	1	0	0
Žabljak	1	1	0	0	0
Total	47	107	85	20	9

Police Directorate Security Centers and Security Departments data on the number of imposed protective measures and the type of measure which execution is the competence of police:

PD SC/ SD	# of final sentences; Removal from the home	# of final sentences; Restraining order	# of final sentences; Prohibition of harassment and stalking
Bar	1	9	0
Berane	0	0	8
Bijelo Polje	1	0	0
Budva	7	12	25
Cetinje	0	0	0
Danilovgrad	0	0	0
Herceg Novi	6	6	25
Kolašin	0	0	0
Kotor	8	8	12
Mojkovac	3	2	0
Nikšić	16	29	16
Plav	0	0	0
Pljevlja	0	3	0
Podgorica	18	24	28
Rožaje	1	2	17
Tivat	1	0	1
Ulcinj	0	0	0
Žabljak	1	0	0
Total	63	95	132

In 2020, police officers sent **30 victims to shelters; 21 minors** were sent to the shelter with the victims. **Eight citizens' complaints about the work of police officers** working on combating domestic violence were recorded, one of which resulted in the initiation of disciplinary proceedings. The outcome is not yet known, while in one case, a penalty for a serious violation of disciplinary responsibility was imposed.

The assessment of the context and available data show that the underlying causes of gender-based violence are found in the imbalance of power and control, inequality between men and women that results in discriminatory attitudes, gender stereotypes, social norms that tolerate and perpetuate violence and create societal structures that present enabling environment for inequality and even replicate discrimination. The country needs to develop longer-term strategic approaches that tackle these underlying causes, including all key state actors providing efficient engagement, coordination, and cooperation of a wide spectrum of sectors and actors, including a trust-based relationship with women's groups – specialized service providers. Institutions must recognize the important role that women human rights defenders and feminist movements have played to date and continue to play in preventing violence against women and enable their full integration in the system and increase their funding.

The funding of the women's organizations that are service providers is worth mentioning since they run the only shelters for victims that exist in the country. In the UNDP's publication *Financing of specialized NGOs help and support services for women with experience of violence and experience domestic violence – analysis from 2020*, it is stated that of the at least 5,000,000 euros allocated to the NGO sector in 2020, only 150,000 euros or 3% were set aside for women's organizations running specialized assistance and support services. There is no specialized help and support service supported through multi-year funding programs. Only one service (National SOS Line) run by the NGO in accordance with Article 24 of the Istanbul Convention is partially, about 50%, through one-year budgets, funded by the Government of Montenegro.⁵⁴

NGOs accounted for 63.8% of their total budget from international funding sources for specialized support services, which was almost two-thirds.⁵⁵ In the following years, the percentage was gradually decreasing, and in 2020 it was 47%. This is very worrying because it indicates that in five years, the share of available funds for specialized assistance and support services for women with experience of violence and domestic violence has halved, i.e., the services are less and less recognized as a priority by international donors.⁵⁶

For the overall improvement of the situation regarding gender-based violence, some of the recommendations are:

- ❖ Further development of the legal framework fully aligned with the Istanbul conventions. This also includes laws related to the umbrella law such as Law on Prohibition of Harassment at Work, Labor Law, Law on Gender Equality, Law on Misdemeanors, Law on Public Order and Peace, Law on Free Legal Aid, and Family Law.
- ❖ Develop (or continuously improve the existing) protocols and code of conduct that would encourage a better inter-institutional coordination mechanism in the implementation of policies related to GBV
- ❖ Continuation of regular dialogue with civil society organizations and women's rights organizations is key to the identification and introduction of new modes of operations, such as online service delivery and online group outreach and support. Roma women and girls require particular attention.
- ❖ Develop awareness-raising activities aimed at the public on GBV and empower women to report GBV.
- ❖ Ensure that the decision-making bodies are gender-balanced, including and that special attention is paid to the specialists for gender issues, sexual and reproductive health, as well as gender-based violence.

4.1.4 Trafficking in Human Beings

Trafficking in human beings is one of the most widespread contemporary security threats globally. According to the United Nations Office on Drugs and Crime's (UNODC) Report on Trafficking in Persons, from 2020, victims are targeted when they are vulnerable, and the COVID-19 economic recession will result in more people at risk of trafficking. It is noted that **female victims continue to be particularly affected** by trafficking in persons. In 2018, out of 10 victims detected globally,

54 Financing of specialized NGOs help and support services for women with experience of violence and experience domestic violence – analysis, page 25 <https://www.rodnamapa.me/assets/documents/violence/istrzivanja/finansiranje-znvo.pdf>

55 International sources of funding include embassies, international foundations, UN agencies, EU funds

56 Financing of specialized NGOs help and support services for women with experience of violence and experience domestic violence – analysis, page 23 <https://www.rodnamapa.me/assets/documents/violence/istrzivanja/finansiranje-znvo.pdf>

about five were adult women, and two were girls. About one-third of the overall detected victims were children, both girls (19 percent) and boys (15 percent), while 20 percent were adult men.⁵⁷

It is also noted that globally, most victims are trafficked for the purpose of sexual exploitation. In 2018, 50 percent of the victims detected were trafficked for sexual exploitation, and 38 percent was trafficked for forced labor.⁵⁸

When it comes to the legal framework in this area, besides Constitution, general laws, and international legal instruments, this issue is also regulated by the **Criminal Code of Montenegro**.

Article 444⁵⁹ defines that whoever by means of the threat or use of force, fraud or deception, of the abuse of power, trust, dependence, a position of vulnerability, withholding, taking away or destroying personal documents, counterfeiting personal documents, procuring or manufacturing of counterfeit documents or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, commits any of the following: recruits, transports, transfers, surrenders, sells, buys, negotiates the sale of, harbors or receipts another person for the purpose of **exploitation of his labor, forced labor, submission to servitude, slavery or practices similar to slavery, commission of criminal activity, prostitution or other forms of sexual exploitation, beggary, exploitation for pornographic purposes, for conclusion of an unlawful marriage, removal of organs for transplantation**, or for exploitation in armed conflicts, shall be punished by a prison sentence for a term from one to ten years.

The provisions of this Article particularly define that if the offense is committed against a minor or is committed by a public official while discharging their official duty or where the life of one or more persons is endangered with criminal intent, the perpetrator shall be punished by a prison sentence for a minimum term of three years.

Also, if the offense resulted in a serious bodily injury of a person, the perpetrator shall be punished by a prison sentence for a term from one to twelve years, and if it resulted in the death of one or more persons, the perpetrator should be punished by a prison sentence for a minimum term of ten years.

If the offense was committed on a regular basis or in an organized manner by several persons, the perpetrator should be punished by a prison sentence for a minimum term of ten years.

For those who use the services of a person knowing that the person was the subject of the offense, the minimum punishment is a prison sentence for a term from six months to five years.

The important provision of this Article is that the consent of the victim who was the subject of the offense set shall have no impact on the qualification of that criminal offense.

Another important document regulating this sphere is the **Strategy for Combating Trafficking in Human Beings 2019–2024**.

The strategy contains four key areas:

- ❖ Prevention of trafficking in human beings;
- ❖ Protection of victims of human trafficking;
- ❖ Criminal justice/prosecution response;
- ❖ Partnership, coordination, and international cooperation.

⁵⁷ https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf (page 9)

⁵⁸ Ibid, page 33

⁵⁹ https://www.legislationline.org/download/id/8406/file/Montenegro_CC_am2018_en.pdf

State institutions were obliged to implement 5 key measures and 21 activities within strategic area related to prevention of trafficking in human beings, 4 key measures and 11 activities within strategic area related to the protection of victims of human trafficking, 4 key measures, and 7 activities within strategic area related to criminal justice response and 3 key measures and 9 activities within strategic area related to partnership, coordination, and international cooperation by the Action Plan for the Implementation of the Strategy for Combating Trafficking in Human Beings for 2020.

The principal institution in charge of the fight against trafficking in human beings is the Ministry of Interior – Department for Combating Trafficking in Human Beings. Another important institutional mechanism is Police Directorate. Within its Criminal Police Sector, a Department for combating trafficking in human beings, smuggling, and illegal migration was established. Other institutions involved in the fight against trafficking of human beings are the State Prosecutor's Office, Supreme Court, Ministry of Justice, Human and Minority Rights, Ministry of Foreign Affairs, Ministry of Health, Ministry Finance and Social Welfare, Ministry of Education, Science, Culture and Sport, Directorate for Inspection Affairs and Institution of Protectors of Human Rights and Freedoms of Montenegro.

In the EC's **Non-paper on the state of play regarding chapters 23 and 24 for Montenegro**, it is said that "the fight against trafficking in human beings, the track record was further consolidated in 2019, reflecting a more targeted and coordinated approach to detecting trafficking offenses."⁶⁰

Additionally, after three years of stagnation in the State Department's Trafficking in Persons Report for 2020, Montenegro was promoted to Tier 2 Watch List, which includes the largest number of countries in the world.

As stated in The Information on the achieved results in the trafficking in human beings, out of 11 cases initiated for the criminal offense of trafficking in human beings, that Police Directorate filed two criminal charges and one report supplementing the criminal charges against 3 persons. The Prosecutor's Office filed 1 indictment against 2 persons, while two cases related to trafficking in human beings ended up in court. In one case, a final verdict that was passed was at the same time most severe prison sentence so far – one person was sentenced to 17 years in prison and another to 15 years in prison.

This was an important milestone in setting the track record that was non-existing in the past year. Another important improvement was the establishment of the Department for Combating Trafficking in Human Beings within the Ministry of the Interior. Formal Identification Team functions within this department. The service of accommodation and protection of victims of all forms of violence, including victims of human trafficking, has been passed to the competence of the Ministry of Finance and Social Welfare, which refers victims to licensed service providers only. At the end of 2020, a specialized shelter for victims of human trafficking was licensed, managed by the NGO "Institute for Social and Educational Policy."

Other licensed service providers are several women's organizations NGO "SOS hotline for women and children victims of violence Nikšić," NGO "Safe Women's House," as well as PI "Center for Support of Children and Families in Bijelo Polje" and PI "Children's Home Mladost."

The two more women's organizations worth mentioning because of their significant and valuable experience in this field and the partnerships with institutional mechanisms are Montenegrin Women's Lobby and Centre for Roma Initiatives. When it comes to a current state in this area in Montenegro, according to the data available to the Ministry of the Interior's Department for

60 "Non-paper on the state of play regarding chapters 23 and 24 for Montenegro", June 2020, page 18

Combating Trafficking in Human Beings in 2020, the Team for Formal Identification of Victims of Trafficking in Human Beings conducted the procedure and granted the status of a victim of trafficking to **52 persons**.

A more detailed view is found in the tables below.

Table: Number of identified victims by sex

Male	Female	Total
31	21	52

Table: Number of identified victims by age

Age	Male	Female	Total
Minors	4	6	10
Adults	27	15	42

Table: Number of victims of trafficking identified by the Formal Identification Team for the period from January 1st, 2020 to December 31st, 2020, disaggregated by the type of exploitation and citizenship

Status	Number	Type of exploitation	Citizenship
Victim	2 male adults	Labor exploitation	Pakistan
Victim	1 minor girl	Conclusion of an unlawful marriage	Serbia
Victim	1 minor girl	Forced beggary and Conclusion of an unlawful marriage	Montenegro
Victim	1 minor boy	Forced beggary	Montenegro
Victim	12 female adults	Labor exploitation	Taiwan
Victim	25 male adults	Labor exploitation	Taiwan
Victim	1 minor female		Montenegro
Victim	1 female adult	Conclusion of an unlawful marriage	Kosovo
Victim	1 male minor	Conclusion of an unlawful marriage	Montenegro
Victim	1 female minor	Forced beggary	Montenegro
Victim	1 female minor	Conclusion of an unlawful marriage	Montenegro
Victim	4 minors (2male and 2 female)	Conclusion of an unlawful marriage	Montenegro (IDP)
Victim	2 female adults	Sexual exploitation	Serbia

Table: Number of victims by citizenship

Country of origin	Adult male	Adult female	Minor male	Minor female
Pakistan	2	-	-	-
Taiwan	25	12	-	-
Kosovo	-	1	-	-
Serbia	-	1	-	1

Table: Number of identified victims by the form of exploitation

Type of exploitation	Adult male	Adult female	Minor male	Minor female
Labor exploitation	27	12		
Conclusion of an unlawful marriage				1
Sexual exploitation		2	1	1
Arranged marriage		1		2
Beggary			1	
Beggary and arranged marriage			2	2

From this available data, it is evident that in 2020 there were more males than female victims of the trafficking in human beings. The main type of exploitation was labor exploitation.

Although the improvements in the legal framework and institutional capacities are encouraging, the nature of human trafficking and trends showing that trafficking for the purpose of sexual exploitation is the most prevalent globally could indicate that we are not getting the real picture. It is probable that a large number of such offenses remain unreported, a situation similar to the one regarding gender-based violence. Also, the problem of the proper qualification of the offenses is present. This means that even when investigations were conducted to prove the existence of the offenses regarding trafficking of human beings, not all cases are prosecuted as acts of trafficking in human beings, but other related criminal offenses from Criminal Code such as mediation in prostitution. Awareness of the existence of trafficking is another obstacle in creating a more efficient response.

Possible recommendations that would contribute to the improvement in this area:

- ❖ Strengthening the cooperation between institutions that has competencies in the area of trafficking of human beings;
- ❖ Capacity building of the institutions which are in charge of implementing anti-trafficking policies;
- ❖ Strengthening capacities of service providers for victims, including the services regarding reintegration of trafficked persons;
- ❖ Conducting training for prosecutors and judges regarding international practices in the area of antitrafficking;
- ❖ Raise public awareness on trafficking in human beings, with the special emphasis on different forms of exploitation;
- ❖ Raise public awareness on eliminating child marriages;
- ❖ Establish specialized service support for the victims of child marriages;
- ❖ Promote cooperation of institutions and CSOs in order to provide solutions that are local, contextual, and integrated.

4.2 EDUCATION AND SCIENCE

The right to education under equal conditions is guaranteed by the Constitution of Montenegro. The same applies to compulsory and free primary education, as well as the autonomy of universities, higher education, and scientific institutions.

Fundamental national principles in the field of education mainly refer to further harmonization of national legislation with the EU regulations, international conventions, and UN recommendations.

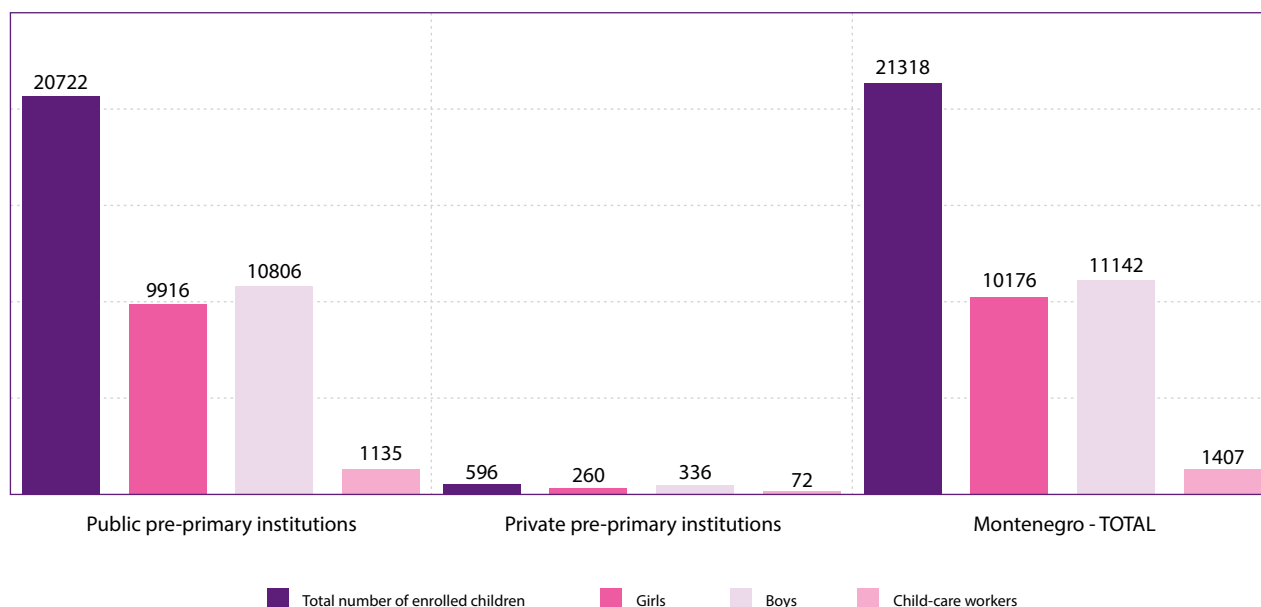
One of the main goals of education defined in the General Law on Education and Upbringing is *to provide an opportunity for the holistic development of the individual, regardless of **gender**, age, disability, social and cultural background, national and religious affiliation, and physical and mental constitution.*

Another one refers to the development of *the awareness, need, and ability to preserve and promote human rights, the rule of law, the natural and social environment, multiethnicity, and diversity*

The goals of the General Law on Education are the basis for all laws that regulate the field of education: the **Law on Preschool Education, the Law on Primary Education, the Law on Gymnasium, the Law on Vocational Education, the Law on Education of Children with Special Educational Needs, Law on Higher Education, Law on Adult Education.**

Starting from the pre-primary education, according to the official data of Statistical Office, there are **44 pre-primary institutions** in Montenegro, of which **21 institutions are public, and 23 are private**, with the network of 158 child care units, within which there were organized 815 child care groups.

Pre-primary education and child care 2020/2021

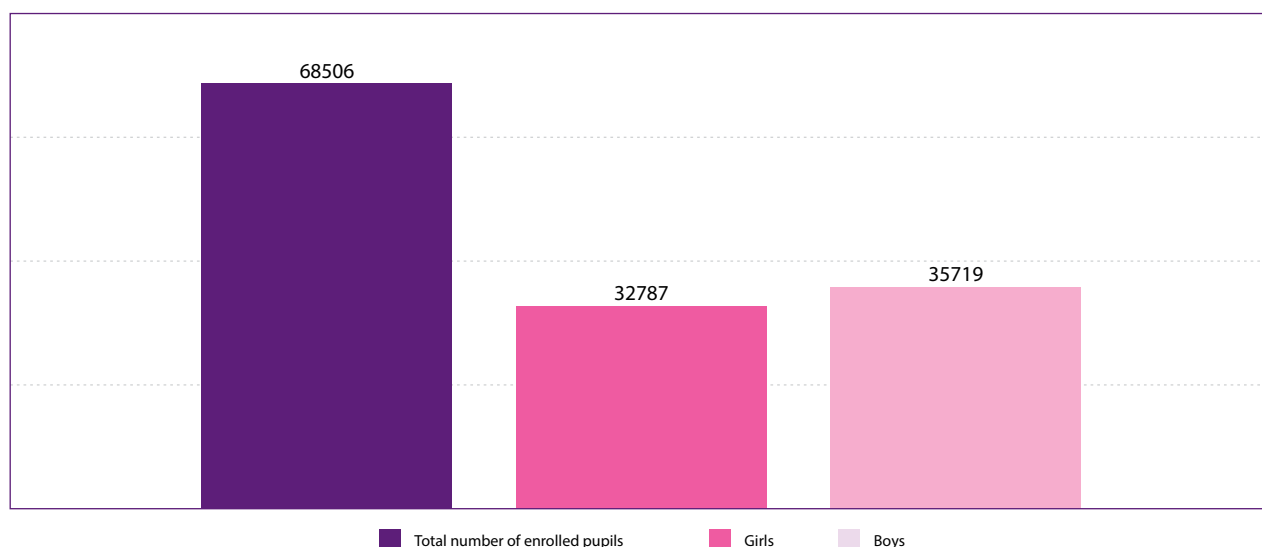


The total number of children enrolled in pre-primary institutions in the school year 2020/2021 is 21,318. Of the total number of children, **there is 47.7% (10,176) of enrolled girls and 52.3% (11,142) of boys**. The share of enrolled children decreased by 7.6% compared to the previous school year. Of the total number of children, children enrolled in public institutions account for 97.2%.

When it comes to primary education, the number of pupils enrolled in primary education at the beginning of the school year 2020/2021 is 68,506. When it comes to enrollment in resource centers, there are 123 pupils using their services.

Of the total number of pupils enrolled in primary school (68,506), 47.9 % or 32,787 are girls, and 52.1% or 35,719 are boys.

Pupils enrolled in primary education in primary schools; the beginning of the school year 2020/2021

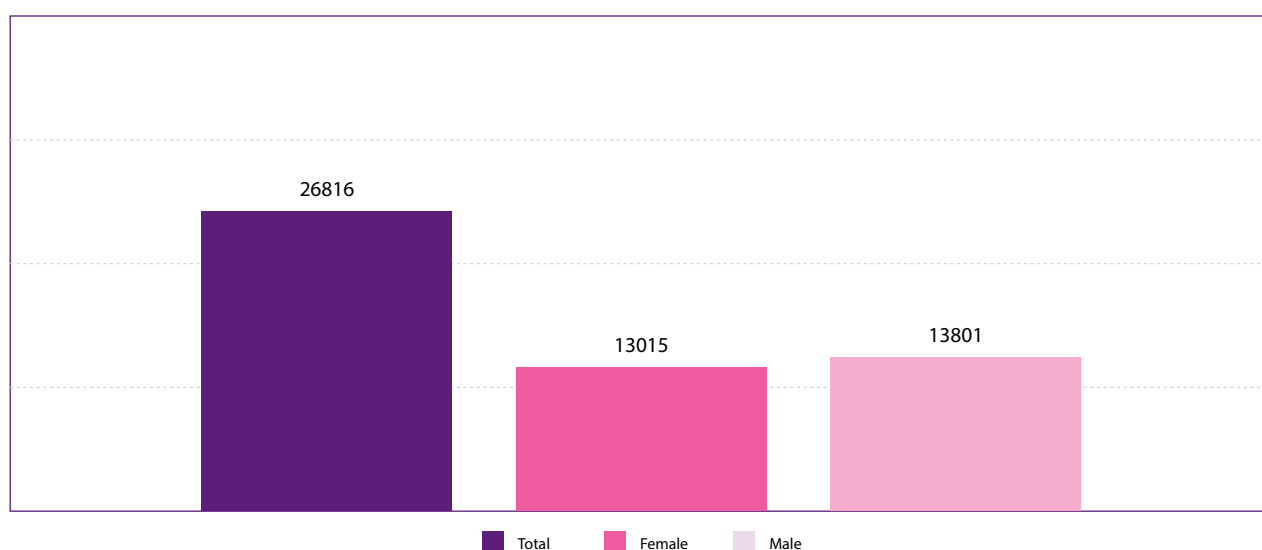


The number of students enrolled in **the first grade** of primary school is 7,811, of which **48% or 3,747 are girls, and 52% or 4,064 are boys**. The number of students enrolled in **the ninth grade** is 7,002, of which **47.9% or 3,353 are girls, and 52.1% or 3,649 are boys**.

The number of classes in primary schools in Montenegro is 3,577. **The class-pupils ratio in regular primary education is 1:19, while the teachers-pupils ratio stands at 1:13.**

The gender structure of teaching staff shows that 79.7% or 4,102 are women, and 20.3% or 1,045 are men.

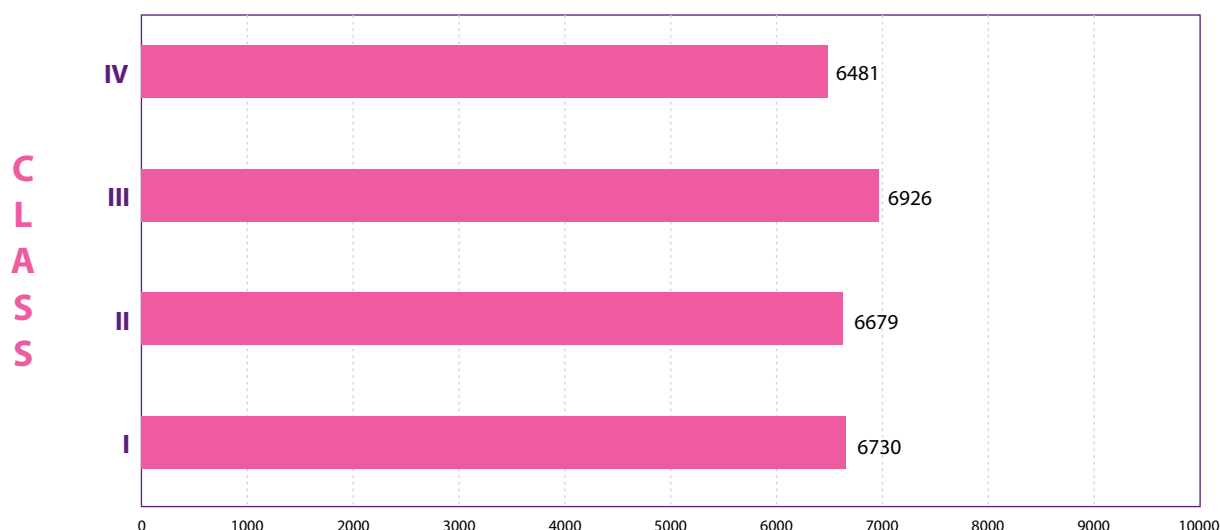
Pupils enrolled in secondary schools, total and by gender; the beginning of the school year 2020/2021



The number of pupils who enrolled in secondary education at the beginning of the school year 2020/2021 is 26,816. When it comes to enrollment in resource centers, there are 139 pupils using their services.

Of the total number of pupils enrolled in secondary school (26,816), 48.5% or 13,015 are female, and 51.5% or 13,801 are male.

Pupils in secondary schools by classes beginning of the school year 2020/2021



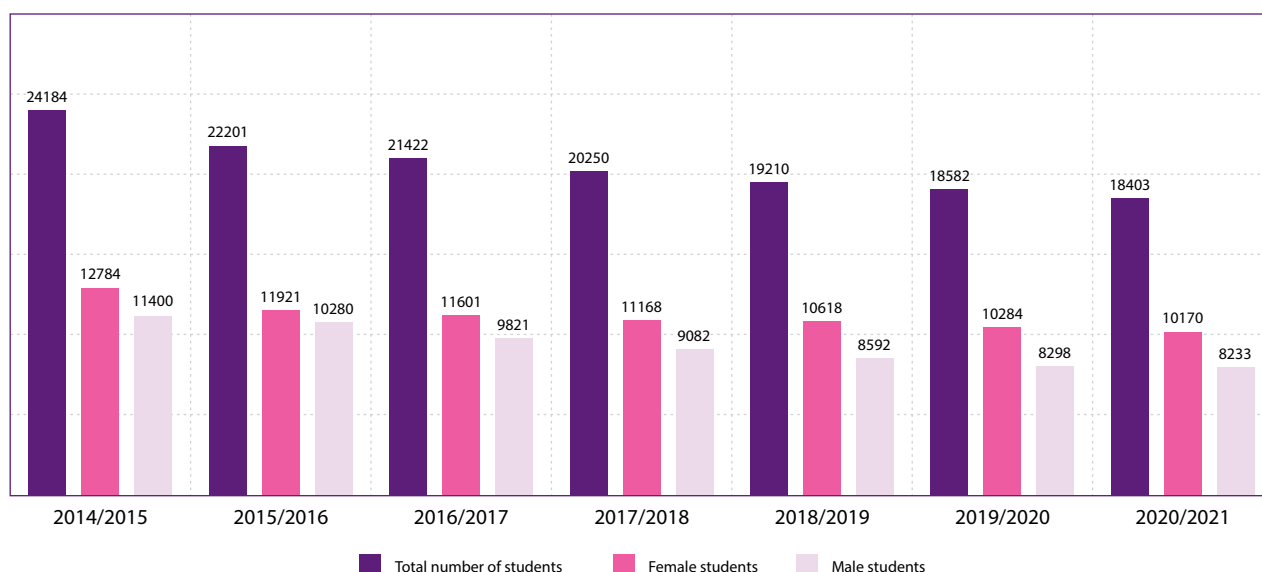
The number of pupils enrolled in the I grade is 6 730, **47.2% or 3,176 are female, and 52.8% or 3,554 are male.** The number of pupils enrolled in the IV grade is 6 481, **49.1% or 3,182 are female and 50.9% or 3,299 are male.**

Observing the areas of work, in the gymnasium, there are 8 281 pupils (30.9%); trade, hotels and restaurants and tourism 4 212 (15.7%); business, administration, and law 3 483 (13%); while other areas of work make 10,840 (40.4%). From a total number of pupils, the greatest number of pupils are in the gymnasium, **4,649 are female, and 3,632 are male.**

The **dual concept of secondary education** was launched in Montenegro two years ago, after almost a decade of preparations. Dual education is a system in which a student attends theoretical classes at school and performs complete practical education with employers, and receives compensation for their engagement. In the first grade, students spend one day a week with the employer, in the second grade they spend two days, and in the third grade, students spend three days with the employer.

Through this concept of education, in which practical teaching is important, children get acquainted with the real work environment as well. During the school year 2020/2021, **790 pupils are a part of this concept of education, of which 237 or 30% are female.**

Enrolled students – undergraduate studies. Academic years 2014/2015 - 2020/2021

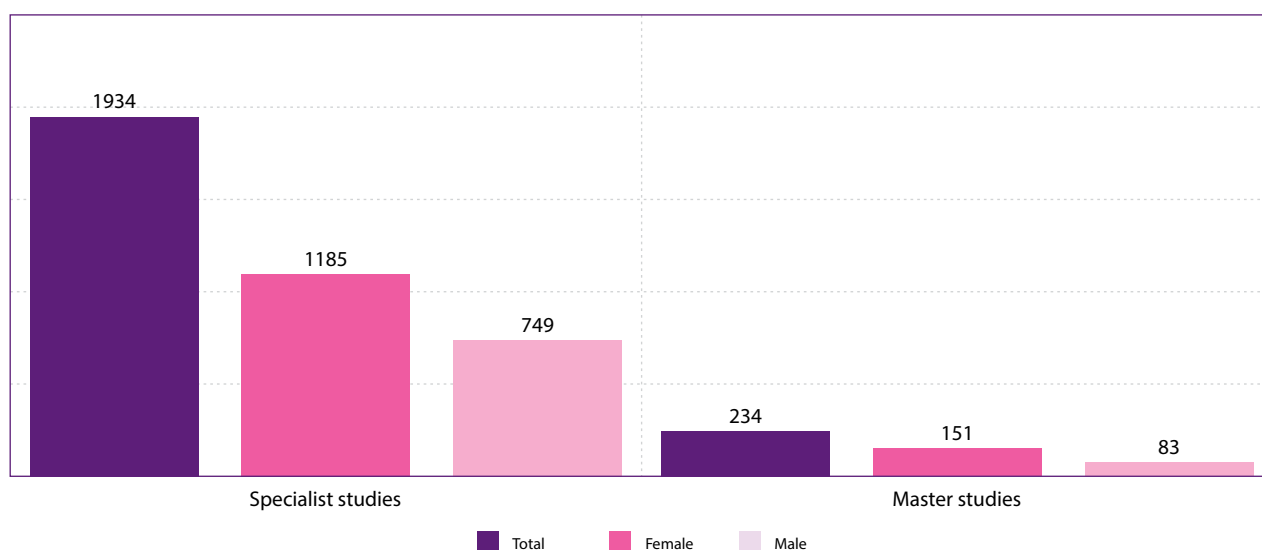


Of the total number of enrolled students, 12,706 or 69% were enrolled in public higher education institutions and 5,697 or 31% were enrolled in private higher education institutions. The number of enrolled students in relation to the last academic year at public higher education institutions was lower by 4.6%, while in private higher education institutions, it increased by 8.1%.

During the academic year 2020/2021, the first year of study was enrolled by 6,701 students or 36.4% (including the students who enrolled the first year again). The number of students enrolled in the first year increased by 2.6% compared to the previous academic year. **Of all the students who enrolled in the first year of study, 51.6% (3,457) were female students and 48.4% (3,244) were male students.**

From the total number of students who completed specialist studies, 1,434 or 74.1% were in public higher education institutions, while 500 or 25.9% completed their studies in private higher education institutions. In 2020, the specialist studies were completed by **61.3% (1,185) of female students and 38.7% (749) of male students.**

Specialists and masters, by total and sex, 2020



From the total number of students who completed master studies, 141 or 60.3% were in public higher education institutions, while 93 or 39.7% finished private higher education institutions. **Master studies were completed by 64.5% (151) female and 35.5% (83) male students.**

A PhD degree in 2020 was obtained by 23 persons. **Of this number, 56.5% (13) are women while 43.5% (10) are men.**

This is evident from previous data because the representation of women at almost all levels of education is higher. The lower percentage at the pre-primary and primary levels could be ascribed to the fact that more boys than girls are born in the last decade due to the harmful practice of prenatal selection of sex.

It is also evident that more women in Montenegro graduate compared to men. According to *Gender Equality Index Montenegro*, in the segment of the population that had no education at all (the total of 11,324 citizens), women also represented a significant majority (80.8%). Similarly, within the segment of the population with incomplete primary school, women comprise the majority with 73,35%.

However, the huge gap that is evident here can probably be ascribed to older generations when it was less common for women to receive any kind of education. Times have changed, and today, women represent the majority of those who complete bachelor studies according to the new reformed educational system. They also represent the majority of those who receive postgraduate degrees. However, **there is no evidence that the better education of women has resulted in them securing better jobs or having higher salaries.**⁶¹

In 2019, the Ministry of Science awarded 17 grants to PhD candidates: 9 of these were awarded to women (one in the area of social sciences and humanities and eight in science, technology, engineering, and mathematics). These grants included a monthly allowance, funds for the implementation of original research, and funds for research mobility.⁶²

When it comes to the content of school curriculums, there is no analysis from a gender equality perspective. It is unknown to what degree materials used contain stereotypical views. Montenegro still does not offer Gender Studies at a higher education level, even though it has been one of the international recommendations for years. Efforts in the past to establish such programs did not yield desired results. If we have in mind that education is the basis for shaping new generations who are supposed to promote the values and principles of equality and live in accordance with them, it is of the utmost importance to create gender-mainstreamed school programs. This also means the capacity building of the institutions within the educational system, including training and educational programs for teachers.

So far, the Bureau for Educational Services of Montenegro have been conducting two seminars regarding gender equality every school year. The number of participants, teachers from primary and secondary schools, for 2018/19 and 2019/2020 was 103, i.e. 87 female and 17 male teachers.

When it comes to ICT skills, available data shows a high level of basic skills in young and adult users regardless of sex. These skills became relevant among pupils and teachers last year when the COVID-19 outbreak happened.

61 Gender Equality Index Montenegro, page 23

https://eurogender.eige.europa.eu/system/files/events-files/gender_equality_index_2019_report_final.pdf

62 Ibid, page 24

The proportion of youth and adults with information and communications technology (ICT) skills, by type of skill, by sex in 2020	Youth Male	Youth Female	Adults Male	Adults Female
Transferring files between computers or other devices	97.0%	96.0%	90.9%	88.1%
Installing software or applications (apps)	71.0%	77.1%	56.6%	54.0%
Changing the settings of any software, including operating system or security programs	38.8%	43.4%	23.9%	22.6%
Copying or moving files or folders	100.0%	96.6%	92.2%	96.5%
Using word processing software	83.9%	87.7%	67.4%	67.1%
Creating presentations or documents integrating text, pictures, tables or charts	56.0%	73.5%	30.6%	42.0%
Using spread sheet software	49.6%	67.9%	32.6%	36.9%
Using advanced functions of spreadsheet software to organize and analyze data, such as sorting, filtering, using formulas, creating charts	33.2%	51.7%	18.0%	21.8%
Using software to edit photos, video or audio files	48.2%	50.4%	22.2%	21.9%
Writing code in a programming language	16.6%	12.8%	6.9%	5.0%

In just one week, a digital distance learning platform, “Learn at home,” was created as the largest project in online education in Montenegro. It was a significant challenge for students and teachers and a test of their ICT skills as well.

There are no specific school protocols regarding gender-based violence, but there are protocols on mediation, as a supported and desirable model of work in school, which is recognized by the General Law on Education and Upbringing, its Article 9b and by the protocol titled “Division of responsibilities and actions to prevent and in cases of violence and vandalism.”

Some of the recommendations for further development of gender-sensitive education are:

- ❖ Further improvement of the legal framework to establish gender-responsive education sector planning, analysis, and implementation of policies.
- ❖ Comprehensive assessment of curricula and textbooks with the aim to improve existing and create new content.
- ❖ Awareness-raising campaign for students and teachers.
- ❖ Training and education program for teachers.
- ❖ Intersectoral cooperation with national institutions that implement education policies.
- ❖ Partnership with CSOs.
- ❖ Developing protocol for preventing and addressing school-related gender-based violence (SRGBV).
- ❖ Promotion of comprehensive sexuality education.

4.3 EMPLOYMENT AND SOCIAL PROTECTION

The main legal framework when it comes to labor rights in Montenegro is **Labor law**. The new law was passed in 2019 and amended in 2020. There are several gender-responsive provisions regarding specific protection of women's labor rights.

Article 7 of this Law prescribes the prohibition of direct and indirect discrimination of persons seeking employment and employees regarding gender. **Article 8** defines the meaning of the terms direct and indirect discrimination more precisely.

Article 10 deals with the prohibition of harassment and sexual harassment at work. Sexual harassment is defined as any unwanted verbal, non-verbal, or physical behavior of a sexual nature, which aims at or violates the dignity of the job seeker and the employed person, especially when such behavior causes fear or creates hostile, degrading intimidating, or offensive environment.

Article 14 prescribes the prohibition of any form of harassment in the workplace (mobbing), i.e., any behavior towards an employee or group of employees by the employer that is repeated and aims at or violates the dignity, reputation, personal and professional integrity, position of the employee causes fear or creates a hostile, degrading or offensive environment, worsens working conditions or leads to the employee being isolated or forced to terminate the employment contract on its own initiative.

Article 15 defines special measures. In this regard, it is stated that the provisions of the law, collective agreement, and employment contract related to special protection and assistance to certain categories of employees, especially those on the protection of the rights of persons with disabilities, women during pregnancy and maternity, parental and leave for the purpose of child care, i.e., special child care, as well as provisions related to the special rights of parents, adoptive parents, guardians, and custodians, shall not be considered discrimination.

Article 17 regulates the right of an employed woman to special protection during pregnancy and childbirth.

Article 99 regulates equal pay for the same work or work of the same value. It is further specified that work of the same value means work for which the same level of education is required, i.e., qualification of the level of education or professional qualification, responsibility, skills, working conditions, and work results. It is also defined that in case of violation of the rights from this article, the employee has the right to compensation in the amount of unpaid part of the salary and that the employer's decision or agreement with the employee that is not in accordance with this article is null and void.

Article 121 stipulates that an employer may not refuse to conclude an employment contract with a woman due to pregnancy, nor may it offer her an amendment to the employment contract under unfavorable conditions due to pregnancy, birth, or breastfeeding. It is also prescribed that the employer cannot condition the establishment of employment, i.e., concluding an employment contract with proof of pregnancy, unless it is a job where there is a significant risk to the health of women and children determined by the competent health authority. The employer may not request any information about the pregnancy, nor may it instruct another person to request it unless the employee personally requests a specific right provided by law or other regulation.

Article 122 defines that a pregnant employee has the right to one day of absence from work during the month for the purpose of performing prenatal examinations unless otherwise determined by a special regulation.

Article 123 stipulates that an employer may not terminate an employment contract with a pregnant employee during the exercise of the right to maternity and parental leave. The same article defines that the employer cannot terminate the employment contract with the parent, adoptive parent, and foster parent due to the use of the right to parental, adoptive, and foster leave; the right to work part-time for the care of a child with disabilities; a single parent who has a child up to seven years of age or a child with developmental disabilities, if he fulfills the obligations in accordance with the law, the collective agreement, and the employment contract. During the absence from work due to child care, temporary incapacity for work based on pregnancy maintenance, use of maternity, parental, adoptive, foster leave, the employer may not declare the employee a person whose work is no longer needed. Also, for an employee whose fixed-term employment contract expires during pregnancy, the use of temporary incapacity for work on the basis of pregnancy, maternity, or parental leave, the period for which the employment contract established a fixed-term employment relationship is extended until the expiration of the right on that absence.

Article 124 defines that based on the findings and recommendation of the competent medical doctor, a woman during pregnancy and while breastfeeding may be temporarily assigned to other jobs if it is in the interest of preserving her health or the health of her child. If the employer is not able to provide her with a schedule for another job, the employee has the right to leave from work, with salary compensation in accordance with the collective agreement, which cannot be less than what she would have achieved if she had been at her workplace.

Article 126 defines the right of an employed woman to use compulsory maternity leave of 98 days, of which 28 days are before the expected date of birth and 70 days from the birth of the child. Notwithstanding this paragraph, maternity leave of 70 days from the birth of a child may be used by both parents at the same time if two or more children have been born. Also, exceptionally from paragraph 1 of this article, the father of the child has the right to use the leave from the day of the child's birth, in case the mother died in childbirth, seriously ill, abandoned the child, if deprived of parental rights or serving a prison sentence.

Article 127 treats parental leave as the right of each parent to use leave from work for the purpose of caring for and caring for a child. Parental leave may be used after the expiration of the period referred to in Article 126, paragraph 1 of this Law, for a period of up to 365 days from the day of the child's birth. Both parents have the right to parental leave in equal parts. Notwithstanding paragraph 3 of this Article, parental leave started by one parent may be transferred to the other parent after the expiration of a period of 30 days from the beginning of use. If one of the parents is unemployed and the other is employed, the employed parent has the right to use the parental leave referred to in paragraph 1 of this Article.

Article 128 regulates the transfer of rights. If one of the parents dies or is prevented from exercising the right to parental leave referred to in Article 127, paragraph 3 of this Law for another justified reason, the right to his part of the parental leave shall be transferred to the other parent. The justified reason referred to in paragraph 1 of this Article means if one of the parents is: deprived of parental rights; deprived of legal capacity; declared missing, unknown and of unknown residence or domicile; when one of the child's parents, for the protection of the child, is prohibited or restricted from contact with the child on the basis of a court decision; when one of the child's parents is seriously ill or is dependent on the help of another person, due to which he is prevented for a long time or significantly limited in performing his parental care, according to the findings of the competent specialist doctor; if one of the parents is engaged as a military person in a military mission outside Montenegro, provided that they have waived the right to use parental leave in favor of the other parent in a written statement; when one of the parents is serving a prison sentence.

Article 129 defines that if an employed woman starts working, in terms of Article 127 paragraph 3 of this law, she is entitled to a break for breastfeeding for two hours a day, until the child reaches one year of age, regardless of whether the child's father uses at the same time and for the same child one of the rights provided by this law. The right referred to in paragraph 1 of this Article may be used once or twice during the day, for a period of one hour.

Article 131 stipulates that if an employed woman gives birth to a dead child or if the child dies before the expiration of maternity or parental leave, she has the right to extend maternity or parental leave for at least 45 days, and according to the findings of an authorized specialist doctor she needs to recover from childbirth and the mental state caused by the loss of the child, during which time she has all the rights based on maternity or parental leave.

Articles 132 and 133 define the right to work part-time for the purpose of enhanced childcare as well as for the care of a child with disabilities. An employed adoptive parent, guardian, or foster parent has the right to work part-time.

Article 135 stipulates that one of the adoptive parents of a child under the age of eight has the right to be absent from work for a year continuously for the purpose of child care with the salary compensation referred to in Article 130 of this Law. The same is prescribed for breadwinners by Article 136.

This Law contains some very good norms, such as provisions relating to maternity and maternity leave, as well as the provision that prohibits employers from refusing to conclude a contract with a woman due to pregnancy. The changes from last year introduced the possibility of absence for prenatal tests and provided the possibility of working from home.

Women are, however, very often discriminated against due to pregnancy. The findings of the recent UNDP Research *Gender Equality in Montenegro and Assessment of Gender Mainstreaming in Public Authorities* showed the lack of knowledge about basic labor rights among citizens as well as perceptions that are in line with traditional gender roles.

So, every second citizen believes that **the employer has the legal right to request from female job candidates a certificate that they are not pregnant**. About **60% of citizens** believe that it is preferable for a man to work and for a woman to dedicate herself to the family for the benefit of children, and this attitude is even more common among men. Every second citizen believes that **successful women professionals inevitably neglect their families**.

According to the research conducted by one NGO, women report that, during job interviews, they were asked about their marital status (64.1%), about the number of children they had (45.5%), and even about their plans to have children (35.6%).⁶³

Gender Equality Index of Montenegro⁶⁴ shows that **42.7% of women spend time caring for children, the elderly, disabled, relatives, etc., compared to 23.8% of men**. Also, **68% of women spend at least one hour doing housework every day, while the same is true for only 10.3% of men**.

The gap regarding unpaid domestic work was revealed too. It was noted that women spend significantly more time caring for dependent family members and doing housework, which consequently leaves them with less time for themselves and social activities compared to men.

⁶³ Center for Women's Rights, Gender based discrimination at work and employment, 2019

⁶⁴ The National Gender Equality Index for Montenegro was developed by the State Statistical Office of Montenegro (MONSTAT) in cooperation with the Department for Gender Equality of the Ministry for Human and Minority Rights, the European Institute for Gender Equality (EIGE) and the United Nations Development Program (UNDP) in Montenegro, under the remit of the project 'Support to Anti-Discrimination and Gender Equality Policies', funded by the EU.

According to data, **every tenth man in Montenegro engages in housework, including cooking, on a daily basis compared to every third man in the EU40. Domestic and care work, which is mostly unpaid, is stereotypically believed to be a woman's responsibility, while paid work and 'providing for the family' are believed to be man's.** The disproportionate amount of time women spends on care and domestic chores impact their participation in employment and opportunities for social, personal, and civic activities. This means that, daily, women are increasingly expected to carry a 'double burden' of balancing paid and unpaid activities.⁶⁵

The COVID-19 outbreak revealed the degree of inequality in the work sphere, especially how much women are burdened with unpaid domestic work.

The findings of UNDP Research *Impact of the COVID-19 virus on the socio-economic position of women in Montenegro* showed that in the three months of the COVID-19 pandemic (April, May, and June), it is estimated that **women earned 122.3 million euros in cash equivalent of the value of unpaid care and domestic work, while men earned 63.5 million euros.** Thus, **women worked 92% more than men in the field of unpaid care and domestic work.**⁶⁶

If this data is projected at the level of 12 months, it can be concluded that women achieved the value of cash equivalent of unpaid care and domestic work in the amount of 489 million euros or 10% of GDP and men 254 million euros or 5% of GDP for 2019. In total, it is projected that, on an annual level, men and women achieved 743 million euros worth of cash equivalent of unpaid care and domestic work, which is 15% of Montenegro's GDP for 2019.⁶⁷

According to official data from the Employment Service, COVID-19 hit the labor market hard: the number of unemployed women increased by 3,560 between late February and the end of June, representing 56% of the total number of newly unemployed. Thus, employers laid off more women than men in the crisis.

It is estimated that women, although they make up the majority of the population, contribute to Montenegro's GDP with 2.038 billion euros, which is 43.71% of GDP at the end of 2018. The largest contribution of women to GDP is in the sectors of trade (EUR 332,888,000), public administration and defense and compulsory social security (EUR 142,776,000), and education (EUR 132,164,000).⁶⁸

According to the Employment Agency of Montenegro, the current unemployment rate is 24,3%. Out of the total number of unemployed, women make 58,5%.

DATE	Total Unemployed	Women	Men
31 May 2021	56,385	32,998 (58,5%)	23,387 (41,5%)
31 May 2020	41,498	24,029 (57,9%)	17,469 (42,1%)
31 Dec 2020	47,509	27,944 (58,8%)	19,56 (41,2%)

Data from the Statistical Office of Montenegro show a higher inactivity rate among women. Surveys show that women who are not actively seeking a job as a most common reason cite the domestic and care work in a family.

⁶⁵ Gender Equality Index, page 26

⁶⁶ Impact of the COVID-19 virus on the socio-economic position of women in Montenegro, page 5

⁶⁷ Ibid

⁶⁸ Impact of the COVID-19 virus on the socio-economic position of women in Montenegro, page 6

The duration of working life for women in Montenegro in 2017 was 27.9; this means that a woman who is 15 today is, on average, expected to be active in the labor market for the next 27.9 years, while the expectancy for a man is longer – 34.4 years. The difference could be ascribed to women finding it more difficult to find employment or due to maternity being a frequent reason for the termination of employment (especially regarding short-term contracts).⁶⁹

	Total				Men				Women			
Age	Activity rate	Employment rate	Unemployment rate	Inactivity rate	Activity rate	Employment rate	Unemployment rate	Inactivity rate	Activity rate	Employment rate	Unemployment rate	Inactivity rate
15+	53.3	43.8	17.9	46.7	60.6	50.0	17.5	39.4	46.4	37.9	18.4	53.6
15-24	30.9	19.8	36.0	69.1	36.4	24.2	33.6	63.6	24.9	15.0	39.7	75.1
25-49	76.7	62.6	18.3	23.3	82.8	67.5	18.4	17.2	70.5	57.6	18.2	29.5
50-64	56.0	49.7	11.3	44.0	65.4	59.0	9.8	34.6	47.0	40.9	13.1	53.0
65+	8.1	8.0	-	91.9	10.2	10.1	-	89.8	6.4	6.4	-	93.6
15-64	61.5	50.3	18.3	38.5	68.3	56.1	17.8	31.7	54.7	44.4	18.8	45.3
20-64	67.2	55.2	17.8	32.8	74.6	61.7	17.3	25.4	59.9	48.8	18.5	40.1
55-64	49.0	44.2	9.7	51.0	59.3	53.5	9.8	40.7	39.2	35.5	9.5	60.8
15-67	60.1	49.3	18.0	39.9	66.9	55.1	17.6	33.1	53.4	43.5	18.5	46.6

When data are disaggregated by sector, it is noted that the biggest share of women is in Education and Health, and Social work. In Gender Equality Index Montenegro, it is stated that although women represent a significant majority when it comes to employees in education (76.6%), for example, only a fraction of them reaches decision-making positions (88 out of 234 principals of primary, high schools, or kindergartens are women). This example illustrates both the horizontal and vertical workplace segregation in Montenegro.⁷⁰

Sector	% Total	% Men	% Women
Total in employment	100	55.9	44.1
Agriculture	100	64.0	36.0
Transport, storage, and communication	100	80.7	19.3
Accommodation and food services	100	54.9	45.1
Information and communication	100	53.0	47.0
Financial and insurance activities	100	52.0	48.0
Professional, scientific, and technical activities	100	37.6	62.4
Administrative and support service activities	100	64.5	35.5
Public administration and defense	100	58.0	42.0
Education	100	26.5	73.5
Health and social work	100	27.5	72.5
Arts, entertainment and recreation	100	51.8	48.2
Other social and personal services2)	100	36.2	63.8

69 Gender Equality Index Montenegro, page 15

https://eurogender.eige.europa.eu/system/files/events-files/gender_equality_index_2019_report_final.pdf

70 Gender Equality Index Montenegro, page 16

https://eurogender.eige.europa.eu/system/files/events-files/gender_equality_index_2019_report_final.pdf

The possible courses of action in order to improve women's position in the labor market are:

- ❖ Strengthening the implementation of the legal framework, with the special emphasis on the work of the Inspection directorate.
- ❖ Introduce domestic and care work in the legal framework.
- ❖ Develop legal and institutional mechanisms that will contribute to better division of unpaid domestic work between women and men.
- ❖ Increase women's participation in social dialogue.
- ❖ Using macroeconomic policies to increase the number of decent jobs available to women.

Develop fiscal incentive measures for increasing the participation of women in the labor market.

4.4 HEALTH CARE

The most general legal framework for providing universal health care is **The Law on Health Care**.

In this Law, it is stated that health care is provided as an organized and comprehensive activity of the society with the aim of achieving the highest possible level of preserving the health of citizens.

Health care is a set of measures and activities to preserve, protect and enhance the health of citizens, prevent and combat disease and injury, allow early detection of disease, and timely treatment and rehabilitation, which must be based on scientific evidence, i.e., must be safe, secure, accessible and effective in accordance with the principles of professional ethics.

All citizens of Montenegro have the right to health care in accordance with the highest possible health standards and achievements of modern medical theory and practice. In exercising the right to health care, citizens are equal, regardless of nationality, race, gender, gender identity, sexual orientation, age, disability, language, religion, education, social origin, property status, and other personal characteristics, in accordance with the law.

When it comes to **gender-sensitive health care**, it was defined as one of the areas contained in the **Action Plan for Achieving Gender Equality 2017-2021**.

Through a comprehensive series of activities, it was planned to achieve four goals:

- ❖ Improving the prevention and early detection of malignant diseases;
- ❖ Improving measures to preserve the reproductive health of all women and girls;
- ❖ Increasing the awareness of health workers about gender-sensitive health care;
- ❖ Improving the response of the health system in terms of recognizing and responding to cases of violence.

Strategy for Preservation and Improvement of Reproductive and Sexual Health in Montenegro 2013–2020 was adopted in 2013 and is based on priorities in the field of sexual and reproductive health, which are:

- ❖ Protection of maternal and newborn health
- ❖ Malignant diseases of the reproductive organs
- ❖ Family planning, including infertility treatment

- ❖ Preventing the spread of sexually transmitted infections, including HIV
- ❖ Promoting sexual health and reproductive rights
- ❖ Continuing education in the field of reproductive health
- ❖ Partnership with the non-governmental sector.

According to the latest data Statistical Office of Montenegro, the percentage of women working in the health sector is 73%.

Density and distribution of doctors, medical personnel, and associates

Municipality	Doctors	# of doctors per 1,000 inhabitants	Medical personnel and associates	# of medical personnel and associates per 1,000 inhabitants	Estimation of the population for 2020
Andrijevica	4	0,88	27	5,96	4532
Bar	97	2,20	325	7,38	44057
Berane**	100	3,16	386	12,20	31638
Bijelo Polje	94	2,26	345	8,28	41642
Budva	25	1,12	87	3,89	22387
Cetinje	60	3,99	213	14,16	15046
Danilovgrad	16	0,87	53	2,90	18287
Herceg Novi	23	0,75	88	2,89	30480
Kolašin	9	1,26	40	5,61	7132
Kotor	112	4,91	454	19,92	22793
Mojkovac	11	1,48	53	7,15	7415
Nikšić	150	2,18	560	8,15	68736
Plav**	22	1,79	82	6,68	12282
Pljevlja	69	2,60	248	9,34	26556
Plužine	1	0,39	11	4,31	2551
Podgorica**	855	4,21	2952	14,55	202877
Rožaje	28	1,22	96	4,18	22982
Šavnik	2	1,31	9	5,89	1527
Tivat	15	0,99	51	3,35	15205
Ulcinj	25	1,24	74	3,68	20128
Žabljak	3	0,98	8	2,62	3053
TOTAL	1721	2,77	6162	9,92	621306

**Estimated population of Montenegro for 2020, Source Statistical Office of Montenegro – MONSTAT*

***Data for the municipality of Petnjica, Gusinje, and Tuzi are integrated into the datasets for Berane, Plav, and Podgorica, respectively.*

One of the specific programs related to women's health is the **early detection of cervical cancer, which first** began in Podgorica in 2016. Since 2018, the Program is implemented at the national level in all health centers in Montenegro. In 2020, the target group for the implementation of the National Cervical Cancer Screening Program consisted of women between 30 and 49 years of age, which is a broader range of age groups compared to the previous year when it was 30–42 years of age.

The implementation of the **Program for early detection of breast cancer** began in 2015 in four municipalities – Cetinje, Danilovgrad, Kolašin, and Podgorica. In 2020, the target group were women between 50 and 69 years of age in the four mentioned municipalities.

Montenegro is preparing itself to introduce **vaccination against the human papillomavirus, HPV**. Cervical cancer is increasingly affecting younger women, although the disease is completely curable if detected on time. Organized cervical cancer screening and the introduction of HPV vaccination (with adequate population coverage) can eradicate this disease.

Based on the identified needs and analysis of the education and health system, Montenegro pioneered the definition of professional and methodological frameworks and introduced the elective subject "Healthy Lifestyles" in primary and secondary schools in the country in 2011. The aim of the course is to provide good information to children, develop positive, prosocial attitudes and values, promote responsible behavior and a healthy lifestyle so that each child, to some extent, develops the ability for positive, adaptive, and constructive behavior, which will allow them to effectively and effectively cope with the demands and challenges of everyday life. The program of the course "Healthy Lifestyles" is designed to cover a range of different topics in the field of health, and one of these areas is Reproductive health with sex education and prevention of sexually transmitted diseases, with an adequate number of classes dedicated to this topic.

As the creator of the program for counseling centers for reproductive health in all health centers in Montenegro, the Institute of Public Health initiates the implementation of current topics in counseling centers, and employees of the Center for Health Promotion hold educational workshops with women belonging to RE population at least once a month.

In 2020, **an interactive health-educational workshop on the prevention of cervical cancer was held for young future health workers of the Secondary Medical School**. On the same occasion, a workshop on the importance of regular check-ups with gynecologists and the importance of screening programs in the prevention of cervical cancer was held for members of the Roma population in Camp Konik. Health-educational workshops on the prevention of breast cancer and the prevention of HIV/AIDS infection were held in the Secondary School of Economics.

Health centers in Montenegro provide their services through Counseling Centers for Youth and counseling centers for reproductive health in which programs for the preservation and improvement of youth health, as well as reproductive health, are continuously implemented. During the previous year, a total of 108 groups with a total of 1,643 participants were organized in Counseling Centers for Youth. In addition, they worked individually with 31 beneficiaries. The work with 228 groups and 1,377 participants were organized in the Reproductive Health Counseling Centers, which also include schools for pregnant women. In addition to this, 582 individual visits were made.

Due to the global circumstances related to the **COVID-19 pandemic**, most of the planned activities during 2020 have not been fully implemented. Adherence to measures to control and prevent the spread of the epidemic in the country limited the implementation of activities to a shorter or longer period, or due to the nature of activities, its implementation was postponed for the next year. Another factor that affected the implementation of the planned activities is the redistribution of personnel and other resources to activities aimed at the prevention and control of the COVID-19 pandemic has contributed to reducing the volume of implementation of planned activities.

Some of the recommendations for further improvement in health care may include:

- ❖ Improvement of legal framework to set grounds for gender analysis and gender integration guidelines of health policies and strategies.
- ❖ Improvement of the system of sex-disaggregated data and other gender-sensitive data collection and use.
- ❖ Development of gender-sensitive indicators for health sector programs, operations, and systems.
- ❖ Extending the scope of target groups in specialized screening programs.
- ❖ Enhancing the engagement of civil society and local communities.

4.5 AGRICULTURE

Agricultural policies and development of rural areas are defined by The Law on Agriculture, and Rural Development from 2009. In this legal act, there are not any specific norms regarding the gender-sensitive approach.

Another important legal framework is **The Strategy for Development of Agriculture and Rural Areas 2015–2020**⁷¹, which contains certain measures aimed at women in rural areas, particularly when it comes to the improvement of essential services mainly related to infrastructure and diversification of the activities. Employment opportunity measures are another objective aiming both men and women.

In **the Program of Development of Agriculture and Rural Areas of Montenegro within the IPARD II 2014–2020**, it is emphasized that all principles of equality of men and women and non-discrimination are followed in the preparation, implementation, monitoring, and evaluation of the IPARD II program. It was pointed out that the program would not tolerate any discrimination against potential recipients on the basis of religion, ethnicity, gender, or disability. Equal opportunities for men and women, as well as human and minority rights, will be fully respected within the sectoral monitoring committee and elsewhere, where it is needed.

When it comes to the participation of women in decision-making bodies related to agricultural policies and development, out of 13 members of the **Parliamentary Committee on Tourism, Agriculture, Ecology and Spatial Planning**, there are **three women (23,1%)**.

According to the current Rulebook on Internal Organization and Systematization of the Ministry of Agriculture, Forestry, and Water Management, there are **53** managerial positions (head of department, director, secretary). Women currently occupy **22 positions**, while **men occupy 18**. There are 13 vacancies.

According to the Statistical Office of Montenegro, in 2020, the share of **female employees in the sector of Agriculture stood at 36%**.

The Register of Agricultural Holdings data from June 2021 show that only 14% of agricultural holdings are owned by women. The data refers to the ownership of the holdings such as farms and not necessarily agricultural land. From the table below, we see that the majority of women, owners of the agricultural holdings, come from Nikšić, Podgorica, Bijelo Polje, and Pljevlja. It is evident that the disproportion between men and women owners is extremely high.

71 <http://extwprlegs1.fao.org/docs/pdf/mne180767.pdf>

Municipality	Number of farms with women as heads of household	Number of farms with men as head of household
Andrijevica	45	217
Bar	62	468
Berane	142	862
Bijelo Polje	237	1853
Budva	17	96
Cetinje	18	166
Danilovgrad	128	373
Gusinje	9	91
Herceg Novi	23	119
Kolašin	61	233
Kotor	24	97
Mojkovac	84	357
Nikšić	428	1366
Petnjica	47	300
Plav	30	249
Pljevlja	215	1441
Plužine	33	297
Podgorica	357	2230
Rožaje	70	543
Šavnik	24	220
Tivat	13	69
Tuzi	15	67
Ulcinj	52	578
Žabljak	26	235
Total	2,115 (14%)	12,310 (86%)

When the labor force in agricultural holdings is analyzed based on the latest available data from 2016, it can be seen that men are the majority in all age groups.

Challenges that women in agriculture are facing, not only in Montenegro but globally, are deeply rooted in the tradition and expected gender roles. Similar to obstacles in the area of entrepreneurship, access to finance and property ownership are pressing issues.

It is estimated that less than 20% of landholders worldwide are women and that the gender pay gap in rural areas is as high as 40%. The estimate of landholders in Montenegro of 8% shows that common law practices are still prevailing when it comes to inheritance.

Women from rural areas are more likely to work as unpaid contributing family members, which means their work is mainly unrecognized or undervalued.

Their access to working rights and social protection is very often limited, which means they make up a significant share in the informal rural economy.

As we saw from data related to the care economy, when paid and unpaid working hours are combined, women in all sectors work much longer hours compared to men, which applies to women in rural areas as well.

Some of the recommendations to improve the existing situation in this field could be:

- ❖ Provide more and better sex-disaggregated statistics on work in agriculture and rural economy. Such statistic is a baseline for policy planning processes.
- ❖ Improve of the legal framework that will integrate gender-aware approach and set grounds for creating adequate policies, their implementation, and evaluation.
- ❖ Provide equal access to finance and control over productive resources such as land.
- ❖ Create and implement programs for the economic empowerment of rural women.
- ❖ Ensure greater voice, organization, and representation for rural women in social dialogue and decision-making bodies related to rural development.
- ❖ Provide networking and partnership opportunities for rural women with relevant institutions and CSOs in the country and region.

Table: Labor force in agricultural holdings by sex and age, preliminary data for 2016

Agricultural holdings	Total	Under 24 years	Between 24 and 34 years	Between 35 and 44 years	Between 45 and 54 years	Between 55 and 64 years	65 years and over	Agricultural holdings
FSS 2016	Women	41,936	2,659	3,837	6,550	9,247	9,721	9,922
	Men	57,300	4,722	6,725	8,266	11,442	12,774	13,371
AC 2010	Women	39,155	2,550	4,192	6,460	8,489	8,227	9,237
	Men	59,794	4,182	7,242	9,350	13,318	11,735	13,967

When we analyze financial support for agriculture, namely the current Pre-Accession Assistance instrument for support in the field of rural development IPARD II, we notice the disproportion between men and women.

Women make up **only around 8%** of applicants and contracted beneficiaries within two Calls for Proposal for Measure 1 ***Investments in physical assets of agricultural holdings***, and **around 3%** of those who have already received the funding.

When it comes to Measure 3 ***Investments in physical assets concerning processing and marketing of agricultural and fishery products***, within three Call for Proposal they make up around **20% of applicants**, around **19%** of contracted beneficiaries and **11%** of those who have already received funding.

This process is pending, especially when it comes to contracting part, which will affect the data by the end of IPARD II Programme cycle in December 2023, but it is safe to say that this is one more illustration of the position of women in the field of agriculture.

Table: IPARD II

Measure	Call for proposal	Applicants	Male	Female	Contracted	Male	Female	Paid	Male	Female
1	1	389	358	31	246	227	19	182	170	12
1	2	180	158	22	120	107	13	0	0	0
3	1	45	37	8	20	18	2	8	7	1
3	2	52	38	14	26	19	7	1	1	0
3	3	37	32	5	0	0	0	0	0	0
TOTAL		703	623	80	412	371	41	191	178	13

4.6 COMPETITIVENESS AND INNOVATION

Competitiveness was set as one of the key objectives within Smart Growth's agenda in **Montenegro's Development Directions 2018–2021 (MDD)**. Strengthening the policies regarding small and middle enterprises and ICT development are also a part of the Smart Growth objectives.

Another important document that sets grounds for creating policies and instruments regarding competitiveness was Strategy for the Development of Women's Entrepreneurship in Montenegro (2015–2020). It was adopted in 2015 to strengthen women entrepreneurs by means of overcoming structural and economic obstacles.

The main priorities were:

- ❖ Creating a favorable business environment for the development of women's entrepreneurship;
- ❖ Better access to finance;
- ❖ Providing the necessary knowledge and skills;
- ❖ Promotion, networking, and advocacy of women entrepreneurs.

The new Strategy (still in the adoption process) for the period of 2021–2024 has the goal to achieve effective economic empowerment of women entrepreneurs by establishing:

- ❖ Partnerships between public, private, and civil sector institutions and the concentration of all available resources (human, institutional, administrative, financial...) in encouraging women's entrepreneurship;
- ❖ Improving mutual coordination of public sector institutions in the implementation of women's policy entrepreneurship and strong involvement of all partners, including monitoring and evaluation;
- ❖ Strong leadership, primarily from the ministry in charge of entrepreneurship development;

In the draft document, it is stated that according to the **Tax Administration**, there are approximately 23% women-owned enterprises, which was difficult to imagine ten years ago.

Similar is the percentage of firms with female participation in ownership found in the World Bank (2020) Enterprise survey 2019: Montenegro country report.⁷² Data also shows a very low percentage of firms with females as top managers. The percentage for all firms is 15%. When segregated by the type of firm, it is noted that the percentage of firms with females as top managers in small enterprises is almost twice as high as in medium and large enterprises.

	Montenegro 2019				Europe & Central Asia
Gender	All Firms	Small firms	Medium firms	Large firms	All firms
Percent of firms with female participation in ownership	24.0	24.1	24.0	21.8	33.1
Percent of firms with a female top manager	15.0	17.7	9.0	9.9	18.3
Proportion of permanent full-time workers that are female (%)	44.0	47.7	36.0	38.7	37.8
Percentage of permanent full-time non-production workers that are female*	29.3	22.8	50.5	52.2	44.5
Percentage of permanent full-time production workers that are female*	35.3	38.9	21.6	34.3	34.9

In Competitiveness Council's publication Gender-responsive Investment Climate Reform in Montenegro, it is stated that the biggest inequality between men and women is observed in the area of property ownership, where women are owners of only 4% of houses and 8% of the land.⁷³

In their findings from the Baseline Business Assessment of Investment Climate⁷⁴, **74% of women-led firms have been in business for more than five years**. When it comes to the sector, 55% of such business are in services, 18% in trade, 13% in finance, 11% in tourism, and 3% in marketing.

When it comes to the size of the company, **68% of women-led companies are micro ones with 1–10 employees**, 16% are small companies with up to 50 employees, while 13% of companies are medium with up to 250 employees, and **only 3% women-led companies are big ones, with more than 250 employees**.

Regarding the decision making 58% of women make decisions on their own (compared to 45% of men who do the same). **89% of them are self-made** (own skills, knowledge, and ability are their success factors), 5% got the support of family and friends 4% recognize personal savings and capital as success factors.

Although the legislation provides grounds for equal opportunities for participation in the labor market and economy, obstacles regarding ownership of the land or immovable property, dominantly caused by common patriarchal norms, are perhaps the most present in the area of entrepreneurship. The data presented in previous chapters related to women's share in the care and domestic economy is also corroborated by findings from the Competitiveness Council's

72 World Bank (2020) Enterprise survey 2019: Montenegro country report, available online: www.enterprisesurveys.org/content/dam/enterprisesurveys/documents/country-profiles/Montenegro-2019.pdf, page 11

73 Gender-responsive Investment Climate Reform in Montenegro, page 9

74 Ibid, page 11

publication. Namely, women-entrepreneurs cited that they were less able to dedicate time to their business due to care-related activities. 65% of them stated they spend from 2 to 6 hours on such activities.⁷⁵

Women-led companies are less able to access finance (32%) and face a greater number of obstacles to provide loan guarantees (22%) than the men-led companies. This is, in general, related to the lack of capital women have.

One successful model for overcoming the obstacles related to access to finance has been in place for three years now and was initiated by WPN. Their proposal to introduce the separate budgetary lines in local level municipal budgets was accepted by 16 municipalities. The allocated budget for 2019 for this purpose was 115,000 euros.

Here are some courses of action to improve the situation in this area:

- ❖ Improve existing legal framework, including the Family Law in part related to registration of property ownership. When it comes to the joint property gained during marriage, both partners should be registered as owners of equal parts.
- ❖ Introduce the mandatory percentage of local budgets that will be allocated for women's entrepreneurship.
- ❖ Establishment of State Guarantee Fund for women's entrepreneurship.
- ❖ Capacity building and training programs.
- ❖ Networking and partnership development with relevant actors.

4.7. ENERGY, TRANSPORT AND CLIMATE CHANGE

The three least gender-informed sectors in Montenegro contained in this Profile are Energy, Transport, and Environment and Climate Change.

At the global level, these sectors remain less analyzed from a gender perspective compared to others. Nevertheless, significant progress has been achieved in the past decade.

SDGs set the ground for a more comprehensive assessment of policies in different sectors, including the gender perspective.

It is evident globally that women are affected differently and more severely by climate change since they suffer disproportionately from poverty. Consequently, they will also suffer most when erratic weather brings droughts or floods to marginal lands or crowded urban areas where poverty is most felt. They are also agents of change, especially in local communities, and important actors in mitigating the effects of climate change.

When we think about transport, data shows that in many places around the world, most public transport users are women. In contrast, most car or motorcycle users are men. Most women in the world find it harder to travel than men. This results in fewer opportunities for them, causing mobility barriers that affect other life choices, such as accessing health and education. Transport infrastructure has a significant effect on the quality of men's and women's lives. Transport can make a big difference in increasing women's productivity and promoting gender equality. In addition to its major contribution to economic growth, transport plays a crucial role in socially sustainable development by broadening access to health and education services, employment, improving the exchange of information, and promoting social cohesion.⁷⁶

⁷⁵ Gender-responsive Investment Climate Reform in Montenegro, page 13

⁷⁶ <https://unece.org/DAM/trans/doc/2009/itc/ECE-TRANS-2009-07e.pdf>

The energy sector is also one of the least gender-diverse sectors with a significant gender gap. Women's participation in the energy sector is below that of the broader economy and varies widely across energy sub-sectors. Despite making up 48% of the global labor force, women only account for 22% of the labor force in the oil and gas sector and 32% in renewables. These gender gaps in employment vary across the different energy sub-sectors.⁷⁷

Women and men are affected differently by energy-related policies and possible hazardous situations. For example, traditional gender divisions of domestic labor, mentioned in previous chapters, mean that women and girls typically spend more time at home and cook most household meals, leaving them more vulnerable to the effects of indoor air pollution. UN Women and UNIDO data from 2013 show that of the 2 million people that die annually from indoor air pollution, 85 percent are women and children.

There is no mention of women or gender-responsive policies related to these sectors in Montenegro. In the **Transport Development Strategy of Montenegro 2019–2035**, there are no specific measures related to women's access to transport, mobility, or any other development policies in this field. When it comes to the **National Strategy in the Field of Climate Change until 2030** and the **Energy Development Strategy of Montenegro until 2030**, there are no specific gender-related measures.

The other concerning issue regarding these sectors is the lack of sex-disaggregated data, making it challenging to get a clear picture of gender equality in these fields.

However, it is possible to draw certain conclusions from the available data.

The **Directorate for Energy and Energy Efficiency**, which is part of the Ministry of Capital Investments, has **23 employees**, and the number of **female employees is 11 or 47.82%**. There are no women in managerial positions in this Directorate.

Below are the data related to energy entities that are within the competence of the Ministry of Capital Investments.

- ❖ In the **Energy and Water Regulatory Authority of Montenegro⁷⁸ (REGAGEN)**, 58.9% of employees are women. CEO and her deputy are women. There are no women on the Agency board, the highest decision-making body.
- ❖ There are 19.1% of women employees in the **Montenegrin Electric Transmission System J.S.C⁷⁹**. They make up 14.2% of the Board of Directors, the highest decision-making body of the company, and 23.8% company's senior managerial positions.
- ❖ When it comes to **Montenegrin Electricity Distribution System J.S.C (CEDIS)⁸⁰**, there are 16.1% of women employees. In the Board of Directors women make up 20% and 22.2% of senior managerial positions belongs to them. 40% of middle management positions are covered by women. There make 21.9% of company's engineers. According to the company, this very data shows that, when it comes to hiring, CEDIS takes into account the participation of women in relation to the offer on the market, having in mind the percentage of women graduating from faculties and gaining the title of engineers in various fields.
- ❖ In the **Electrical Power Company J.S.C. Nikšić (EPCG)⁸¹**, women make up 31.1% of employees. There are 15% of women on the Board of directors, and 22.3% of senior managerial positions belong to them.

77 https://www.irena.org/ /media/Files/IRENA/Agency/Publication/2019/Jan/IRENA_Gender_perspective_2019.pdf

78 Mne. Regulatorna agenciju za energetiku i regulisane komunalne djelatnosti

79 Mne. Crnogorski elektroprenosni sistem AD (CGES)

80 Mne. Crnogorski elektrodistributivni sistem AD (CEDIS)

81 Mne. Elektroprivreda Crne Gore AD Nikšić (EPCG)

- ❖ In the **Montenegrin Electricity Market Operator – COTEE**⁸², out of 19 employees, 9 or 47,3% are women. A woman is the head of one internal unit, and one is a member of the Board of directors.
- ❖ When it comes to the **Montenegrin Power Exchange Ltd.**⁸³, women make up 14,3% of employees. There are 33,3% women on the Board of Directors and no women in senior managerial positions.

In the Transport sector, within **the Directorate of State Roads**, women make up 38% of employees. There are no employed women in senior management positions.

Within **Directorate for Maritime Transport**, there are several state-owned companies. The data available is following:

- ❖ In the **“Port of Bar” J.S.C. Bar**, the percentage of women in management positions at all levels is 28%;
- ❖ In the **“Montenegro Shipping Company”⁸⁴ J.S.C. Kotor**, a total of four managerial positions have been systematized, one of which is held by a woman, which makes up 25% of the entire management staff.
- ❖ In the **“Bar Shipping Company”⁸⁵ J.S.C. Bar**, the total number of employees in the company is 38, of which 25 or 65.79% are women. There are four women in management, which is 50% of the entire management staff.
- ❖ In the **“Port of Kotor” J.S.C. Kotor**, out of five members of the Board of Directors, one is a woman, which makes up 20%. She is also a chairperson of this body.

In this company, women make all three members of the Audit Committee. Executive Director is a man, while his deputy is a woman. There are two sector directors, one of which is a man and the other is a woman. When it comes to service managers, one out of three of 33,3% is a woman.

- ❖ In the **“Marina Bar” J.S.C.**, the total number of employees is 32, of which are 12 women or 37,5%. The number of employed women in management positions is three, which is 9.39% of the total number of employees.
- ❖ In the **Harbormasters’ Office**⁸⁶ **Kotor**, there are 17 employees in total with the Tivat, Zelenika, and Kumbor branches, of which 11 or 64.7% are women. There are no women in managerial positions.
- ❖ In the **Harbormasters’ Office Bar**⁸⁷, out of 17 employees, 5 or 29% are women. There are no women in managerial positions.

In the **Directorate for Railway Transport**, which is part of the Ministry of Capital Investments, women make up 28.57% of the employees. They make up 14,3% of decision-making bodies.

Except for one female member of the Board of Directors of the national airline company, there are no women in senior managerial positions within the companies within the competence of the **Directorate of Air Transport of the** Ministry of Capital Investments. This applies to managerial positions in the Airports of Montenegro and the Civil Aviation Agency.

82 Mne. Crnogorski operator tržišta električne energije DOO (COTEE)

83 Mne. Berza električne energije (BELEN)

84 Mne. Crnogorska plovidba AD

85 Mne. Barska plovidba AD

86 Mne. Lučka kapetanija Kotor

87 Mne. Lučka kapetanija Bar

In the **Ministry of Ecology, Spatial Planning and Urbanism**, two women are acting directors general of the directorate in the ecology sector.

Presented data confirms the overall assessment that Energy, Transport, Environment, and Climate Change sectors are not sufficiently gender-informed. The available data is not always systematic, but it shows that women are not adequately represented in these fields. This particularly applies to companies where the essential employees are those with a STEM background. The highest percentage of women are in the regulatory bodies, which do not necessarily need specific sector knowledge, but a rather good knowledge of laws in related areas. Women are also represented better within the middle management of electric companies.

Some of the possible recommendations and courses of action in these sectors are:

- ❖ Improve the collection of sex-disaggregated quantitative and qualitative data related to these three sectors;
- ❖ Improve the legal framework that will set grounds for the gender-informed approach of policy creation in these three sectors;
- ❖ Create and implement education and capacity building programs for gender mainstreaming in Transport, Energy, and Environment and Climate change;
- ❖ Programs of cooperation with experts from the field in these specific sectors and gender experts, with the emphasis on inclusion of students and academia representatives from these fields;
- ❖ Partnership with relevant institutions and CSOs in the country and region.



4.8 SECURITY AND DEFENSE

United Nations Security Council adopted Resolution 1325 – Women, Peace, Security (UNSCR 1325)⁸⁸ in October 2000, with the principal goal of increasing women's participation in all decisions related to peace and conflict.

The resolution is considered the most important document that deals with the role of women in achieving peace and security and respecting the gender perspective regarding the position of girls and women in conflict and post-conflict areas. Since 2000, the Security Council has adopted nine related resolutions that together make up the Agenda for Women, Peace, Security.

There are four key pillars of the Resolution:

- ❖ Participation

Women's participation in all issues related to peace, security, and conflict.

- ❖ Prevention

Involving women and gender perspectives in conflict prevention and gender-based violence.

- ❖ Protection

Protection of women and girls and their rights in peacetime and during the conflict.

- ❖ Help and recovery

Involvement of women and gender perspective in activities related to helping and recovery.

The Government of Montenegro adopted the first National Action Plan for the implementation of UNSCR 1325 in February 2017 for the period 2017–2018.⁸⁹ The second and current National Action Plan (NAP) for the period 2019–2022,⁹⁰ was adopted in August 2019.

One of the most important obligations of member states that ratified the Resolution is to increase the involvement of women in peace negotiations and peace-keeping missions. The other is to protect women and girls from sexual and gender-based violence in armed conflict.

However, in today's context, the Resolution must be viewed more broadly since, in the contemporary concept of security, special emphasis is put on human aspects of security.

The principal institutional mechanism responsible for the implementation of the Resolution is the Ministry of Defense. Ministry is in charge of proposing national action plans for the implementation of this Resolution that are later adopted by the Government, as well as monitoring and reporting on implemented activities.

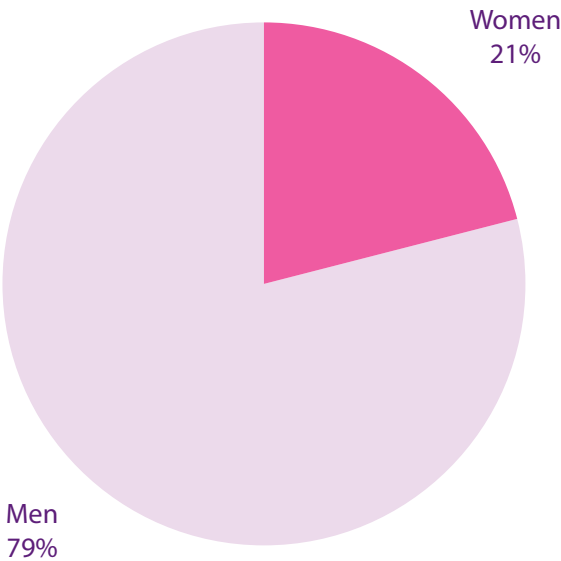
Other institutions responsible for implementing activities from the Action plan include Ministry of Interior, Police Directorate, Ministry of Justice, Human and Minority Rights, Ministry of Foreign Affairs, Ministry of Education, Science, Culture and Sport, National Security Agency, Institute for Execution of Criminal Sanctions, Revenue and Customs Administration, Committee for security and defense in the Parliament of Montenegro. Ministry of Finance and Social Welfare, Ministry of Health, and Supreme State Prosecutor's Office are also involved in the implementation of the NAP's activities. Inter-Agency Working Group for monitoring the implementation is the body consisted of representatives of all institutions responsible for activities defined in NAP as well as representatives of the Community of municipalities and relevant NGOs.

88 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

89 <http://1325naps.peacewomen.org/wp-content/uploads/2020/12/Action-plan-montenegro.pdf>

90 <https://wapi.gov.me/download/ae694fba-759e-4be4-8cae-fd27845fe6a4?version=1.0>

When it comes to the representation of women in the security sector institutions, it still has not reached the minimal desired percentage of 30% projected in the relevant document. Currently, there are 1,797 women and 6,776 men in the security and defense institutions of Montenegro (data from February 2021).



Although in some of the institutions, the percentage of women exceeds the required minimum, the jobs they cover are mostly administrative, and in the Armed Forces of Montenegro, most of them are civilian staff.

Percentage of men and women in security and defense institutions 2020 - 2021



However, it is noticeable that there is a slight increase of women in the security and defense sector since the beginning of the Resolution's implementation.

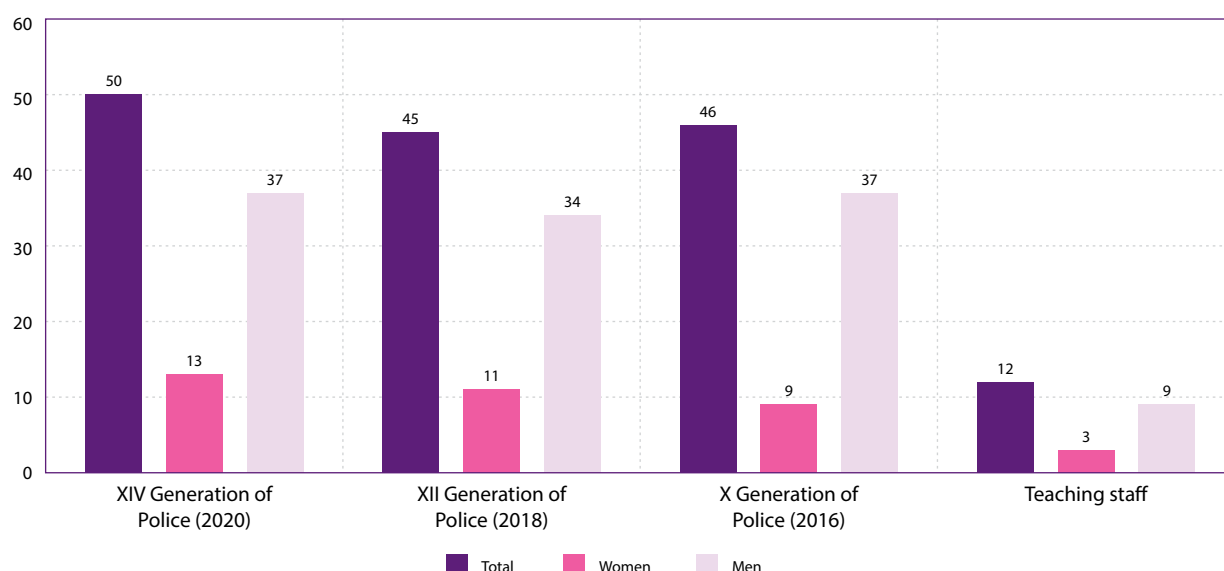
Institution	2013	2019	2021
Police Directorate	13.27%	11%	15.10 %
Ministry of Interior	57%	58.10%	57.39%
Armed Forces of Montenegro	8.68%	10.69%	14.13%
Ministry of Defense	35.30%	49.26%	55.55%
National Security Agency	37.14%	38.50%	35%

The available data also shows that within Police Directorate, women make the greatest share in the departments related to analytics, development, and forensics, and the lowest share in special units and border control.

Women in Police Directorate	%
Criminal Police Sector	36%
General Authority Police Sector	25%
Persons and Objects Protection Sector	9%
Organized Crime and Corruption Suppression Sector	14%
Border Police Sector	7%
Forensic Center	53%
Telecommunication and Electronics Department	27%
Information Security and Data Processing Center	54%
Analytics and Police Activities Development Department	70%
Operational communication center	24%
Special Anti-terrorist Unit	7%
Special Police Unit	8%

The analysis of the representation of women within Security centers at the local level shows that representation of women is relatively low. In PD Security Center Pljevlja including Security Department Žabljak, there are 6% of women, in PD Security Center Nikšić, including Police stations Šavnik and Plužine there are 10% of women. In PD Security Center Bijelo Polje, including Security Department Mojkovac, there is 12% of women, while in PD Security Center Herceg Novi, including Security departments Kotor and Tivat, there are 12% of women. In PD Security Center Podgorica, including Security departments of Danilovgrad, Kolašin, and Cetinje, there are 13% of women. In PD Security Center Berane, including Security departments of Plav and Rožaje and Police stations Petnjica and Andrijevica, there are 8% of women. In PD Security Center Budva, there are 15% of women, while in PD Security Center Bar, including Security Department Ulcinj, there are 12% of women.

Regarding the structure of students at the Police Academy, according to data, three times more men than women are enrolled. A similar ratio applies to teaching staff.



For a more comprehensive understanding of the context, it is worth reflecting on some of the UNDP Research Gender Equality findings in *Montenegro and Assessment of Gender Mainstreaming in Public Authorities* in this field.

According to the findings, the prevailing opinion among citizens is that women are not as capable as men to serve the professional army, with 51% agreeing to this statement. This view, however, is to some extent more common among men (58%), while 44% of women share this view.

When it comes to knowledge about UNSCR 1325, only one in five employees in the Ministry of Defense and the Ministry of the Interior are better informed about the Resolution. 16% say they know what the Resolution is about and can explain its significance to others, while 7% say that they have participated or are currently participating in its implementation within their institution.

Every other employee who is familiar with Resolution 1325 states that the most important issue it addresses is the role of women in preserving peace and security, while one in five believes that the main issue of the Resolution is the inclusion and equality of women in all segments of society.

As the main obstacle in the implementation of Resolution 1325, more than half of those who are familiar with it states that all employees in institutions are insufficiently informed about the Resolution, while one out of four perceives as an obstacle insufficient engagement of certain institutions in the implementation of activities envisaged by the Resolution and a lack of professional staff in the institutions dealing with the application of the Resolution and the related training of other employees. Accordingly, training of employees in institutions is most often mentioned as an activity that would improve the implementation of the Resolution.

The largest percentage of employees in institutions who know about the Resolution believes that the Government of Montenegro is the most responsible for its implementation.

The vast majority of employees familiar with the Resolution also know that Montenegro has a valid Action plan for the implementation of the Resolution. In addition, most of them believe that the activities and measures envisaged by this plan are mainly or fully implemented

About half of the employees at the Ministry of Defense and the Ministry of the Interior agree that violence against women is less present in peacetime than during the conflict, and slightly more than a quarter of them believe that physical predispositions and readiness are the main reason for lower representation of women in the bodies and services of the national security system in Montenegro.

Some of the key observations regarding the implementation of the previous and current Action plan for implementation of UNSCR 1325 in Montenegro found in the UNDP Evaluation report *Implementation of the Agenda "Women, Peace, Security in Montenegro – Achievements and Recommendations"* are:

- ❖ Insufficient information about the content of the Resolution and fields of application not only of the general public but also of a significant part of institutions directly responsible for its implementation, i.e., lack of interest from key political and social subjects.
- ❖ The lack of greater coordination and systematic approach, since the majority of the activities have been realized by the Ministry of Defense, Armed Forces of Montenegro, the Ministry of Interior, and the Police Directorate.
- ❖ Although the expertise in the area of security is present, the expertise in the area of gender equality is lacking.
- ❖ Planned activities are defined in the reports as mostly realized, but it is difficult to measure their effects since the indicators are not consistently set but are numerically and quantitatively defined without criteria for description and analysis of achieved results. Hence, the reporting is not done in accordance with such indicators.
- ❖ The NAP does not follow the structure of the Resolution. There is an obvious lack of results in a significant field of its application – Help and Recovery. This is particularly evident in the current time of health crisis and the fight against the COVID-19. The application of the Resolution leaves room for the establishment and improvement of policies for action in crisis situations.
- ❖ The internal mechanism, defined by the NAP as a "focal point" as of January 2021, was established in 2 institutions out of 7 institutions of the security sector in charge of implementing activities, namely the National Security Agency and the Ministry of Interior. Armed Forces of Montenegro has an advisor to the Chief of the General Staff for gender issues, while other institutions do not have an official whose competence exclusively covers the field of gender equality.
- ❖ Sex-disaggregated statistics, necessary for the implementation of numerous activities defined by the NAP, have not been established in a valid manner since there is no common methodology for classifying statistical data.

The key recommendations cited in this document in order to improve the implementation of the Resolution are:

- ❖ Assess the degree of compliance of the NAP for the Women, Peace, Security agenda with other national strategic and planning documents dealing with the area of gender equality.
- ❖ Establish the exchange of knowledge, experiences, and achievements in the field of implementation of the Women, Peace, Security between the state and civil sector in the country, as well as with countries with similar socio-political contexts.
- ❖ Adopt a communication strategy for the agenda of Women, Peace, Security.
- ❖ Establishing a network of national experts on gender equality, instructors, advisors, coordinators through training programs.
- ❖ Implement training for employees in the security and defense sector on the application of UNSCR 1325 in Montenegro.

- ❖ Improve the lists of indicators for monitoring progress in the implementation based on the list of indicators of the UN General Assembly established for the purpose of improving the monitoring and evaluation of national action plans.
- ❖ Ensure that the body in charge of monitoring the implementation of the NAP has the necessary resources in terms of staff, skills, and financial resources.



4.9 ONGOING PROJECTS ON GENDER EQUALITY AND WOMEN'S EMPOWERMENT

Considering the general assessment of gender equality in specific areas presented in previous chapters, it is evident that despite rapid developments, particularly regarding legislation, gender equality remains unattainable in almost all spheres.

One of the pressing issues is the lack of institutional capacities, as well as financial resources that would be allocated for the gender equality agenda within institutions.

This was also recognized by the most important international organizations in Montenegro, and in the past decade, it was translated into continuous support in expertise and financial resources in order to contribute to achieving gender equality.

Major financial contributor, when it comes to gender equality agenda, is European Union, since gender equality is a fundamental right and a common value recognized by the EU, and its achievement is closely monitored on the accession path of all candidate states.

The promotion of gender equality and the empowerment of women is central to the mandate of UNDP, and in Montenegro, this organization is the key implementer that leads strategic process in order to advance gender equality agenda in line with international frameworks of the UN and the EU.

The most visible improvements in gender equality were achieved through activities within the **IPA Program**, financed by the EU in Montenegro and implemented by the UNDP Country Office in Montenegro and the former Ministry of Human and Minority Rights.



The Program started in March 2011 and continued in 2016 through the next phase of IPA funds, through the Program “Support to Anti-Discrimination and Gender Equality Policies”. Main goals have been defined according to the National Action Plan for Gender Equality: fight against violence in the family, economic empowerment of women, and women’s empowerment in politics and decision making.

As some of the key results from two IPA cycles, apart from a number of conferences, thematic forums, and significant publications, the change of Election law first introduced quotas for less represented sex. The bearers of the process were women politicians and activists who worked closely with UNDP and EUD and advocated together to change this law. Probably the most significant result of UNDP’s work within this project is the fact that it has certified 34 trainers for gender equality in political parties through two cycles of training for trainers. The trainers were the core of the WMP, established in 2017.

“Ending violence against women in the Western Balkan countries and Turkey: implementing Norms, Changing Minds” program aims to end gender-based discrimination and violence against women and girls (VAWG) in the Western Balkan and Turkey, with a particular focus on the most disadvantaged groups of women.

The main three objectives of the program:

- 1) To create an enabling legislative and policy environment, in line with international standards on eliminating violence against women and all forms of discrimination;
- 2) To promote favorable social norms and attitudes to promote gender equality (GE) and prevent discrimination and violence against women;
- 3) To empower women and girls who have experienced discrimination or violence, including those from disadvantaged groups, to advocate and use available, accessible, and quality services.

In the first phase (2017–2020) in Montenegro, the program supported a national **network of 21 women’s NGOs**, including a sub-network of 12 NGOs (grant recipients) and including those representing women from disadvantaged groups, to monitor and report on the implementation of CEDAW and Istanbul Convention

Phase II of the program, which implementation started in 2021, builds on the results achieved and the partnerships fostered during Phase I. Namely, Phase II of the Regional program continues to collaborate with platforms and networks of CSOs that were established at the national level to contribute to law-making and amendments, policy development and implementation and reporting to human right instruments mechanisms.

The Calls for Proposals were published in order to support women CSOs to address the monitoring, reporting on, and advocating for the implementation of the Istanbul Convention and CEDAW in Montenegro, as well as addressing COVID-19 consequences. Also, the CfPs enabled women CSOs to build capacities in order to be able to provide specialist support services for survivors of all forms of violence in line with the standards enshrined in CEDAW and the Istanbul Convention, including women from minority or disadvantaged groups.

Recently realized program **“Gender mainstreaming for effective governance,”** in partnership with the Ministry of Justice, Human and Minority Rights, Human Resources Management Authority, and Parliament of Montenegro, resulted in certifying 24 trainers for gender equality in public administration. From the end of 2020, they are conducting training for public servants on the national and local levels together with HRMA. This will significantly contribute to the capacity building of public institutions.

The most recent project which implementation started at the beginning of 2021, “**Communicating Gender Equality**,” funded by the EU and implemented by UNDP in partnership with the Ministry of Justice, Human and Minority Rights, Ministry of Public Administration, Digital Society, and Media, aims to contribute to achieving gender equality by enhancing the capacities of institutions to promote and integrate gender equality in governing, culture, media, and human rights institutions to encourage and endorse culture of tolerance and gender equality in public discourse.

This initiative builds upon the UNDP’s multi-year work on democratic governance. It aims to further develop and integrate gender mainstreaming as a principal policy for pursuing communication as a critical aspect of effective governance and strong institutions. Making gender equality perspective an integral part of day-to-day communications work aims to contribute to the creation of affirmative public discourse and promotion of women’s human rights and gender equality. These will respectively ensure a catalytic effect on creating an enabling environment for implementing anti-discrimination and gender equality policies, which remains at the heart of the Sustainable Development Agenda 2030 and the EU integration process.

This Project will address the intersection of women’s empowerment, gender equality, and public communication and media development through the following key activities:

- ❖ **Creation of an enabling environment for public discourse to reduce the structural gender inequalities** by assessing relevant regulations, normative and strategic frameworks on communication in institutions and media with regard to gender equality and gender mainstreaming principles, developing guidelines on gender mainstreaming and training program on communication and gender equality and capacity building of the relevant stakeholders.
- ❖ **Raised awareness on discriminatory practices through reinforced horizontal cooperation of the relevant institutions, organizations, and media** by developing a toolkit for gender equality in media, delivering Thematic Forums on gender equality in communication and media, and implementing an info campaign addressing portrayal of gender biases in communication and media content.

Another ongoing project focused on the response against gender-based violence is “**Health has gender**,” supported through EIDHR with EU funding and implemented by SOS Podgorica, with the duration from December 2019 to December 2021.

Main objectives of the project are the improved implementation of the strategic and legislative framework in the area of domestic violence in the health care system, with the active participation of CSOs in law and public policy making. It also aims to strengthen the strategic partnership and cross-sectoral cooperation between CSOs and health institutions and improve institutional mechanisms in the health care system for the protection of victims of domestic violence. Ultimately, the conditions for systemic education and professional development of employees in the health sector will be created.

There are two projects funded by member states currently implemented in Montenegro.

Slovenia is supporting “**Economic and social empowerment of Roma and Egyptian women in the municipality of Berane and surroundings**”. The contractor is Scientific Research Association for Arts, Cultural and Educational Programs and Technology EPEKA, the implementation period is from 2020 till 2022. The project aims to increase employment of Roma and Egyptian women communities in Montenegro, especially in the municipality of Berane, by building their competencies and promoting entrepreneurship. The central target group of the project will be 50 members of the Roma and Egyptian communities, most of whom are long-term unemployed.

“Gender Budget Watchdog Network in Western Balkans and Republic of Moldova” is regional project, implemented in Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Moldova, Montenegro and Serbia, supported by Austria, a its aim is enhancing gender equality on national and local levels by strengthening capacity of civil society organizations in using Gender Responsive Budget tools in their work, and networking and mobilization of citizens for in advocacy.

The project will directly target 77 civil society organizations and directly build capacities of two 2 representatives per organization (or in total 154 civil society activists will be trained). In addition, 42 CSOs will receive grants and mentoring support increasing with which the direct beneficiaries of the action will increase to 210 activists (5 per organization). The advocacy component will engage directly 5000 people and indirectly mobilize 50.000 citizens will be mobilized.

Other international stakeholders in Montenegro such as OSCE, CoE, Westminster Foundation, NDI, and embassies are regular financial contributors to the gender equality agenda. They are conducting projects with relevant stakeholders on a national level regarding political participation, WPS agenda, political participation and economic empowerment, capacity building of political parties, etc.

The partnership of international organizations, national institutions, and CSOs proves to be crucial for keeping gender equality high on the agenda of all relevant stakeholders. The emphasis in the future has to be better and more substantial cooperation in order to achieve complementary goals and promote common values.



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