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# Public Administration in Montenegro

*Gender analysis*

MONTENEGRO

2022

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# Public Administration in Montenegro

## *Gender analysis*

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# GENDER ANALYSIS OF PUBLIC ADMINISTRATION IN MONTENEGRO

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## Contents

List of Figures and Tables.....	2
LIST OF ABBREVIATIONS .....	3
INTRODUCTION .....	4
1.Key Facts: status of women and men in Montenegro.....	6
2. Gender Analysis of Legislative and policy framework governing gender equality and PAR.....	11
2.1. Legal provisions and gaps in addressing gender equality .....	11
2.2. Gender equality provisions and gaps in relevant policy framework .....	31
2.2.1. Public Administration Reform (PAR) .....	31
2.2.2. Gender equality.....	40
2.3. Institutional framework for PAR and gender equality.....	45
2.3.1. Institutional Framework for PAR .....	45
2.3.2. Institutional Framework on gender equality.....	47
3. Status of women and men in the civil service of Montenegro .....	49
4. Factors and barriers affecting the status of women in the civil service .....	80
Results from the UNDP the Research on the attitudes and perceptions of citizens and public administration employees on gender equality .....	80
4.1 Attitudes on gender equality.....	81
4.2 Understanding and capacities for the gender mainstreaming and a stimulating work environment.....	81
4.3 Integrating the principles of gender equality in the work of public administration .....	83
5. Main Conclusions and Recommendations .....	85
5.1 Main Conclusions : .....	85
5.2 Recommendations:.....	87
Annex 1. Bibliography and Policy and legal documents analyzed, and interviews conducted .....	89
Policy and legal documents .....	89
Other secondary sources and data .....	90

## List of Figures and Tables

Table 1: Categories and Levels of Civil Service.....	26
Table 3: Share of women in the civil service per title .....	52
Table 4: Share of women in the civil service per institution .....	60

## LIST OF ABBREVIATIONS

PA	Public Administration
PAR	Public Administration Reform
MPADSM	Ministry of Public Administration, Digital Society and Media
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
RIA	Regulatory Impact Assessment
CSO	Civil Society Organization
EU	European Union
NSGE	National Strategy for Gender Equality
NGO	Non-Governmental Organization
OSCE	Organization for Security and Cooperation in Europe
UNDP	United Nations Development Program
DGE	Department for Gender Equality
NSGE	National Strategy for Gender Equality

## INTRODUCTION

In May 2020, Montenegro adopted the New Methodology of Negotiations with the EU, as a political initiative that fits into the existing negotiating framework between Montenegro and the EU from 2012, welcoming the stronger presence of EU member states in affirming enlargement policy. The new methodology places a stronger focus on fundamental reforms, starting with the rule of law, the functioning of democratic institutions and public administration, as well as the economies of candidate countries.

The benefits of the public administration reform process, if successfully implemented, should positively impact the lives of Montenegrin citizens, due to the simplification of administrative procedures, improvement of services and faster and better realization of citizens' rights before state administration bodies. The reform should provide better control over the legality and responsibility of public institutions and a more rational approach to the use of human and financial resources. In addition, a more functional and efficient system of local self-government should meet the needs of the local population.

Public administration reform, therefore, should contribute to a better quality of life for Montenegrin citizens.

However, each public decision-making process has a different impact on different social groups, men and women. Gender-sensitive reform policies are needed to ensure equal access for women and men to public services, resources, the labour market and equal representation in decision-making positions. Equality between women and men is an important development goal in itself, and has a decisive impact on reducing poverty and encouraging inclusive growth and development of society. However, processes such as planning, budgeting and administration are often considered gender neutral, so the gender dimension of public administration reform in Montenegro is poorly visible, despite the strong political will publicly expressed by the line minister.

Thus, gender inequality persists in social, economic and political life and is often fuelled by laws, policies and decision-making processes that lack a gender perspective.

On a positive side, the number of women in decision-making positions and public institutions is increasing and the participation of women in senior positions in the public administration sector is not far from the European average. However, this is often not a guarantee that a gender perspective will be included in political and other discussions. This is not guaranteed by specific policies governing gender equality and the position of women, as long as they are addressed exclusively by women and as long as there is no clear political will of the majority

decision makers, to implement them effectively. Political will means a clear allocation of human and financial resources for the implementation of planned measures and activities, but also monitoring the real impact on the quality of life of men, women, minorities and marginalised groups.

Therefore, gender impact analysis and gender budgeting should be a mandatory part of any initiative to develop or change public policies, which is, after all, an obligation prescribed by the Law on Gender Equality.

The aim of this publication is to contribute to public administration reform based on the specific needs of women and men - especially women and men from poor and marginalized communities - and to ensure that public policies, investments and services respond better to the needs of all citizens.

## 1.Key Facts: status of women and men in Montenegro

### Demography

According to MONSTAT, Montenegro has 620 739 inhabitants: 313 875 or 50,56% are women and 306 864 are men.<sup>1</sup>

Average age of men is 37.8 and of women is 40.3<sup>2</sup> The aging index indicates less youth participation and continuous aging of the population. In Montenegro, for years, fewer girls than boys are born with the masculinity rate<sup>3</sup> of live born 107.9<sup>4</sup>, indicating the possibility of prenatal sex selection in favor of boys. Consequently, in youngest group of the population there are more boys (52%), while in the oldest group of the population over 65 years, there are more women (56,7%), due to lower mortality rate (100:116) and longer life expectancy (78.8) compared to men (73.2)<sup>5</sup>. Analysis of sex distribution of population by age shows the dominance of male population to the age of 35-39.

### Education

According to MONSTAT, in school year 2019-2020, 53% of primary school graduates were male, and 47% of primary school graduates were female. Women achieve significantly better results than men in higher education. In the academic year 2020-2021, 55.3% of the enrolled students were women and 44.7% were men<sup>6</sup>. In 2020, of the total number of bachelor graduates, 60.2% were women, and 39.8% men.

There is even bigger gender disparity in favour of women in the attainment of postgraduate education. During 2020, 61.3% of female students completed the specialist studies and 38.7%

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<sup>1</sup> The estimate of number of population and demographic indicators as per December 31 2020, MONSTAT, 10 May 2021, at <https://www.monstat.org/uploads/files/demografija/procjene/2020/Estimation%20of%20population%20and%20basic%20demographic%20indicators.pdf> (accessed in December, 2021)

<sup>2</sup> Women and Men in Montenegro, 2020, page 18 MONSTAT and Ministry of Human and Minority Rights, at: <https://www.monstat.org/uploads/files/publikacije/Zene%20i%20muškarci%20u%20Crnoj%20Gori.pdf> (accessed in December, 2021)

<sup>3</sup> Masculinity rate is the ratio of number of males per 100 females in observed events.

<sup>4</sup> The estimate of number of population and demographic indicators, as per December 31 2020, MONSTAT, 10 May 2021, at <https://www.monstat.org/uploads/files/demografija/procjene/2020/Estimation%20of%20population%20and%20basic%20demographic%20indicators.pdf> (accessed in December, 2021)

<sup>5</sup> Women and Men in Montenegro, 2020, page 18 MONSTAT and Ministry of Human and Minority Rights, at: <https://www.monstat.org/uploads/files/publikacije/Zene%20i%20muškarci%20u%20Crnoj%20Gori.pdf> (accessed in December, 2021)

<sup>6</sup> Montenegro Statistical Office Release No. 87, Podgorica, 22 June 2021, at: [https://www.monstat.org/uploads/files/obrazovanje/visoko/upisani%202020\\_21/Upisani%20studenti%20osnovne%20studije%202020-2021.%20godina%20ENG.pdf](https://www.monstat.org/uploads/files/obrazovanje/visoko/upisani%202020_21/Upisani%20studenti%20osnovne%20studije%202020-2021.%20godina%20ENG.pdf) (accessed in December, 2021)



of male students. Master degrees were obtained by 64.5% female and 35.5% male students. Doctoral degrees in 2020 were obtained by 23 persons. Of this number of PhDs, the females made 56.5% (13) and males 43.5% (10)<sup>7</sup>.

## Work/Employment

Results achieved by women in the field of education do not adequately reflect on women's employment, given that there is a significant gender gap in the labour market, i.e. significantly lower percentage of employed and active<sup>8</sup> women compared to men. Out of total number of employed persons, there are 55.9% of men and 44.1% are women. Out of total number of labour force (active population), there are 55.6% of men and 44.4% are women, while 58.6% of inactive persons are women and 41.4% are men. Among the unemployed, there are 54.4% of men and 45.6% are women<sup>9</sup>. The educational structure shows a still high rate of unemployed persons among those with university degrees (22.2%).

In practice, examples of gender discrimination in labor and employment are very common. According to findings of the Women's Rights Center report published in 2019, 75.64% of women who participated in the survey were asked about their marital status during job interviews, 45.5% were asked about the number of children they have and 35.6% about their plans to have children.

According to the publication “Women and Men in Montenegro 2020”, there is a significant gender segregation in occupations. Legislators, officials, and manager’s occupations are dominated by men (64.2%), as well as military (100%), skilled agricultural sector and fishery (63.9%), craft and related trades (92.7%). Women, on the other hand, are the most represented among professionals (62 %), clerks (61.8%) and market, sales and service workers (51.8%). This indicates that the highest paid and most powerful positions are mostly occupied by men. Such finding corresponds with the results of the Gender Equality Index Montenegro 2019 (GEI), showing that women in Montenegro are least equal in the domains of Power, followed

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<sup>7</sup>Montenegro Statistical Office Release No. 69, Podgorica, 18 May 2021, at: <https://www.monstat.org/uploads/files/obrazovanje/visoko/specijalisti%20magistri/Saopštenje%20specijalisti%20C%20magistri%20i%20doktori%20nauka%202020.%20godina%20ENG.pdf> (accessed in September, 2021)

<sup>8</sup> Active population (labour force) include employed persons and unemployed persons aged 15 to 89 years.

<sup>9</sup>Labor Force Survey, MONSTAT Release No. 50, Podgorica, 15 April 2020, at: [https://www.monstat.org/uploads/files/ARS/2020/ARS%20saopstenje\\_2020\\_en.pdf](https://www.monstat.org/uploads/files/ARS/2020/ARS%20saopstenje_2020_en.pdf) (accessed in September, 2021)

by Time, Knowledge, Money and Work<sup>10</sup>. With the index value of 55 (out of the maximum 100 points), Montenegro scored lower than the EU average of 67.4.

Achieving a balance between public and private life is one of the main challenges for women, especially if they are employed. Uneven distribution of family obligations and unpaid work to a greater extent belongs to women (42%) than men (24%), according to data collected by the UNDP and the Austrian Development Agency. It significantly affects women's quality of life and the possibility to use their free time for participation in public life, social, cultural activities and recreational activities. Hence, women have less time to devote to creating social connections and networks, which greatly affects their advancement in other areas of life beyond business and family responsibilities.

### Political participation

The average values of the GEI, however, cannot hide the fact that there is an enormous gender gap in the executive branch, where out of 14 members of the Government (Prime Minister, Deputy Prime Minister and Ministers) only 4 are women<sup>11</sup>

The current Parliamentary composition of Montenegro is heavily dominated by men. After the parliamentary elections in August 2020, the percentage of female MPs was 22.2% (18 women out of a total of 81 MP). In February 2021, due to the resignations of two male MPs, the number of women increased to 20, which is 24.69% of the total number of MPs<sup>12</sup>. It is a significant decrease compared to the previous convocation of the Parliament that in 2019, which saw a record of 29.6% in the period from January to August 2020, thanks to the introduction of gender quota<sup>13</sup>.

The Parliament is headed by a man, while a woman holds one of the three Deputy Speaker positions. However, this falls short of the targeted threshold of the 30% stipulated in the Law on Election of Councilors and MPs. As regards gender structure of parliamentary bodies, the overall percentage of women is higher than that in the plenary. From among 169 members of the standing parliamentary committees, 49 (28.99%) are women.

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<sup>10</sup> Gender Equality Index (GEI) was developed by MONSTAT, upon the initiative of the Ministry for Human and Minority Rights and published on 29 January 2020. The calculations are based on EIGE methodology, which is used to measure inequalities in EU member states and pre-accession countries.

<sup>11</sup> Government of Montenegro web page: <https://www.gov.me/en/organizational-units> (accessed in January 2022)

<sup>12</sup> According to Amendments of the Election Law from 2014, if there is cessation of the mandate of the deputy from the underrepresented gender, he/she will be replaced by the next candidate from the list who is from the underrepresented gender.

<sup>13</sup> Article 39 of the Law on Election of Councilors and MPs.

However, gender imbalances of the plenary structure are faithfully mirrored in the gender composition of the chairmanship structure of the parliamentary working bodies, which continues to be dominated by men. From among the total number of chairpersons of the parliamentary standing committees, women make up 23% (three out of a total of 13 standing committees).<sup>14</sup>

There is a significant gender imbalance at the local level, as well: only 2 women are mayors (compared to 22 men), 7 are deputy mayors (and 31 men), and only 3 women are presidents of the local parliament (compared to 21 men in the same position).

### Economic position and Poverty

In 2020, according to the official statistics, there is no significant difference among women and man at risk of poverty. At-risk-of-poverty rate<sup>15</sup> for men was 23.0%, and for women 22.2%.<sup>16</sup>

However, the same research showed that households with dependent children were more exposed to the risk of poverty (26.9%), compared to households without dependent children (14.3%). Furthermore, the risk of poverty rate for one adult household with at least one dependent child goes even further - it was 36.6%. Such findings together with the data showing a significant number of divorces (as many as 387 of divorces per 1 000 marriages in 2020)<sup>17</sup> with as many as 92.86% of women with granted child custody and two thirds of fathers that didn't pay the alimony for more than 2 years<sup>18</sup>, suggests that the risk of poverty affects women's households with dependent children disproportionately more than it is visible from the official statistics. Moreover, the biggest gender gap in access to natural or financial resources is evident in the area of ownership over land, real estate and companies, with women owning only 4% of all real estate, 8% of land and 14% of holiday homes<sup>19</sup>. A survey by the NGO Women's Safe House showed that almost half of women (48%) do not exercise their right to

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<sup>14</sup> A.Vukotic, "2020 Parliamentary Elections from a Gender Perspective", Women's Rights Center, February 2021, at: <https://womensrightscenter.org/wp-content/uploads/2021/06/2020-Parliamentary-Elections-from-a-Gender-Perspective.pdf>

<sup>15</sup> At-risk-of-poverty rate represents a share of persons whose equivalised disposable income is below at-risk-of-poverty threshold. These persons are not necessarily poor, they are just at higher risk to be, because their equivalised disposable income is below at-risk-of-poverty threshold.

<sup>16</sup> Survey on Income and Living Conditions (EU-SILC) 2020 (p), MONSTAT, Podgorica, 14 December 2021, at: [https://www.monstat.org/uploads/files/SILC/2020/RELEASE\\_Survey\\_on\\_Income\\_and\\_Living\\_Conditions\\_EU-SILC\\_2020.pdf](https://www.monstat.org/uploads/files/SILC/2020/RELEASE_Survey_on_Income_and_Living_Conditions_EU-SILC_2020.pdf)

<sup>17</sup> Marriages and divorces in Montenegro in 2020, MONSTAT, Release no. 56, 29 april 2021, at: [https://www.monstat.org/uploads/files/demografija/brakovi/2020/Marriages%20and%20divorces%20in%20Montenegro%20in%202020-konacna%20verzija%20\(2\).pdf](https://www.monstat.org/uploads/files/demografija/brakovi/2020/Marriages%20and%20divorces%20in%20Montenegro%20in%202020-konacna%20verzija%20(2).pdf)

<sup>18</sup> T. Saveljic and J. Hajdukovic, Study 'Alimony – the right of every child and every parent's obligation', project implemented by Women's Safe House, with nancial support from the European Union through the Centre for Civic Education (CCE) and the Civic Initiatives (GI), Podgorica, November 2014, available at: <https://docs.google.com/le/d/0B6HPdSi5m-iwcGk3QVFJMU1hUDQ/edit>

<sup>19</sup> Women and Men in Montenegro in 2019, MONSTAT and the Ministry of Human and Minority Rights, p.25, <https://www.monstat.org/uploads/files/publikacije/%C5%BDene%20i%20mu%C5%A1karci%20u%20Crmoj%20Gori.pdf>

property ownership<sup>20</sup> due to the presence of a very strong tradition and the absence of positive measures within the law and public policies, which would encourage women not to renounce property rights on behalf of male relatives or spouses and to be economically empowered through various macroeconomic and sectorial policies.

The Gender Equality Index tracks data on the difference between men and women when it comes to their earnings for the work they do and how that money is distributed in terms of poverty and wealth (area money). In these areas, the financial resources of women and men, as well as their economic situation, are taken into account. The index value for the area of money for Montenegro is 59.7 index points, far behind the EU average of 80.4.

#### The impact of the pandemic COVID-19 on women in Montenegro

The consequences of COVID-19 have affected the position of women in many ways and deepened the existing inequalities. There was a significant increase in the percentage of reported domestic violence cases. The Women's Rights Centre data showed an increase in the number of beneficiaries for 40% in 2020, compared to 2019, and 80% in 2021, compared to 2019. The Women's Safe House received 46 percentage points more calls between 16 March and 1 June 2020, than during the same period in 2019. In May 2020, the shelter provided accommodation for 60 percentage more victims of gender-based violence (GBV) than during the same period of the previous year. The National SOS line reported an increase of 18 percentage points in calls from victims seeking its support<sup>21</sup>. There were other important aspects of the impact of the pandemic on women in Montenegro. First, the sectors that are most affected by the crisis in terms of increased workload and work in difficult conditions – health, social care, education and retail trade, are among the sectors with the highest percentage of female employees. Also, the burden of unpaid work on women increased, and women were more vulnerable in the labour market and had a lower rate of earnings than men. According to the official data from the Employment Bureau, the share of women among the newly unemployed persons, reached 56 percent (3.560) in the period from the end of February to the end of June 2020. The UN's Rapid Social Impact Assessment of COVID-19 (RSIA) found that, approximately 21 percent of employees experienced a reduction in their salary, of which

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<sup>20</sup> Survey "Attitudes towards Women's Property Rights", NGO Safe Women's House, Podgorica, February 2019.

<sup>21</sup> Report on the Rapid Social Impact Assessment of the COVID-19 outbreak in Montenegro, April–June 2020, UN Montenegro, 11 September 2020, at: <https://montenegro.un.org/en/90471-report-rap-id-social-impact-assessment-covid-19-outbreak-montenegro-april-june-2020>

76 percent work in the private sector, mainly in tourism, services and transport. Approximately 40 percent of women in Montenegro found it hard to cover life expenses during this period. COVID-19 has also had a severe impact on the ability of families with children to provide food and ensure appropriate hygiene. About 70 percent of households can see through the crisis up to one-month only<sup>22</sup>.

Around a third of those employed (35 percent of employed women) were on paid leave due to the pandemic, one in ten of them were on unpaid leave (6 percent of employed women), while a third of them worked reduced hours (29 percent of employed men vs 31 percent of employed women).<sup>23</sup>

As for unpaid household work, the UNDP research showed that women worked 92% more than men in the field of unpaid care and domestic work<sup>24</sup>. The monetary value of such work and care was projected at EUR 122 million during the three months of the COVID-19 pandemic outbreak in the second and third quarter of 2020.

## **2. Gender Analysis of Legislative and policy framework governing gender equality and PAR**

### **2.1. Legal provisions and gaps in addressing gender equality**

Montenegro has a solid legal framework regulating discrimination and employment from the perspective of equality between men and women. Even though there is still room for improvement of the existing legal norms, regulations currently in place could be much more effective if they were to be properly implemented.<sup>25</sup>

The 2020 European Commission report on Montenegro also found that the national legislative framework on gender-based discrimination has had limited impact due to weak implementation of existing measures and insufficient prioritisation of gender equality in the overall state and public accountability mechanisms. Furthermore, the report stipulates that most institutional actors are often unaware of their legal obligations for gender mainstreaming or insufficiently

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<sup>22</sup> Ibid

<sup>23</sup> Ibid

<sup>24</sup> UNDP Montenegro report "Women's Contribution to the Economy of Montenegro – Utilization of Care work by women during Covid-19", November 2020, available at: [https://www.me.undp.org/content/montenegro/en/home/presscenter/pressreleases/2020/Women\\_Care\\_Work.html](https://www.me.undp.org/content/montenegro/en/home/presscenter/pressreleases/2020/Women_Care_Work.html)

<sup>25</sup> These findings were corroborated by relevant stakeholders, notably institution representations, CSOs active in the field of labour rights, as well as persons which have experienced work-related discrimination. See also: Women's Rights Center, "Gender-Based Discrimination and Labour in Montenegro", 2019.

trained to implement gender policies.<sup>26</sup> Consequently, the Commission report underlines that accountability mechanisms for achieving gender equality need to be strengthened and gender impact assessments must be implemented at all levels in the public administration.<sup>27</sup>

The 2021 European Commission report on Montenegro also indicated the continuous insufficient commitment of the state to the obligation to pay due attention to fulfilling the recommendations of the European Commission regarding women's human rights, and other issues concerning women, children and marginalized social groups. In regard to the public administration reform, the EC Report states that overall, Montenegro achieved limited progress and that some progress has been noted in areas such as medium-term policy planning, e-government and public financial management, and budget transparency. The report states that most of the recommendations from 2020 are still valid. It emphasized that in the coming year, Montenegro should improve citizens' access to information by finalizing, adopting and starting to implement amendments to the Law on Access to Information in accordance with SIGMA principles of public administration, provide effective lines of responsibility between and within institutions, provide employment of all places in public administration according to the principles of results, competence and transparency.

The report addresses the evaluation of the 2017-2021 Gender Equality Action Plan and notes that it had revealed shortcomings in the implementation, lack of awareness and commitment among institutions, poor gender mainstreaming, discrepancies in the application of the legal framework and weak coordination with other national strategies.<sup>28</sup>

The Report also recommends that the public administration needs to improve the consultation mechanism with civil society.<sup>29</sup>

### **International treaties and instruments**

In the hierarchy of legal norms, international agreements and instruments make an integral part of the internal legal order, have supremacy over national legislation, and are applied directly when they regulate relations differently than the national legislation.<sup>30</sup> This means that human

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<sup>26</sup> See Page 38 of the Commission Staff Working Document on Montenegro 2020 Report Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Available online at: [https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/montenegro\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/montenegro_report_2020.pdf).

<sup>27</sup> The Commission noted that steps in this direction were taken in 2020 by the Police Directorate and MHMR. The Judicial Training Centre and State Prosecution organised trainings on women's rights and gender equality. Ibidem.

<sup>28</sup> EC CR 2021, page 36

<sup>29</sup> EC CR 2021, page 16

<sup>30</sup> Constitution of Montenegro, Article 9. The Official Gazette of Montenegro, No. 01/2007. Available online in ENG at: [https://www.constituteproject.org/constitution/Montenegro\\_2007.pdf?lang=en](https://www.constituteproject.org/constitution/Montenegro_2007.pdf?lang=en) (accessed on May 24, 2021).

rights are protected on the basis of international agreements and generally accepted rules of international law.

Montenegro is a party to all relevant international human rights instruments<sup>31</sup> and labour standards<sup>32</sup>. These include International Covenant on Civil and Political Rights, with the two Optional Protocols, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination Against Women (2006), International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of Persons with Disabilities with the Optional Protocol, the European Convention on Human Rights with all its Protocols, including Protocol 12 (general prohibition of discrimination) and the Revised European Social Charter. Furthermore, in line with Constitution, Montenegro is obliged to align its policies and strategic documents in the area of gender equality with a number of international documents - Beijing Declaration and the Platform for Action, whose signatories are obligated to pursue gender equality in the public and private life and participation in political and economic decision-making; **The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence** (Istanbul Convention) - agreement that thoroughly defines the concept of gender-based violence and addresses the issue systematically. **Security Council Resolution UN 1325 – Women, Peace and Security** deals with the participation of women in peace-building and preservation efforts and in conflict resolution, and to ensure better protection of women and girls against violence. Mechanisms for achieving gender equality are further elaborated in the **National Sustainable Development Strategy by 2030**, which nationalises the sustainable development goals of the Agenda 2030 in Montenegro.<sup>33</sup>

In addition to this, as a candidate country for EU membership, harmonization of Montenegro's legal system with the EU *acquis* is currently underway.

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<sup>31</sup> The full list of UN human rights treaties ratified by Montenegro is available on the website of the UN Office of the High Commissioner for Human Rights: [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=116&Lang=EN](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=116&Lang=EN). The list of Council of Europe Conventions that Montenegro acceded to by virtue of membership are listed in the Report on the Accession, available at: <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=11457&Lang=EN>, in section 19.1 (Conventions).

<sup>32</sup> The full list of International Labour Organisation Conventions ratified by Montenegro are available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:102734](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102734)

<sup>33</sup> Exhaustive list and detailed description of international framework and national public policies on gender equality can be found on following webpage: <https://javnepolitike.me/en/home/>

## Constitution of Montenegro

Prohibition of any direct or indirect discrimination on any grounds is a constitutional principle and the Constitution Preamble stipulates respect for human rights and freedoms, as well as the quality of all citizens.

Issues of anti-discrimination and equality between men and women are in particular regulated by Articles 8, 18, and 71 of the Constitution; while issues related to labour rights are regulated by Articles 62-67.

Gender equality provisions of the Constitution are a testimony of acceptance of ratified and international treaties in the domestic legal system. Specifically, article 18 of the Constitution guarantees gender equality stipulating that “the State shall guarantee the equality of women and men and develop the policy of equal opportunities.”

The general anti-discrimination clause prohibiting direct or indirect discrimination on any grounds is provided for in the basic provisions of the Constitution (Article 8, Paragraph 1). For achieving the overall equality, the Constitution also provides legal grounds for introduction of special measures.<sup>34</sup> These affirmative action measures may be employed with the purpose of creating conditions for the exercise of national, gender and overall equality and protection of persons in an unequal position and are not to be considered discrimination.

Furthermore, implicitly, without mentioning the gender aspect, the Constitution guarantees equality before the law regardless of any specific nature or personal feature (Article 17, paragraph 2), that everyone has the right to the equal protection of one’s rights and freedoms (Article 19).

Labour rights and related issues are regulated under the part of Constitution dedicated to economic, social and cultural rights and liberties. These include the right to work (Article 62), prohibition of forced labour (Article 63), rights of the employed (Article 64), provisions concerning the Social Council (Article 65), strike (Article 66), and social insurance (Article 67).

Same as above, without specifically referring to gender, the Constitution provides that ‘everyone shall have the right to work, to free choice of occupation and employment, to fair and human working conditions and to protection during unemployment’ (Article 62). In line with the Constitution, women, young people and persons with disabilities enjoy ‘special protection’ at work (Article 64, paragraph 4 and Article 68).

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<sup>34</sup> In line with the Constitution, these special measures are meant to be of limited duration and may only be applied until the achievement of the aims for which they were undertaken (Article 8, Paragraphs 2 and 3).



In line with the Constitution, marriage is regulated as free consensual agreement between women and men, and it is based on the principle of equality (Article 71). Moreover, article 73 stipulates the standard of adherence to protection of the mother and the child by the state, as well as the responsibility of the state to “create the conditions that encourage childbirth” (Article 73).

Overall, the Constitution of Montenegro, at the level of general principles and guarantees, creates legal prerequisites for introduction of the standard of gender equality and prevention and elimination of gender-based discrimination in all fields and at all levels.

The Constitution does underline specifically the principle of gender equality, and equal treatment based on gender in general.

The Constitution underlines specifically the principle of gender equality and equal treatment based on gender in general. However, there are no provisions on special (affirmative) measures for women or for any other group who is discriminated or put in unequal position. Likewise, there are no constitution provisions that regulate the work of civil service in terms of stipulation of the underlying principles of operation.

Furthermore, the Constitution has not been written in gender sensitive language. Rather, it uses masculine denominations as the generic gender in denoting titles, positions and occupation.

Guarantees provided for by the Constitution are further elaborated in a series of laws which constitute the national anti-discrimination and labour-related legal framework which, analysed from the gender equality perspective below.

Issues of protection from discrimination and equal opportunities for men and women are primarily regulated by the Law on prohibition of discrimination, Law on gender equality, Labour law, Law on Civil Servants and State Employees and the Decree on organization and work of state administration, Law on pension and disability insurance, Law on Prohibition of Harassment at work, as well as relevant provisions of the Family Law, and the Law on social and child protection.

### **Law on the Prohibition of Discrimination**

The Law on the Prohibition of Discrimination<sup>35</sup> is a framework anti-discrimination law, establishing a comprehensive systemic legal protection from discrimination. The Law was adopted in 2010, and last amended in June 2017, aiming further alignment with the EU acquis. Recently, the Law entered the amendment procedure. Draft Law on Amendments to the Law

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<sup>35</sup> Law on the Prohibition of Discrimination (Official Gazette of Montenegro, No. 46/2010, 40/11, 18/14, 42/17).

on Prohibition of Discrimination, contained two provisions that intend to harmonize it with recommendations of the European Commission: the one that defines "discrimination on the basis of association" and a the one further improving the provision regulating the "burden of proof".<sup>36</sup> Public consultations were held in March 2020, enabling wider civil society actors to contribute and amend the proposed draft.

The stated purpose of this law is the 'prohibition of and protection from discrimination as well as the promotion of equality' (Article 1, Paragraph 1). The Law is applicable in both the public and private sector (Article 3). It prohibits 'any form of discrimination, on any ground' (Article 2, paragraph 1). Discrimination is defined as: "any legal or actual 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, skin colour, national identity, social or ethnic origin, affiliation to the minority nation or minority national community, language, religion or belief, political or other opinion, sex, sex change, gender identity, sexual orientation and/or intersexual characteristics, health, disability, age, material status, marital or family status, membership of a group or assumed membership of a group, political party or other organization as well as other personal characteristics. (Article 2, paragraph 2)".

Furthermore, the law stipulates that multiple discrimination is one of the aggravated forms of discrimination, based on two or more of the above-mentioned grounds of discrimination.

Although Article 2 of the Law on Prohibition of Discrimination *inter alia* prohibits discrimination based on sex, the provisions on the definition and scope of discrimination based on sex are missing. Discrimination based on sex, as such, is not recognized by the Law on Prohibition of Discrimination as a special form of discrimination, except for harassment and sexual harassment. In fact, the Law does not make any reference to it, except as an integral part of the aforementioned general provision on the prohibition of discrimination on all grounds.

The law includes special forms of discrimination, such as: harassment and sexual harassment, segregation, hate speech, discrimination in the use of premises and spaces in public usage,

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<sup>36</sup> Report on the public debate on the Draft Law on Amendments to the Law on Prohibition of Discrimination, Ministry of Human and Minority Rights, 26/03/2020, at: <https://www.gov.me/clanak/223316--izvijestaj-sa-javne-rasprave-o-nacrtu-zakona-o-izmjenama-i-dopunama-zakona-o-zabrani-diskriminacije>

discrimination in the provision of public services, discrimination in the sphere of labor, discrimination in the sphere of education and professional training, etc.

However, unlike for ‘special’ forms of discrimination, including harassment and sexual harassment, there is no specific offence or associated fine concerning discrimination based on sex, as such. When it comes to discrimination in the sphere of labour, Article 16, paragraph 1 of the Law on Prohibition of Discrimination specifically prohibits discrimination on any grounds listed under Article 2, paragraph 2 of this Law (including discrimination based on sex) of persons seeking employment. This provision is accompanied by the offence with an associated fine (Article 34a).

Additionally, even though sexual harassment is considered a special form of discrimination, it is still not defined as a criminal offence under the law. This point was also noted in the European Commission Report 2020 on Montenegro.<sup>37</sup>

The Law on the Prohibition of Discrimination, in line with the Constitution, introduces temporary measures to create condition for equal treatment on the ground of gender. The special measures may be introduced with the aim of creating conditions for national, gender and overall equality and the protection of persons in an unequal position on any grounds can be made or implemented and enforced, within their jurisdiction and powers, by state bodies, state administration bodies, local self-government, public enterprises and other legal entities with public authority (hereinafter: organs), as well as other legal entities and individuals.<sup>38</sup>

When it comes to the enforcement of the legal provisions contained in this Law, the most relevant institution is the Ombudsperson.

The National Strategy for Gender Equality 2021-2025 envisages the establishment and unification of comparable records on cases of discrimination based on sex and gender.

### **Law on Gender Equality**

The Law on gender equality is a *lex specialis* whose stated aim is to regulate the manner of exercise of gender equality rights, introduces measures intended to eliminate discrimination based on sex and create equal opportunities for women and men, as well as persons of different gender identities in all spheres of social life (Article 1 of the Law on gender equality).

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<sup>37</sup> The European Commission’s 2020 Report on Montenegro noted that the Ministry of Justice established a working group to reconsider this issue, the work on which is expected to be continued also by the new government. See page 38 of the Report.

<sup>38</sup> So far, special measures aimed at achieving gender equality have only been applied to the Law on election of councillors and MPs (see above).

The manner the law regulates provision and implementation of rights based on gender equality is in accordance with international regulations and generally accepted rules of international law.

The law stipulates equality between women and men in all areas of public and private life, as well as an equal opportunities policy. The law defines gender equality as equal participation of women and men, as well as persons of different gender identities, in all spheres of public and private sector, equal position and equal opportunities to exercise all rights and freedoms and use personal knowledge and skills for development of society, as well as realize equal benefits from work achievements (Articles 1 and 2).

The Law stipulates the obligation of public institutions at central and local level, as well as business companies, to integrate gender in their policy making process. Accordingly: “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, 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” (Article 3).

Furthermore, in line with the law, the Parliament, the Government, and municipalities are required to promote implementation of the principle of gender equality, in particular the principle of balanced gender representation in the process of election, appointment and constitution of bodies and official delegations (Articles 10 and 11).

The Law provides a comprehensive definition of discrimination based on sex, which reads as follows: “Discrimination based on sex is any legal or factual, direct or indirect distinction or unequal treatment of a person or a group of persons of one sex compared to persons of the other sex, as well as any exclusion, restriction or giving preference to one person, or a group of persons of one sex compared to persons of the other sex, as a result of which a person is restricted or denied access to recognition, enjoyment or exercise of human rights and freedoms in civil and political, economic, social, cultural and other spheres of public and private life.”

Discrimination based on sex is also considered to be “encouraging, helping, giving instructions, as well as announced intention to discriminate a specific person or group of persons based on sex. Discrimination is considered to be any treatment bringing in disadvantaged position a woman because of pregnancy or maternity, as well as other person because of changing sex, compared to other persons, with regards to employment, self-employment, exercising rights arising from social security and other rights. Discrimination, within the meaning of paragraph

1 of this Article, shall be considered to be also harassment based on sex, sexual harassment, incitement of other person to discriminate, as well as using words in the masculine gender as generic neutral form for both male and female gender” (Article 4, paragraphs 1-4).

Building on relevant provisions of the anti-discrimination law (see above), the Law on Gender Equality further elaborates on what constitutes direct and indirect discrimination based on sex (Article 7, paragraph 1). The Law on gender equality complements the Law on prohibition of discrimination in part which concerns harassment – including in the sphere of employment – and provides that acts of harassment based on sex and sexual harassment shall be considered a form of discrimination based on sex (Article 4, paragraph 4).

The Law on gender equality also envisages special measures which could be used to achieve gender equality, that are not considered discrimination. The law stipulates that in political, economic, social, cultural and other spheres of life, in which was found unequal representation of women and men, or unequal treatment of a person of one sex compared to a person of the other sex, can be undertaken special measures for ensuring and promoting gender equality.

According to the Law, unequal representation exists in case when representation of persons of one sex in the sphere or in part of that sphere is lower than the percentage of representation of persons of that sex in the total population (Article 15)<sup>39</sup>.

Offences and associated fines are set out in Articles 33 and 33a of the Law on Gender Equality which stipulate a set of fines for misdemeanour on legal person or responsible person in state, local administration as well as on entrepreneurs.

Under the chapter on penal provisions, the legislator stipulates a set of fines for misdemeanour on legal person or responsible person in state, local administration as well as on entrepreneur. It is interesting that fines are *inter alia* stipulated for responsible person in legal entities if it does not use gender-sensitive language in its work and express all job titles, occupations, professions and functions in acts on employment or temporary contract..., acts on election, appointment or designation, as well as acts on the election in academic titles, acts on the assignment and other acts deciding on the rights and obligations of employees and other public documents and records, in the natural gender (masculine or feminine) of the person to whom those acts relate.

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<sup>39</sup> In line with Article 16, special measures may be positive measures which, under equal conditions, give advantage to persons of underrepresented sex, or to those persons in distinctly unequal position based on sex, until equal representation, or defined goals for introduction of such measures are achieved, encouraging measures that provide special benefits or introduce special incentives in order to eliminate unequal representation of women and men, or unequal treatment based on sex; programmatic measures that include activities related to education, or to promotion and establishment of gender equality.

However, the Law on gender equality does not provide sanctions for violating Articles 10, 11, 12 pertaining gender balanced representation in political life. In addition to this, the Law does not stipulate, regulate or recognize the unpaid work as an important component and part for functioning of the households, community and society in general.

Overall, the Law on gender equality, which is meant to regulate discrimination based on sex, establishes only two offences for acts of discrimination on these grounds. These include protection of pregnant women, mothers and persons who have changed sex from being brought into a disadvantaged position with regards to labour and social security rights (Article 33)<sup>40</sup> and the failure of (legal persons) to use gender sensitive language (Article 33a, paragraph 1, point 1).<sup>41</sup>

At the same time, these are the only two offences which refer to the substance of the Law and the rights protected by it.<sup>42</sup> In addition, it should be noted that the fines for the two offences concerning discrimination based on sex envisaged by the Law on Gender Equality are lower than those set out in the anti-discrimination framework for other acts of discrimination, suggesting that except for harassment and sexual harassment<sup>43</sup>, this form of discrimination is considered less important or at least less serious than others.

In line with the law, institution competent to protect persons who are discriminated based on sex is the Protector of human rights and freedoms. i.e. the Ombudsperson (Article 6a)

## **Labor Law**

The new **Labor Law**<sup>44</sup> was adopted in 2019, and amended in 2021. It aimed to bring national law in line with the EU directives 2006/54/EC on equal opportunities in employment and 92/85/EEC on pregnant workers. Although the new Labour introduced some important novelties which improved legal protection of women's rights in the sphere of employment,

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<sup>40</sup> A fine of 1,000-10,000 € was envisaged for legal persons, 150-2,000 € for responsible persons within state or local authorities, and 150-3,000 € for entrepreneurs (Article 33 of the Law on Gender Equality).

<sup>41</sup> A fine of 500-5,000 € was envisaged for legal persons, 150-1,000 € for responsible persons within state or local authorities, and 150-1,500 € for entrepreneurs (Article 33 of the Law on Gender Equality).

<sup>42</sup> The rest of the offences focus on sanctioning legal persons who fail to complete certain technical tasks, which they are expected to carry out in line with the Law. These include the failure (of legal persons) to ensure trainings for employees on gender equality, failure to ensure gender segregated statistics and information in their possession, failure to submit reports to the Ministry on achieving gender equality from their area of work, and failure to designate an employee to be in charge of coordination activities on issues concerning gender equality and participate in preparation and implementation of the gender equality Action Plan (Article 33a).

<sup>43</sup> The Law on Gender Equality prohibits harassment and sexual harassment and recognizes them as types of discrimination based on sex. These are also prohibited by the Law on Labor. However, the protection from harassment and sexual harassment at work is exercised in line with the framework anti-discrimination law which considers them as 'special forms of discrimination' (see above) and provides for relevant fines.

<sup>44</sup> Labor Law, Official Gazette of Montenegro, 19 and No. 8/21.

further progress still needs to be made regarding alignment with the EU acquis, notably the 92/85/EEC directive<sup>45</sup>.

The Labour Law is the key law regulating employment rights. Like the antidiscrimination law and the gender equality law, the Law on Labour also prohibits discrimination towards persons seeking employment and employees, including discrimination based on sex (Articles 7-13). This includes prohibition of discrimination with regards to employment conditions and the selection of candidates for a specific job; working conditions and all rights arising from employment; education, training, and development; promotion; and termination of employment (Article 9). The Law entitles persons seeking employment and employees to initiate a lawsuit based on the anti-discrimination provisions in the law (Article 16).

The Law makes distinction between direct and indirect discrimination on the grounds of: sex, change of sex, gender identity, sexual orientation, pregnancy, marital or family status, race, skin colour, national identity, social or ethnic background, relationship with national minority peoples or groups, language, religion or belief, political or other belief, health condition, disability, age, financial status, belonging or assumed belonging to group, political parties, trade unions or other organisations, or any other personal feature (Articles 7 and 8).

Direct discrimination, pursuant to this Law, includes any treatment whereby a person seeking employment and an employed person is placed in a less favourable position in comparison to other persons in the same or similar situation. Indirect discrimination, pursuant to this Law, exists when a certain provision, criterion or practice places or would place a person seeking employment and an employed person in a less favourable position in comparison to other persons on the basis of his or her particular characteristic, status, orientation or belief (Article 8).

The Law also sanctions and prohibits sexual harassment and mobbing in the workplace (Articles 10 and 14) and guarantees an equal salary for a man and a woman for the same work. In addition to this, the Labour law envisages special measures of protection for women during pregnancy and maternity/parental leave, as well as certain special measures for parents which are not to be considered discrimination (Articles 15 and 118).

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<sup>45</sup> See Page 38 of the Commission Staff Working Document on Montenegro 2020 Report Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Available online at: [https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/montenegro\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/montenegro_report_2020.pdf).

The law envisages mandatory pregnancy leave for the duration of 98 days, of which 28 days are to be used prior to expected delivery, while the remaining 70 days are to be used post-partum (Article 126). Parental leave, which is defined as an entitlement of employed parent to use absence from work for the purpose of providing care to child, may be used after the expiry of the mandatory pregnancy leave, for the duration of 365 days. In line with the law, both working parents are equally entitled to parental leave, which can either be shared between them, or transferred from one parent to the other (Article 127). Currently there are no publicly available data on the number of fathers using their right to paternity leave, in public administration or otherwise.

Overall, the new law introduced better legal protection for pregnant employees, employees who had recently given birth, and breastfeeding employees. According to the new law, the employer cannot discontinue a fixed-term temporary contract with an employee if the contract expires during pregnancy or maternity/parental leave. Other important novelties include provisions which forbid employers to decline to sign a temporary contract with a woman due to pregnancy or change it in a way which would put them in a less favourable position due to pregnancy, maternity or nursing. The new law also introduced the right to one day of paid leave per month for prenatal checks.<sup>46</sup>

Same as the previous law, the new Labour Law contains provisions related to protection in the event of the birth of a stillborn child; the possibility of working half of the full-time working hours for enhanced child care; work for half of the full-time working hours to care for a child with disabilities; the right to leave for the purpose of adopting a child; the right to foster care leave; the right to absence from work without wage compensation in order to care for a child under the age of three. It is important to emphasize that the new legal solution guarantees the above rights not only to parents but also to adoptive parents, foster parents and guardians.

However, the new law failed to ensure a higher level of legal protection of pregnant employees and working mothers by failing to address one of the key shortcomings of the previous Labour Law, as the absence from work due to pregnancy, maternity or parental leave continues not to be counted towards the time required for transformation of a temporary employment contract to a permanent temporary contract.<sup>47</sup>

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<sup>46</sup>Labor Law, Official Gazette of Montenegro, 19 and No. 8/21.

<sup>47</sup> A fixed-term employment contract may only last for a maximum of 36 months (3 years) after which they ought to either be transformed into a permanent contract, which guarantees a greater scope of rights, or terminated altogether (Article 37). The previous law set the maximum



This provision is discriminatory against women who will have to wait longer for the transformation of their fixed-term contracts into permanent contracts and leaves room for further discrimination based on motherhood, as the decision on transformation of their fixed-term contracts into permanent temporary contracts upon their return to work depends on the employer's decision on whether or not to keep them.<sup>48</sup>

In addition to this, as already mentioned above, the law also needs further alignment with the EU Work Life Balance Directive that aims to ensure a balance between work and private sphere, but also between the roles of women and men in family life<sup>49</sup>.

The key novelties of the Directive that needs to be transposed into Montenegrin Labour Law refer to a period of at least 10 days of paternity leave for all fathers, analogous to sick leave, two months of non-transferable paid parental leave, at least five days of annual leave for carers, as well as the possibility of flexible working conditions for parents and guardians, teleworking.

As Montenegro is in the process of joining the European Union, having in mind the obligations undertaken to harmonize legislation with the legislation of the European Union in accordance with the Stabilization and Association Agreement, the harmonization of national legislation with this Directive is of utmost importance. The provisions of the Directive are partly in line with the national regulation of the subject matter, but there are also newly proposed institutes that are not currently regulated by Montenegrin legislation.

The need to adopt the Directive arose from the fact that the current legislation does not give enough incentives to men to use parental leave. Also, there is a likelihood that a woman will work fewer hours after paid maternity leave, and thus work more unpaid care. Severe illness of a family member also has a great impact on women's employment, and often leads to the complete exclusion of women from the labour market.

Transposition of the Directive into Montenegrin legislation should provide for more flexible working hours and further improvement of paternity leave provisions, to allow for a more equal

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time of duration of a fixed term contract to 24 months, which means that in line with the new law employees on fixed term contracts will have to wait even longer for their transformation in permanent contracts.

<sup>48</sup> Even though this provision was included in the early draft in 2017, by the time the law was adopted two years later in 2019, this provision was removed from the draft law under the influence of employers, notably Telekom, Bank Association, American Chamber of Commerce and Budva Utility Company, who pressured the government to resort to the previous legal solution. See also: "Gender Mainstreaming: Examples from Montenegro", NGO Institute Aternative, January 2021. Available online at: [http://media.institut-alternativa.org/2021/03/Orodnjavanje-a-ne-prebrojavanje\\_eng-2.pdf](http://media.institut-alternativa.org/2021/03/Orodnjavanje-a-ne-prebrojavanje_eng-2.pdf)

<sup>49</sup> Directive 2019/1158 of the European Parliament and of the Council on the work-life balance of parents and guardians and repealing Council Directive 2010/18 / EU entered into force on 2 August 2019, recital 16

distribution of family responsibilities, enabling fathers to be more involved in the upbringing of children and allowing for more paid work opportunities for women.

It is important to mention that this is a minimum harmonization Directive, and that the state can provide for greater rights for employees by national legislation than those established by the Directive.

NGO Institute Alternative's gender analysis of the Regulatory Impact Assessment (RIA) of the Labour Law<sup>50</sup> shows that the official RIA has not been gender mainstreamed. The categories of persons who are expected to be affected by the law are only defined as "employers" and "employees" with no sex segregation of the envisaged positive and negative effects of the law.<sup>51</sup>

Notwithstanding the certain shortcomings of the legal framework, the key issue continues to be implementation of the law. In a 2019, Women's Rights Center's Research on Gender Discrimination in Labour showed serious violations of the right to maternity and pregnancy leave guaranteed by the Labour Law, where 35% of women said that they were either not paid or did not enjoy benefits during maternity leave. From those who used the right to maternity leave, 42% did not return to their prior workplace, while over one half of them stated that the contract was terminated by the employer.<sup>52</sup> Further efforts are required to improve implementation of the existing legal framework in the area of gender-based discrimination, including in the area of employment.

In Ombudsman's report for 2020, the Protector of Human Rights and Freedoms notes that the worse position of women on the labour market is evident, as well as the wage gap that is manifested in the area of poverty risk. He also addresses the fact that protection against discrimination based on sex and gender in the workplace has not been fully established yet.<sup>53</sup>

### **The Law on Prohibition of Harassment at Work**

This law<sup>54</sup> also applies to cases of harassment at work, or related to work (mobbing) including sexual harassment, as well as other issues of importance to the prevention and protection against mobbing, in accordance with the provisions regulating the labour issues and provides

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<sup>50</sup> The Analysis is available here: <http://media.institut-alternativa.org/2012/07/institute-alternative-regulatory-impact-assessment-ria-in-montenegro-en.pdf>

<sup>51</sup> For more information on gender analysis of the consultation process in the process of drafting of the Labour Law please see: "Gender Mainstreaming: Examples from Montenegro", NGO Institute Alternative, January 2021, pages 19-23.

<sup>52</sup> Women's Rights Center, "Gender-Based Discrimination and Labour in Montenegro", 2019 available at: [https://womensrightscenter.org/wp-content/uploads/2020/09/Rodno\\_zasnovana\\_diskriminacija\\_eng.pdf](https://womensrightscenter.org/wp-content/uploads/2020/09/Rodno_zasnovana_diskriminacija_eng.pdf)

<sup>53</sup> Ombudsman's Report 2020, pp 246

<sup>54</sup> Law on prohibition of harassment at work (Official Gazette of Montenegro no. 30/2012 and 54/16.

for a fine. The law defines the concept of Mobbing, as “any active or passive conduct at work or related to work against an employee or group of employees, which recurs, and which is intended to or actually undermines the dignity, reputation, personal and professional integrity of the employee and which causes fear or creates a intimidating, humiliating or offensive environment, aggravates working conditions or leads to the isolation of the employee or leads the employee to terminate contract of employment or another type of contract upon his own initiative” (Article 2). Incitement or leading others to behave in the manner referred in this definition is also considered as mobbing. The law applies to a legal or natural person or part of legal entity, to employers and employees, as well as persons engaged outside the employment, such as persons attending professional training and expertise; pupils and students attending practical training; volunteers; persons performing certain tasks while serving a sentence of imprisonment or corrective measures; persons in voluntary and public works, works organised in the common interest, labor activities and competitions, and any other person taking part in the work of the employer (Article 3).

### **Law on Civil Servants and State Employees**

The Law on Civil Servants and State Employees<sup>55</sup> defines the civil servant as a person who entered employment in a state authority to perform the tasks for the purpose of exercising competency of that authority prescribed by the Constitution, law and other regulations. As well as a person who performs in a state authority information technology, financial, accounting and other tasks of administrative nature and a person who entered employment in a state authority to perform administrative-technical and ancillary tasks (Article 2).

Law on Civil Servants and State Employees inter alia also prohibits discrimination, as well as favourable treatment or denial of rights, based on sex, change of sex, gender identity, sexual orientation and/or intersexual characteristics, marital or family status, and any other personal characteristics (Articles 7 and 13).

The Law introduces and regulates Civil Servant (CS) Job Position Categorization. Accordingly, the Law makes distinction between four categories of CSs who are then divided in level on the basis of skills, qualifications and seniority (work experience) of the civil servant. The categories in the civil service of Montenegro are as follows: institution head, senior management staff, expert-management staff, expert staff, and operational staff (Articles 18-29)

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<sup>55</sup> Law on Civil Servants and State Employees (Official Gazette of Montenegro No. 2/18/34/19, 8/21.)

The following Table provides overview of categories and levels of the Civil Service in Montenegro.

**Table 1: Categories and Levels of Civil Service**

Category	Top management	Senior management	Expert-management	Expert	Operational
<b>Level</b>	Institution Head	Secretary and Managing Director of Ministry	Chief officer, manager, or other appropriate title (Level 1) Also, Chief Inspector and Senior Authorised Official (Level 1)	Level 1: Independent advisor I, inspector I and authorized official Independent advisor II, inspector II and authorized official II Independent advisor III, inspector III and authorized official III	Level 1: Independent clerk
		Deputy Head of Administration Authority	Supervisor, coordinator or other appropriate title (Level 2) Also, Inspector Coordinator (Level 2)	Level 2: Senior advisor I Senior advisor II Senior advisor III	Level 2: Senior clerk
		Deputy Head of Service		Level 3: Advisor I Advisor II Advisor III	Level 3: Clerk
		Deputy Director		Level 4: Associate I Associate II Associate III	

The Law differentiates between civil servants and state employees. Accordingly, state employee performs administrative-technical and ancillary tasks that are necessary for timely and efficient performance of state authority activities. State employees' jobs are divided into three levels, within which titles and requirements are determined, as follows: Level 1: Senior state employee, Level 2: State employee, and level three Employee (Articles 30-31).

According to the Law, civil servant is prohibited to discriminate citizens on the ground of: race, colour, nationality, ethnicity, language, religion, political orientation, sex, change of sex, gender identity, sexual orientation and/or intersexual characteristics, health, disability, age,

economic situation, marital or family status, political or other affiliation, or any other personal characteristic (Article 7).

The Law provides the job titles in masculine gender, although Article 16 stipulates that all expressions in masculine gender equally apply to both sexes.

Also, it is interesting to note that the Law envisages usage Gender-Sensitive Language in internal organization and systematization acts, and in individual acts on entering employment, appointment, nomination and reassignment of civil servants and state employees, as well as in other acts deciding on their rights and obligations, and titles shall be in a gender of a person to whom such acts relate, although no sanctions for violation of these provisions were provided for by the law<sup>56</sup>

The Law does not envisage provisions which would address the need to ensure a balanced representation of women and men in the public service. In previous version of the Law, the Law on Civil servants and State Employees had the principle of gender equality enshrined in the provisions concerning the selection of candidates, stipulating that the head of state authority shall take into consideration the right to proportionate representation of members of minority nations or other minority ethnic communities, balanced representation, as well as employment of persons with disabilities.<sup>57</sup> The Law on Civil Servants and State Employees currently in force does not address the issue of equal representation of men and woman in civil service and does not stipulate any provisions to provide avenues for measures to achieve a more equal representation of women, including on the more senior positions.

### **Decree on organization and work of state administration<sup>58</sup>**

Decree on organization and work of civil service regulates the type and the scope of state administration institutions in Montenegro. The Decree elaborates establishment of Ministries and other bodies of state administration. The Decree provides information about the Ministries and internal organization units in the Ministries and the scope of the work of each Ministry. No provision in the Decree focuses on promotion of gender, gender equality and specific needs of women.

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<sup>56</sup> Article 16, Law on Civil Servants and State Employees.

<sup>57</sup> See for example Article 45 of the Law on Civil Servants and State Employees, Official Gazette of Montenegro No. 39/2011, 50/2011 and 66/2012.

<sup>58</sup> Decree on organization and work of civil service (Official Gazette of Montenegro No. 118/2020 of 07.12.2020. Available online at: <http://www.sluzbenilist.me/pregled-dokumenta-2/?id={923AE87C-4E02-4003-8E0E-3C068921BEC3}>).

## Law on pension and disability insurance <sup>59</sup>

In the previous version of the Law, the pension model of Montenegro did not apply a model of gender difference of the retirement rights, but a model of equalization of the retirement age. Pertinent to the provisions of the previous law, a person had a right to pension when they turned 67 old and accumulated 15 years of work experience (based on age criterion), or in case they have completed 40 years of service (age of service criterion)<sup>60</sup>. The Law was gender balanced, as it provided same opportunities for both genders in terms of pension scheme benefits since it applies the model of equalization of the retirement age.

In line with the 2020 amendments to the Law on Pension and Disability Insurance which entered into force in August 2020, a difference in retirement age for men and woman was (re)introduced. Pertinent to provision of the new Law on Pension and Disability Insurance, retirement age for men was set to 66 for men and 64 for women.<sup>61</sup> However, although the retirement age is set differently for men and women, if they wish to do so, both men and women can decide to continue working until the legal retirement age of 67 years, set for both men and women by relevant provision of the Labour Law.<sup>62</sup>

## Family Law

Family Law of Montenegro<sup>63</sup> regulates: marriage and relationships in marriage, relationships between parents and children, adoption, placement in family (fostering), custody, support, property relationships in the family and actions of authorized bodies with regard to marriage and family relationships. Marriage is based on a free decision of a man and a woman to enter into marriage, on their equality, mutual respect and mutual assistance.<sup>64</sup>

In line with relevant provisions of the Constitution, Family Law also stipulates that spouses shall be equal in marriage.<sup>65</sup> Although, same as Constitution, the Family Law define marriage as a matrimonial union between a man and a woman (Article 3), it is important to mention that in July 2020, Montenegro adopted the Law on life partnership of same sex partners (same-sex

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<sup>59</sup> Law on pension and disability insurance (Official Gazette of Montenegro no. 54/03, no.39/04, 61/04,79/04,81/04,14/07,47/07,79/08,14/10,78/10,34/11, 39/11, 40/11, 66/12, 36/13, 38/13, 61/13, 6/14, 60/14, 10/15, 44/15, 42/16, 55/16, 80/20).

<sup>60</sup>Law on pension and disability insurance (Official Gazette of Montenegro no. 54/03, no.39/04, 61/04,79/04,81/04,14/07,47/07,79/08,14/10,78/10,34/11, 39/11, 40/11, 66/12, 36/13, 38/13, 61/13, 6/14, 60/14, 10/15, 44/15, 42/16, 55/16.)

<sup>61</sup> Law Amending the Law on Pension and Disability Insurance ("Official Gazette of Montenegro", no. 80/20);

<sup>62</sup> Please, see the Article 164, paragraph 1, of the Labour Law („Official Gazette of Montenegro“, no. 74/20 and 8/21);

<sup>63</sup> Family Law, Official Gazette of Montenegro no. 1/2007, 53/2016 and 76/2020.

<sup>64</sup> Article 3, The Law on Family (Official Gazette of Montenegro no.1/2007) <http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag=%7B79054F65-3C37-4FC8-912B-49704386C652%7D> (accessed on May 28, 2017)

<sup>65</sup> Article 39, The Law on Family (Official Gazette of Montenegro no.1/2007) <http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag=%7B79054F65-3C37-4FC8-912B-49704386C652%7D> (accessed on May 28, 2017)

partnership law).<sup>66</sup> The rights and duties of parents and other relatives pertinent to children, as well as the rights and duties of children towards their parents and relatives shall be equal, notwithstanding the fact whether the children were born in a marriage or outside of it.<sup>67</sup>

In line with the law, property relationships in the family are based on the principles of equality, reciprocity and solidarity, as well as on the protection of interests of children (Article 11). A community for living of a man and a woman lasting longer (common-law community), is equalled with marital community with regard to the right to mutual support and other property-legal relationships (Article 12).

### **The Law on Social and Child Protection**

The Law on Social and Child Protection<sup>68</sup> regulates the rights of social and child protection. It defines social and child protection as activities in the public interest to be realized at the state and local level (Article 3). The Law covers protection of pregnant women and girls without family support and adequate living conditions; persons who are victims of neglect, abuse, exploitation and family violence or persons who are in danger thereof; victims of human trafficking; and single parents with a child without family support and adequate living conditions (Article 4). The Law stipulates that the principles of social and child protection including the prohibition of discrimination against beneficiaries of social and child protection based, *inter alia*, on their sex or sexual orientation (Article 7).

Controversial provisions of the Law on Social and Child Protection, i.e. the so called “Law on Mothers”, which envisaged financial subsidies for women with three or more children in case they were unemployed or decided to quit their jobs in exchange for the financial subsidies were abolished by the Constitutional Court (see also above). However, as a result of their short-lived implementation a great number of women have renounced their employment for the social payments, only to find themselves losing both their jobs and the right to financial subsidies following the decision of the Constitutional Court. Four years after the Constitutional court declared financial subsidies unconstitutional, the Law on Compensation of Former Beneficiaries of Subsidies Based on the Birth of Three or More Children, was adopted by

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<sup>66</sup> After two unsuccessful votes in Parliament, the government revised its proposal for the same-sex partnership law in December 2019, after which the law was finally enacted in July 2020, which made Montenegro the first country in the region to regulate the status of same-sex couples.

<sup>67</sup> Article 6, The Law on Family (Official Gazette of Montenegro no.1/2007) <http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag=%7B79054F65-3C37-4FC8-912B-49704386C652%7D> (accessed on May 28, 2017)

<sup>68</sup> Law on Social and Child Protection (Official Gazette of Montenegro, no. 27/2013, 1/2015, 42/2015, 47/2015, 1/2017, 31/17, 42/17, 50/17).

Montenegrin Parliament<sup>69</sup>. The law is based on the premise that the abolition of the legal right to lifelong monthly allowance based on the birth of three or more children, as an acquired right, caused damage to women who, in accordance with the law, acquired this right<sup>70</sup>. As stated by Article 1 of this Law, it is enacted in order to establish the violated legal security, as well as to eliminate the consequences of the abolition of the legal right to lifelong compensation based on the birth of three or more children. According to this Law, the state is obliged to compensate the damage caused to women to which the Law referred. However, lawyers advise caution when making a decision on termination of employment or freezing the pension in order to apply for benefits, because there is a possibility for the new Law on Compensation of Mothers to be overturned before the Constitutional Court, due to its possibly discriminatory nature.

To avoid adoption of legislative solutions which have adverse effects on the economic situations of women and their participation in the labour market, more attention needs to be paid to *ex ante* gender impact analysis and better quality gender mainstreaming in the process of drafting of legislation and policies, including proper consideration of the gender perspective during the Regulatory Impact Assessment procedures.

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<sup>69</sup> The Law on Compensation of Former Beneficiaries of Benefits Based on the Birth of Three or More Children was adopted on December 29<sup>th</sup>

2021. It is available here: <https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/317/2676-15144-19-6-21-7.pdf>

<sup>70</sup> The Law compensates all mothers who received benefits from the beginning of 2016 to the middle of 2017, when they were abolished, as well as those who later continued to receive them. Benefits in the amount of 192 and 336 euros, respectively, should be received from April 2022.



## 2.2. Gender equality provisions and gaps in relevant policy framework

### 2.2.1. Public Administration Reform (PAR)

The central strategic document for PAR is the **Public Administration Reform Strategy in Montenegro 2022-2026**, along with the with the Proposal of the Action Plan for the period 2022-2024<sup>71</sup>. The Proposal of the Public Administration Reform Strategy 2022-2026 was supported by the Public Administration Reform Council in December 2021<sup>72</sup>. The Ministry of Public Administration, Digital Society and Media and in particular the Directorate for Strategic Planning, International Cooperation and IPA Projects, coordinates the Strategy, monitor reform and provide administrative and technical support to the Council.

This document encompasses the entire public administration system which, in Montenegro, includes 540 institutions:

- at the central level: state bodies, state administration bodies, legal entities performing public authorizations (funds, agencies, etc.) and public institutions,
- at the local level: local self-government units, local government bodies and services, and institutions.

Unlike the previous strategic document where the area of local self-government was treated as a separate part, the functioning of local self-governments is equally treated through all strategic goals of the new PAR Strategy, having in mind that the needs of citizens and the economy are at the center of this strategy. Companies whose majority owner is the state, are not recognized through the scope of this strategic document, nor the companies established by the municipality.

An integral part of the Proposal of the Strategy is a biannual Action Plan for its implementation, which contains all necessary elements for successful management of the reform process (objectives, activities, indicators, activity holders, deadlines, necessary funding). The AP

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<sup>71</sup> The Proposal of the Public Administration Reform Strategy 2022-2026 with the Action Plan for the period 2022-2024, available at: <https://wapi.gov.me/download/ab9503b0-5f2e-42ef-b124-b8df949acfaa?version=1.0>

<sup>72</sup> The Public Administration Reform Council, as an advisory body to the Government, monitors the implementation of the Public Administration Reform Strategy and the Public Financial Management Program. It is planned to form special coordination teams within the Council with a contact person in charge of each strategic goal, to make the data collection and reporting process more efficient. In addition, it is planned to establish a Council Secretariat through project support, in order to provide additional expert and technical assistance.

represents a program framework for implementation of the key activities in PAR for these two years and a basis for managing funds provided through state budget and international financial support instruments.

The PAR Strategy 2021-2026 builds on the results achieved in the previous strategic cycle from 2016 until 2020<sup>73</sup>, while the process of developing a new document was used to consider the unfulfilled goals and new directions with a view to overcome the challenges it has encountered. The vision of the Public Administration Reform Strategy 2022-2026 is directed toward professional public administration that provides quality services to final beneficiaries and meets the EU criteria.

Equality is one the key values on which the vision and goals of the Strategy are based, along with trust, participation and partnership, responsible and efficient leadership and management, impartiality, decision - making based on data and evidence, professionalism, transparency.

Similar to the previous one, the main goal of the Strategy 2022-2026 is to jointly build a responsible, efficient, transparent public administration, focused on the needs of citizens and the economy, established according to the EU standards and best practices. To achieve that, the PAR reform defined five strategic goals: 1. Organizational set-up and work of public administration aimed at meeting the needs of citizens, 2. Citizens and economic entities use high-quality public services, 3. Professionalization of public administration, 4. More transparent and inclusive public administration and 5. Policy planning with citizens and for citizens.

As stated in the PAR Strategy Proposal 2022-2026<sup>74</sup>, for each strategic goal the analysis of the situation has been developed and challenges have been identified, operational goals and indicators have been defined, in accordance with the Methodology of Policy Development and Implementation of Strategic Documents<sup>75</sup>. In the new edition of the Methodology, special attention was paid to the principles of gender equality, as required by the Law on Gender

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<sup>73</sup> The Public Administration Reform in Montenegro 2016-2020 with the Action Plan, available at: <http://www.mup.gov.me/rubrike/strategija/> (accessed July , 2021)

<sup>74</sup> PAR Strategy Proposal 2022-2026, page 20 (accessed in January 2022)

<sup>75</sup> Methodology of policy development, and monitoring of implementation of strategic documents, implemented by the General Secretariat of the Government of Montenegro - Sector for Coordination, Monitoring of Compliance and Monitoring of Implementation of Strategies Determining Public Policies, provides practical guidelines for developing, creating and monitoring the implementation of strategic documents that ensure their quality. The methodology is based on the Decree on the manner and procedure of drafting, harmonizing and monitoring the implementation of strategic documents ("Official Gazette of Montenegro", No. 54/2018), which introduces minimum quality criteria for each strategic document issued by the Government of Montenegro.

Equality, that stipulates that at all stages of planning, decision-making and implementation at all levels, the impact of these decisions and activities on the position of women and men is assessed and evaluated, in order to achieve gender equality. The amended edition of the Methodology concisely and substantively through several chapters explains the analysis of the situation, defining goals, activities, indicators, preparation of financial assessment through a gender perspective.

Hence, unlike in the previous Strategy 2016-2020, that was completely gender blind, the PAR Strategy Proposal 2022-2026 included **gender equality, inclusion, anti-discrimination and equal opportunities for all**, as horizontal issues that are essential for further modernization of public administration. Moreover, the activities that should contribute to the implementation and promotion of these standards in public administration, permeate through four out of five Strategic Goals (1,3,4 and 5), as well as through 5 out of 14 related Operational objectives, but only 8% of planned activities and result indicators of the accompanying Action Plan 2022-2024, are related to gender equality (15 out of 181). Under the Operational objective 1.1. - *Functional public administration with effective supervision over its work and implementation of the concept of managerial responsibility*, aimed at accountability as a basic, measurable and concrete value for the work of every individual and institution in public administration, it's planned to significantly increase the implemented recommendations of the Protector of Human Rights and Freedoms of Montenegro – the Ombudsman regarding the work of public administration bodies. This goal is well designed, since the Ombudsman, being the key antidiscrimination mechanism in Montenegro, can significantly contribute to gender equality practices in public administration through his expert opinions and recommendations. Activities that specifically target gender equality under this Operational objective, include: promotion of public administration based on diversity, non-discriminatory policies, equal opportunities, equality and inclusiveness; development of a Public Administration Communication Plan that promotes diversity, equality, non-discrimination policies and equal opportunities, while taking into account the sectorial approach to these topics; commitment to the promotion of human rights, gender equality, diversity and the importance of inclusiveness; establishing methodology for development Gender Equality Plans for Ministries; Developing individual Plans for gender equality in three pilot ministries.<sup>76</sup> Also, the Operational goal 3.2 - *Public administration attractive employer - efficient system of evaluation*, aimed at promotion and

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<sup>76</sup> Activities from 1.1.28 – 1.1.32 of the Action Plan 2022-2024 of the Proposal of PAR Strategy 2022-2026, page 116, (last accessed in January 2022)

rewarding according to the system of merit and continuous improvement, includes five activities related to gender equality trainings for employees in public administration and development of programs for building leadership competencies. Three remaining mainstreamed operational goals aim to improve *the availability of data on gender equality according to EU standards (4.3)*, to *strengthen the data-based planning system that leads to the creation of sustainable policies and to achievement of Government priorities (5.1)* and to *increase the scope and the capacity for the implementation of Regulatory Impact Assessment Analysis (RIA) in the area of gender equality (5.3)*.

The planned activities are supported by evident political will of the line ministry, expressed through a strong message on importance of gender equality sent by the minister of public administration, digital society and the media<sup>77</sup>.

However, there are still many challenges in gender mainstreaming the PAR Strategy 2022-2026, some of which are analyzed in the document. Namely, despite the new Methodology, there was no analysis of the social, economic, fiscal, environmental and gender impact of public policies and regulations. Regulatory Impact Assessment Analysis (RIA) is focused only on the assessment of fiscal and economic impact, while the analysis of the impact on the environment, social status of the population, gender equality, citizens' rights, socially marginalized groups, etc. was not conducted.

In the development of the Strategy 2022–2026, the findings and recommendations from many relevant documents - reports, analysis and research were used<sup>78</sup>, but only two of them were

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<sup>77</sup> The Minister Tamara Srzentić, in her video statement related to findings of the UNDP Research on Gender Equality and Perceptions of Public Administration Employees, from June 2021, stressed out that women make only a quarter of the total management in public administration and emphasized that gender equality, diversity, equity and inclusion are high on her ministry's list of priorities. The statement is available at: <https://www.youtube.com/watch?v=VFKlvHXxseQ>

<sup>78</sup> The list of the consulted documents included: Report on the implementation of the Public Administration Reform Strategy (PAR) of Montenegro 2016-2020, Report on the implementation of the Public Administration Optimization Plan 2018-2020 for 2020, with reference to the implementation of the entire document, Analysis of the effects of short-term measures of the Optimization Plan in 2018, Optimization Model companies and institutions founded by local self-government, August 2020, Analysis of the situation in the field of human resources management for 2020, Report on the Quality of Implementation of Regulatory Impact Analysis (RIA) in Montenegro for 2020, Survey on the level of satisfaction of users of public services in selected institutions of Montenegro, May 2021, Report on the conduct of administrative matters for the period 01.01.2020. - 31.12.2020, Report on the Implementation of the Action Plan of the PAR Strategy for 2017, Report on the Implementation of the Action Plan for the Implementation of the PAR Strategy for 2018, Report on the implementation of the Action Plan for the implementation of the PAR Strategy for 2019, Mid-term evaluation of the Public Administration Reform Strategy 2016-2020 in Montenegro Evaluation of EU support for the public administration reform sector SBP for public administration reform (through IPA II 2014-2020), European Commission Progress Report on Montenegro Up for 2018, European Commission Progress Report on Montenegro for 2019, European Commission Progress Report on Montenegro for 2020, SIGMA monitoring report for 2019, SIGMA comments and suggestions for further public administration reform, WeBER national report on public administration reform 2017/2018, WeBER Survey on the Situation in Administrative Services for the Western Balkans (December 2020), Gender Equality in Public Administration in

specifically related to gender equality (the UNDP research on Gender Equality and Perceptions of Public Administration Employees from June 2021 and Gender Equality in Public Administration in <sup>[[L]]</sup>~~[[SEP]]~~ countries of the Western Balkans - Report for Montenegro, from 2017)

The PAR Strategy missed to consult other available gender mainstreamed reports, analysis and gender segregated data from relevant sectors, or the data on vulnerable and marginalized groups, even though it is focused on the needs of citizens and the economy. Without the use of such data, it is more difficult to predict the impact of the policy on women, men and marginalized groups (LGBTQ, Roma, persons with disabilities, persons at risk of poverty, children) which, in practice, significantly reduces the possibility of achieving desired effects on target groups, especially the proclaimed inclusiveness, diversity, equality, non-discrimination and equal opportunities i.e. the public administration tailored “with citizens and for citizens”.

The available data on the civil service system in the Staffing lists (Annex 1 of the Strategy) do not include the structure in terms of gender, men and women by institution or type of institution. Such data are the prerequisite for identifying gender imbalances and gender bias in hiring, training and promotion practices. Available Staff Register does not generate certain data relevant for in depth analysis (previous positions, salary, automatic generation of data for certain category of civil servants etc.).

Furthermore, gender sensitive approach in terms of engendering indicators and target values could have been incorporated in majority of specific objectives and activities. Besides five that are partially engendered, objectives related to service delivery and human resource management, better institutional coordination for stronger effects of public policies, interoperability of information systems and increasing the number of sophisticated electronic services etc. are particularly important for achieving PAR that meets the needs of diverse citizens. For example, the planning of access to public information and services need to consider differences in computer and “smartphone” literacy, and access to the internet or mobile phone networks, especially among women and men in poor and rural communities.

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countries of the Western Balkans - Report for Montenegro, Gender mainstreaming survey - attitudes and perceptions of public administration employees and evaluation of implementation principles of gender equality in public authorities (PAR, Strategy 2022-2026, page 7 (accessed in December 2021))

Public accountability measures also hold promise to improve the quality of public services and the responsiveness of government officials, but need to be designed and implemented with sensitivity to women's and men's different gender roles and attitudes, time, mobility, and other constraints. Furthermore, if public services were reduced or streamlined without adequate attention to the possible negative impact on women, it could exacerbate gender inequalities. Such was the case during the COVID-19 outbreak, when limited working time of public institutions, lack of public transport, child care services and educational facilities, disproportionately affected women as primary caregivers in most households, limited their access to work and increased the risk of discrimination and family violence.

Lack of attention to gender in creating operational goals and result indicators, can reinforce existing gender imbalances in the public sector workforce, public decision making, and the provision of public services. On the other hand, close attention to gender issues can promote gender equality in the public service and improve the quality and responsiveness of public services to the population as a whole, and poor citizen in particular.

Women make only a quarter of the total management in public administration i.e. they are still underrepresented in decision making and senior staff positions in public administration, often due to explicit or implicit bias in hiring, training, and promotion practices. New PAR measures need to include affirmative measures to preserve recent gains and to further improve the gender balance in the public sector.

Hence, further engendering the PAR strategy should be prioritized and achieved through interventions based on gender analyses conducted as an integral part of annual PAR reporting. In this respect, the advisory and monitoring role of Department for Gender Equality, as a key gender equality mechanism should be further strengthened, through participation in the work of Public Administration Reform Council. This would ensure better coordination and coherence of PAR Strategy, Gender Equality Strategy 2021-2025, and current strategic documents<sup>79</sup>.

PAR coordination and coherence with other strategic documents

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<sup>79</sup> Sectoral division of strategic documents and the total number of strategies is available at: Sectoral division of strategic documents is available at: <https://javnepolitike.me>

As stated in the PAR Strategy Proposal, the principle of coherence of the 2022-2026, Strategy was used during policy planning, both in relation to umbrella strategic documents and in relation to related sectorial strategies, with special attention paid to harmonization with international documents and obligations in the field of EU integration<sup>80</sup>. In the process of preparing this strategic document, the broader strategic framework of EU policies<sup>81</sup> and the UN agenda<sup>82</sup> were taken into account when defining goals and activities, as well as national umbrella documents<sup>83</sup>.

The Strategic Framework for Public Administration Reform of Montenegro includes another umbrella strategy - the **Public Finance Management Reform Program for the period 2022-2026**<sup>84</sup>. As explained in the new PAR Strategy, the drafting of this Program and PAR Strategy developed as a parallel, complementary process for the same time period 2022 – 2026, in communication with the Ministry of Finance and Social Welfare. Furthermore, given that the scope of the 2022-2026 PAR Strategy is wider than of the previous one, and includes public institutions covered by the Labor Law, the Ministry of Economic Development has been a constant partner in the development of the PAR Strategy, as well as part of the working group. Other members of the working group were representatives of the Ministry of Interior (MIA), the General Secretariat of the Government (GSV), the Human Resources Management Authority (HRMA), the Union of Municipalities of Montenegro and one NGO representative<sup>85</sup>. In terms of gender mainstreaming of the PAR Strategy, it would be useful if a representative of the Department for Gender Equality (DGE) had also participated in the working group. However, according to the information received from the Department, they were consulted during the strategy development process, and submitted their comments via electronic communication<sup>86</sup>. Furthermore, the DGE should have a representative in the Public Administration Reform Council, where special teams will be formed to follow the specific

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<sup>80</sup> The 2022-2026 Strategy follows the key objectives defined by the Government's Annual Work Program, Montenegro's Accession Program to the European Union 2021-2023, the IPA III Pre-Accession Support Program, the Slovenian Presidency's objectives, the June 2021 Conclusions of the EU Public Administration Ministers' Meeting, and Principles of Public Administration (developed by the European Commission and OECD / SIGMA).

<sup>81</sup> UN Sustainable Development Agenda 2030

<sup>82</sup> National Sustainable Development Strategy 2030

<sup>83</sup> The PAR Strategy 2022-2026, page 24, accessed in December 2021.

<sup>84</sup> A Proposal of the Fiscal strategy of Montenegro 2021-2024, page 50, at: predlog-fiskalne-strategije-crne-gore-za-period-2021-2024-godine.pdf

<sup>85</sup> NGO Institute Alternative

<sup>86</sup> Communication with Biljana Pejovic, Directorate for Gender Equality, Ministry of Justice, Human and Minority Rights, on January 19, 2022

indicators / results. It would be of importance to ensure gender mainstreaming training for the representatives of PAR Council, in order to achieve complementarity with the relevant Gender Equality Strategy and other relevant policies that are related to gender equality or need to include gender equality as a horizontal issue.

Complementarity of the PAR Strategy has been also achieved with the **Digital Transformation Strategy 2022-2026**<sup>87</sup>, in separate areas of providing e-services and transparency of public administration i.e. data availability, as well as with the **Strategy of Cooperation between State and Non-Governmental Organizations**<sup>88</sup>, as to improve joint involvement of relevant stakeholders in policy making. The draft Digital Transformation Strategy reads that in the process of digital transformation it is important to regulate the issue of gender equality, create preconditions for gender mainstreaming and enable everyone to use public services under equal conditions.<sup>89</sup> However, the available draft remained gender neutral, with only one engendered indicator (2.1.2. number of gender mainstreamed communication campaigns).

The recently adopted Government's Program - **Europe Now!**<sup>90</sup> is also interrelated with PAR, as an economic reform program that brings a set of new tax policy measures and affects the living standards of citizens, employment growth, reducing of the "gray economy" in the labor market, the business and investment environment. It is under the jurisdiction of the Ministry of Finance and Social Welfare. The set of proposed measures, primarily in the area of tax policy, includes: increase of the minimum wage; reduction of costs for employers through lower tax burden on labor; introduction of progressive taxation as a more efficient model of taxation. This program presents all tax policy measures that will be implemented to meet the ultimate goals of the program, respecting the principles of macroeconomic stability, long-term sustainability of public finances and the attractiveness of Montenegro as an investment destination<sup>91</sup>. Starting from the reform of the change of the tax burden on work, all salaries of

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<sup>87</sup> A Digital Transformation Strategy 2022-2026, with the action plan 2022 – 2023, available at: <https://www.gov.me/dokumenta/117a0bb6-4f7c-8675-4df9e40369c3-7328->

<sup>88</sup> The previous Strategy of Cooperation between State and Non-Governmental Organizations was valid till 2020, but the new document has not been drafted yet. The working group was established according to the information from the NGO representative from Center for NGO Development, acquired in January 2022.

<sup>89</sup> Digital Transformation Strategy, page 37

<sup>90</sup> Presentation of the Program „Europe Now!“ available at: <https://wapi.gov.me/download-preview/c1dc492d-9c20-4ed4-9d59-6cde376f6ff0?version=1.0>



employees in the public sector will be increased, with the highest percentage growth being achieved by employees with the lowest salaries<sup>92</sup>. An analysis of this document showed that it's gender blind, even though an increase of the minimum net salary and reducing of “grey economy”, if properly implemented, might have positive impact on economic position and formal employment of women, who are more often than men in the category of low-wage employees or employees in the informal economy.

In terms of public consultation process, unlike the previous strategy, where there was no complementarity in the implementation of activities and in achieving of certain indicators, the process of drafting actual PAR Strategy 2022-2026, was based on a broad framework of consultations with many relevant actors, which has been done for the first time. In this regard, from April to the end of November 2021, focus groups, meetings, workshops and panel discussion were organized with stakeholders<sup>93</sup>. According to the report on held focus groups, a total of 61 people attended the focus groups, of which 37 were women and 24 were men. Participants were the representatives of UNDP, DEU, the Ministry of Public Administration, Digital Society and Media, students, Civil Society Organizations, small businesses, academic community, business community and trade unions, employees in public administration and citizens<sup>94</sup>. Among the representatives of CSOs were organizations dealing with the rights of persons with disabilities, youth, students, democratic transition and NGO development. There were no organizations dealing with women's rights and gender equality. Only one participant's comment emphasized the importance of gender equality training, but it was not transposed into the medium-term solutions and activities outlined in this document.

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<sup>92</sup> As defined by the above program, the state or local self-government, as an employer, makes savings due to the abolition of health insurance contributions at the expense of the employer and the corresponding amount of surtax. On the other hand, the costs within the total gross salary fund

increase based on the salaries of employees who are entitled to a minimum net salary of € 250 up to a minimum net salary of € 450.

<sup>93</sup> The Ministry of Public Administration, Digital Society and Media conducted a public debate on the Draft Public Administration Reform Strategy

2022-2026. and Action Plan 2022-2024, in the period from November 9 to November 30, 2021, by issuing a public call to citizens, scientific and

professional public, state bodies, professional associations, political entities, non-governmental organizations, international organizations, media

and all other stakeholders, organizations and communities, to engage in public debate and to contribute to the consideration of the Draft Public Administration Reform Strategy 2022-2026. and the Action Plan 2022-2024. The public debate lasted for 20 days from the day of publishing the

public invitation on the website of the Ministry of Public Administration, Digital Society and Media <https://www.gov.me/mju> and the e-government

portal <https://www.euprava.me/>. A Panel Discussion was held on November 24, 2021, attended by over 40 participants, with a live broadcast provided via a live stream on the official Youtube page of the Ministry of Public Administration, Digital Society and Media via the link <https://youtu.be/YoTUaNIflvM> as well as via the ZOOM platform.

<sup>94</sup> Report on Focus groups held in April 2021, published by the Ministry of Public Administration, Digital Society and Media (MPADSM) in June

2021 (accessed in September 2021), at: <https://wapi.gov.me/download/ec924896-5446-48f7-9551-df6461c6fffa?version=1.0>

Proposals from engendering PAR came mostly from the UNDP and the Department for Gender Equality that suggested gender equality to be a specific goal of the PAR Strategy 2022-2026<sup>95</sup>. Moreover, DGE together with the OSCE drafted an important tool for gender mainstreaming of public policies - *Instruments / standardized guidelines for assessing the effectiveness of strategies and laws*, with an analysis of the effectiveness of 27 strategies in 2021. The document will be published in the first months of 2022<sup>96</sup>.

A feasible avenue for engendering PAR continues to be SIGMA that provides technical assistance for PAR. Thus, mainstreaming of SIGMA principles and indicators in 2017 edition<sup>97</sup>, should additionally instigate the government to focus on engendering PAR.

In addition, building the capacities of the CSOs dealing with gender equality, as correctors and watchdogs of gender mainstreaming of government policies should be a proposition for international donor organization, particularly the EU Commission through IPA programing.

### 2.2.2. Gender equality

#### National Strategy for Gender Equality 2021-2025 (2021-2025) <sup>98</sup>

The strategic framework of Montenegro has changed significantly in the field of gender equality in the period 2020-2021, when several relevant strategies expired. In 2021, a fourth National Strategy for Gender Equality 2021-2025 (NSGE) was adopted, with an accompanying Action Plan 2021-2022<sup>99</sup>. Similar to the previous Strategy, the development of this document was based on the context of the EU accession of Montenegro, on recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW), Beijing Declaration and Platform for Action (1995) and national priorities in the field of gender equality. The novelty is harmonization of the NSGE with the EU Gender Equality Action Plan

<sup>95</sup> Communication with Biljana Pejovic, Directorate for Gender Equality, Ministry of Justice, Human and Minority Rights, on January 19, 2022

<sup>96</sup> Ibid

<sup>97</sup> The Principles of Public Administration for EU candidate countries and potential candidates, OECD 2017, at: <http://www.sigmaxweb.org/publications/Principles-of-Public-Administration-2017-edition-ENG.pdf>

<sup>98</sup> The National Strategy for Gender Equality 2021-2025 with an Action Plan 2021-2022, at: <https://wapi.gov.me/download/47f7957c-6d2b-b326-efd682a1ceda?version=1.0>

b326-efd682a1ceda?version=1.0

<sup>99</sup> At its 34th session, held on July 30, 2021, the Government of Montenegro adopted the National Strategy for Gender Equality 2021-2025, with the Action Plan for 2021-2022, and adopted the Final Report on the implementation of the action plan for achieving gender equality 2017-2020

III, better compliance with relevant EU Negotiation Chapters (23 and 19) and national strategic documents, particularly the National Strategy for Sustainable Development 2030, as "the umbrella, horizontal and long-term development strategy of Montenegro"<sup>100</sup>.

General conclusions of the report on evaluation of the previous Gender Equality Action Plan 2017-2020, indicated shortcomings in participatory approach and insufficiently articulated problems of final beneficiaries. Most of the planned activities were implemented, but their effects couldn't be measured, due to poorly defined, vague, numerically oriented indicators. The document was formulated without prior assessment of available budget and there was no assignment of responsibility for activities that have not been implemented<sup>101</sup>.

The new Strategy was based on a detailed analysis of the situation in certain areas, that showed a low level of gender equality and lack of efficient protection from discrimination of vulnerable social groups (women, persons of different gender and gender identities, persons with disabilities, Roma women and Egyptian women, the elderly and people living in remote rural areas of Montenegro. Such situation was recognized in the Strategic goal of the document aiming to raise the level of gender equality in Montenegro by 2025.

Within this goal, 3 operational goals have been defined, aimed to:

- 1.Improve the application of the existing normative framework on the implementation of gender equality policy and protection against discrimination on the grounds of sex and gender;
- 2.Improve policies in the field of education, culture and media in order to reduce the level of stereotypes and prejudices towards women and persons of different gender and gender identities;
- 3.Increase the level of participation of women and persons of different gender and gender identities in areas that provide access to natural and social resources and the benefits of resource use.

When it comes to gender-based violence as a widespread problem in Montenegro, the NSGE did not tackle all forms of gender-based violence in detail, but rather focused on protection against gender-based discrimination and sexual harassment in the workplace. The detailed approach to the problem of violence against women was designed by the Action Plan for the

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<sup>100</sup> The National Strategy for Sustainable Development until 2030 (NSSD) was adopted in 2016. Available at: <https://mrt.gov.me/biblioteka/strategije>

<sup>101</sup> Evaluation of Action Plan for Achieving Gender Equality in Montenegro 2017-2020, Ministry of Justice, Human and Minority Rights, September 2020, at: <https://wapi.gov.me/download-preview/305bb590-9d1c-472b-a7ca-c33b74fad9c1?version=1.0>

implementation of the Istanbul Convention, whose goals and measures will address protection against all forms of violence against women and domestic violence.

Given the focus of this study, the NSGE Strategic goals and all three objectives are correlated with PAR. The NSGE aims to increase the level of gender equality by 2025, which is in line with gender equality priorities of public administration. In addition, in the description of Measure 1.1, it is said that the standardized procedure could be integrated into the existing Methodology of policy planning, development and monitoring of the implementation of strategic documents. In parallel, the Proposal of the Public Administration Strategy 2022-2026, defined complementary activity 5.1.2 that envisages the improvement of the Methodology in the field of gender mainstreaming, under Operational objective 5.1 (Strengthening the data-based planning system that leads to the creation of sustainable policies and achieving government priorities).

Furthermore, the Ministry of Public Administration, Digital Society and Media is listed as a partner or the institution-in-lead for 6 out of 20 measures listed in the NSGE. It is the institution-in-lead for the implementation of three measures that engage media, public companies, state and local authorities in furthering gender equality. Such measures are: Measure 2.5 - Encourage the media to introduce gender-responsive programs and use gender-sensitive language. Under this measure, public broadcasters, especially the national radio and television will have to report in their annual report about the number and content of programs on gender equality and measures taken to improve the use of gender-sensitive language; Measure 2.6: Introduce gender responsible media monitoring. To monitor the implementation of gender-responsive programs and the use of gender-sensitive language by the media, there will be two media monitoring sessions organized during the implementation of the NSGE. The first step will be to develop a methodology for gender-responsive media monitoring, followed by two monitoring sessions. Results and recommendations will be provided to the media and made available to the public; Measure 3.3: Raise the level of prevention and protection from gender-based discrimination, sexual harassment, blackmail, gender-based violence, and multiple discrimination in the workplace, in executive bodies, public and private companies. The measure aim to achieve a higher level of protection for women and persons of different sex and gender identities, vulnerable and marginalized groups, through: a) Developing a model protocol for protection against gender-based discrimination and sexual harassment at work, with instructions for victims and a procedure that is confidential and safe for victims; b) Adopting appropriate acts that oblige state and local authorities to adopt protocols for protection against gender-based discrimination and sexual harassment at work, both for

employees and citizens using services of that body. Furthermore, state and local authorities have to report on the number of cases to the Ministry of Justice, Human and Minority Rights and to the Ombudsman, once a year. c) Preparing information materials for persons whose rights have been violated, i.e. inform them of how to access the state bodies for protection<sup>102</sup>.

In addition, the increased knowledge about gender equality in civil service area is crucial for integrating gender in PAR. The plan forecasts to build the capacities of the focal points at the central and local level. In parallel, plan envisages introduction and implementation of gender sensitive budgeting in the ministries and the municipalities and as a highly relevant goal in terms of PAR monitoring. It is anticipated through NSGE Measures: 1.4: To educate members of the Committee for the implementation, coordination, monitoring, and evaluation of the gender equality policies, including gender responsible budgeting and contact persons for gender equality in line ministries and local self-government units; Measure 1.5: Involve all three branches of government, non-governmental organizations, employers' organizations, trade unions, citizens, and the media in the dialogue on gender mainstreaming and intensify the public dialogue of all branches of government about the prevention of gender discrimination<sup>103</sup>.

The equality in the decision-making process in political, public and economic life is crucial for achieving equality in the society. In this context, Objective 3 and related measures 3.1 and 3.2 are highly correlated to PAR. Measure 3.1 implies the empowerment of women and persons of different sex and gender identities as follows: a) by initiating amendments to the Law on Elections of Councillors and Deputies (Article 39a) to replace the provision "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", with a provision that among each of the three candidates on the electoral list shall be a representative of the underrepresented sex in the order on the electoral list. The second change will refer to the percentage of women on the electoral lists, where instead of the current 30% there should be 40% women, following the repeated recommendations of the CEDAW committee<sup>104</sup>.

NSGE coordination and coherence with other strategic documents

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<sup>102</sup> Strategy for achieving gender equality (2020-2021) p.66 (accessed in January, 2022)

<sup>103</sup> Strategy for achieving gender equality (2020-2021) p.67 (accessed in January, 2022)

<sup>104</sup> NSGE, pages 72 and 73 (accessed in January, 2022)

During the preparation of this Strategy, its alignment with other strategic documents was analysed<sup>15</sup> with the view to verify compliance of strategic goal, operational objectives, measures, and indicators with all applicable sectorial strategies, which are divided into seven areas. The analyses showed that out of the total of 97 sectorial strategies listed by the Methodology, as many as 26 address gender equality at some level or 26.8% of them. This analysis was not an analysis of the gender-mainstreaming quality of strategic documents, but rather a basic check of whether gender equality or the gender aspect, in general, were addressed. The second part of the analysis involved all relevant goals, operational objectives, and measures from the strategic documents in the context of the strategic goal, operational objectives, and measures of the draft Strategy for Gender Equality 2021-2025<sup>105</sup>. Results suggest that the area addressed by operational objectives 2 and 3 of the Draft Strategy for Gender Equality 2021-2025, was addressed by some other current strategic documents. However, although several strategic documents govern the same area, a detailed analysis of each strategy, operational goal, and measure suggests that there are no duplications. Still, measure 3.2 - Empower women and people of different gender identities, marginalized and vulnerable people and groups to participate in economic life, should be checked against the Strategy for Lifelong Entrepreneurial Learning 2020-2024, the Strategy for the Development of Micro, Small and Medium-Sized Enterprises in Montenegro 2018-2022, the Strategy for the Development of Women's Entrepreneurship in Montenegro 2015-2020 and the National Strategy for Employment and Human Resources Development 2016-2020. All recommendations from the Analysis were taken into account when drafting the NSGE. However, it is important to note that the period of preparation of this Strategy coincided with the time of expiration of previous public policies, and the drafting of new ones that also address discrimination against women and persons of different gender identities<sup>106</sup>.

According to NGO assessment<sup>107</sup> and the Ministry of Justice and Human Rights Report<sup>108</sup>, the NSGE was developed in an inclusive process. It included public discussion and the

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<sup>105</sup> NSGE, pages 14 and 15

<sup>106</sup> The following documents expired in 2020: Action Plan for the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Strategy for Social Inclusion of Roma and Egyptians, Action plan for the protection of persons with disabilities from discrimination, Strategy for Development of Women Entrepreneurship.

<sup>107</sup> Ana Vukotic, a representative of NGO Women's Rights Center, was a member of the NSGE working group.

<sup>108</sup> Report on the conducted public discussion on Draft National Gender Equality Strategy 2021-2025 with the Action Plan 2021-2022, Department for Gender Equality of the Ministry of Justice, Human and Minority Rights, June 2 2021, at: <https://wapi.gov.me/download-preview/f1c98a85-645f-4b5b-8d53-f7a4d79d40a7?version=1.0>

establishment of coordination team and a core working group<sup>109</sup>. A Coordination team consisted of a representative of the OSCE Mission, two representatives of the Ministry of Justice and Human Rights<sup>110</sup>, and three experts<sup>111</sup> contracted by the OSCE, while the members of the working group were representatives of national and local executive authorities, and representatives of non-governmental organizations dealing with women's rights, LGBTQ rights and democracy<sup>112</sup>. Representatives of the Ombudsman and the Agency for Electronic Media had the role of observers but made a valuable contribution to the work of the Working group. The process of drafting the new document was carried out under the Regulation<sup>113</sup> of the Government of Montenegro, which defines the manner and procedure of drafting, harmonizing, and monitoring the implementation of strategic documents, and with the Methodology for policy development, drafting, and monitoring the implementation of strategic documents<sup>114</sup>.

The NSGE proposal was on the website and a public discussion was organized. Five round tables were held with 75 participants, mostly from institutions and international organizations (69%), NGOs (27%) and the media (4%).

## 2.3. Institutional framework for PAR and gender equality

### 2.3.1. Institutional Framework for PAR

After the reorganization of the Government of Montenegro in December 2020, the Ministry of Public Administration, Digital Society and Media (the Ministry) continues to define public administration reform through its basic goals, and is still responsible for implementing the Public Administration Reform Strategy. The Directorate for Strategic Planning in Public Administration, International Cooperation and IPA Projects with a special Directorate for Strategic Planning and Monitoring the implementation of Strategic Documents was established within the Ministry. The coordination team for the development and implementation of the

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<sup>109</sup> NSGE, pages 13 and 14

<sup>110</sup> Former Ministry of Human and Minority Rights

<sup>111</sup> Olivera Komar, Sanja Elezovic and Slavica Strikovic

<sup>112</sup> NGOs: Women's Rights Center, LGBTQ Association Spectra and CEDEM. Candidate list is available at: <https://wapi.gov.me/download-preview/83728863-d5a0-4600-93b2-17dd72f66810?version=1.0>

<sup>113</sup> Decree on the manner and procedure of drafting, harmonizing and monitoring the implementation of strategic documents, "Official Gazette of Montenegro", No. 54/2018)

<sup>114</sup> Methodology of policy development, drafting and monitoring of the implementation of strategic documents. - Secretariat-General of the Government of Montenegro, Podgorica, 2018.

strategy is led by acting Director of the Directorate for Strategic Planning in Public Administration, International Cooperation and IPA Projects.

During the implementation of the Public Administration Reform Strategy 2016-2020, political coordination was established by forming the **Public Administration Reform Council** and coordination at the administrative level (Ministry of Public Administration and inter-ministerial team for efficient implementation of the Strategy). The PAR Council was established with a changed concept and composition of members compared to the previous one. The innovation of this advisory body was necessary, given the scope and importance of public administration reform in the coming period. Its work will focus on activities carried out by public administration bodies to implement the SIGMA principles, which are the basis of this strategic document.

The Council, as an advisory body to the Government, monitors the implementation of the Public Administration Reform Strategy and the Public Financial Management Program.

At the administrative level, special coordination teams will be formed within the Council, which will have a main contact person in charge of each of the strategic goals to make the data collection and reporting process more efficient, as well as the implementation of identified activities.

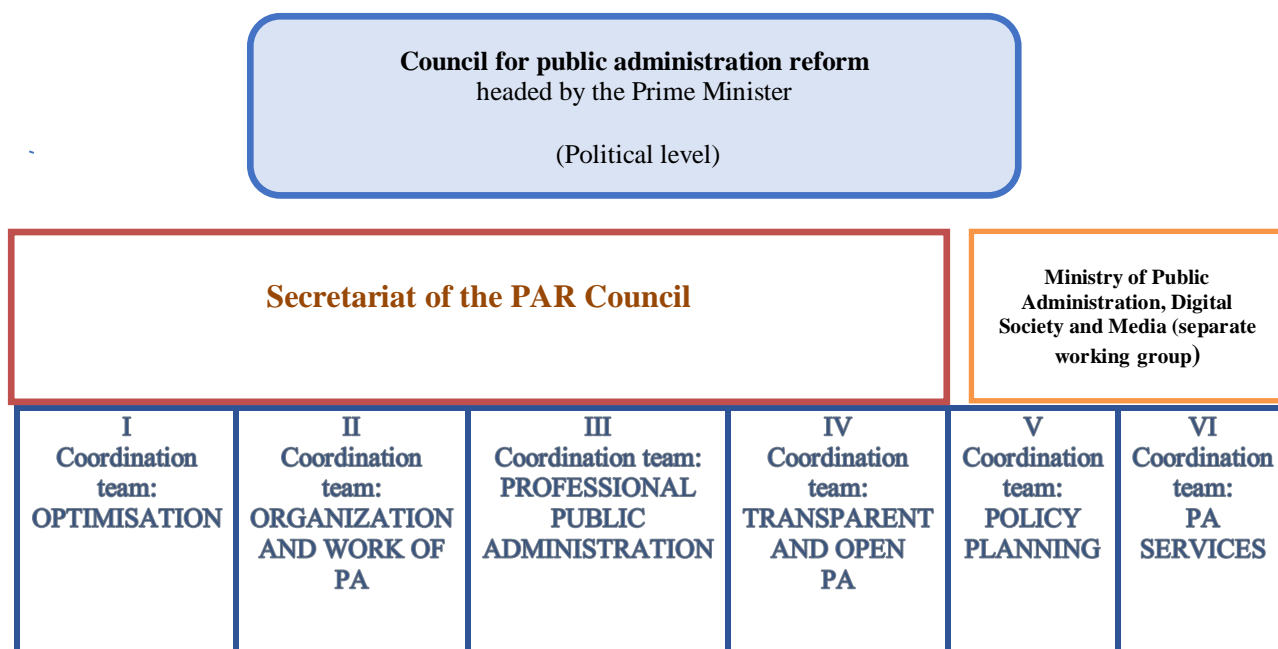
The role of the PAR Council is to provide political support in the implementation of activities related to the organization of public administration, strengthening the process of public policy management, development of modern and professional civil service system, improvement of local self-government system, transparency and openness of administration in general, strengthening internal and external control of public administration.

The Council is chaired by the Prime Minister of Montenegro. It is composed of representatives of key institutions for implementation of public administration reform: president of the Government, Minister of Public Administration, Digital Society and Media, Minister of Interior, Minister of Finance and Social Welfare, Minister of Economic Development, Chief Negotiator for Montenegro's Accession to the European Union, Director of Human Resources Authority, Director of the Agency for Free Access to Information and Personal Data Protection, representative of the Union of Municipalities of Montenegro, representative of the University of Montenegro and two NGO representatives. The Ministry of Justice and Human Rights that is in charge for gender equality does not have a seat in the Council.



The Council consists of 12 members, 5 of which are women<sup>115</sup>.

### PAR Coordination structure in Montenegro



### 2.3.2. Institutional Framework on gender equality

**Department for Gender Equality** coordinates activities related to gender equality in the Ministry of Justice, Human and Minority Rights.

Government of Montenegro established the Office for Gender Equality at the meeting held on 27 March 2003. According to the Law on Gender Equality the Ministry for Human and Minority Rights was in charge of the tasks related to achieving gender equality. In April 2009, the Gender Equality Department becomes an integral part of the Ministry for Human and Minority Rights.

After 2020 elections, the previous Ministry of Human and Minority Rights was merged under the new Government, and is now the Ministry of Justice, Human and Minority Rights. According to the new organization of the Ministry, the Gender Equality Department became

<sup>115</sup> Decision on appointment of the Public Administration reform Council, No. 04-3183 / 2 of 1 July 2021.

one of the four units that operate within the Directorate for Human Rights<sup>116</sup> The current Department setting is not in line with the repeated CEDAW recommendation, that obliges the state to strengthen the machinery for the advancement of women by significantly increasing the human, technical and financial resources allocated to it at both the central and municipal levels<sup>117</sup>.

The Department conducts gender analyses and participates in the drafting of action plans at the national and local levels, publishes data related to violence, monitors the implementation of international documents and conventions, and takes measures to incorporate them into the legal system of Montenegro. This body ensures the implementation of the principles of inter-ministerial cooperation through coordination of activities of the Commission for the implementation and monitoring of the Strategy and Action Plan for Gender Equality, through the preparation and organization of meetings and the drafting of conclusions.

**The Secretariat-General of the Government**, under the Decree on the manner and procedure of drafting, harmonizing, and monitoring the implementation of strategic documents<sup>118</sup>, proposes the adoption of strategic documents to the Government, controls the quality of documents, and gives opinions and recommendations regarding the compliance with strategic documents that define the general development at the level of Montenegro and other strategic documents, with obligations arising from Montenegro's accession to the EU, sectorial policies of the European Union and the conditions of use of EU funds, alignment of structure and content of the strategic document with the methodology of policy development, implementation, and monitoring of the implementation of strategic documents.

Under the Law on Gender Equality, ministries and administrative bodies designate employees, i.e. coordinators for activities related to gender equality, and participate in the preparation and implementation of the national strategy on gender equality. In line with the national strategic framework, municipalities draft their gender equality action plans to address the particulars of their local communities. Each municipality appoints a local gender equality coordinator who coordinates the implementation of local action plans and works as the contact person for the Department for Gender Equality.

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<sup>116</sup> Rulebook on the Internal Organization and Systematization of the Ministry of Justice, Human and Minority Rights, March 2021, at: <https://wapi.gov.me/download-preview/964525a6-8784-4513-99f1-ab1ba1d47c9f?version=1.0>

<sup>117</sup> Concluding Observations on the Second Periodic Report of Montenegro CEDAW/C/MNE/CO/2 , July 2017, par.11, page 7, at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MNE/CO/2&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MNE/CO/2&Lang=En)

<sup>118</sup> Official Gazette of Montenegro, No 54/2018 of 31 July 2018.

**National Council on Gender Equality** was established in 2016, during the mandate of the previous Government, as an advisory body that monitors the implementation of gender equality policies at the national and local levels. The Council had no political support and its role was purely declarative. The current Government haven't renewed the mandate of the Council.

**The Protector of Human Rights and Freedoms** is authorized to act upon complaints relating to the work of courts in case of delay in the proceedings, abuse of procedural authorizations, or failure to execute court decisions, and submits annual work reports to the Parliament of Montenegro that includes a general statistical overview of the cases in which he acted, the statistical overview by the areas of work, recommendations and measures proposed by the Protector for improvement of the human rights and elimination of perceived shortcomings.<sup>119</sup> The Protector is also authorized to act upon the work of state bodies within the scope of his competencies. Those competencies are important in terms of acting on complaints related to domestic violence and gender-based violence. Chapters on discrimination on the grounds of sex, gender transitioning and change of gender identity, sexual orientation, and intersex characteristics discuss in more detail data on complaints on these grounds. It is important to note that the Protector does not have a designated position of the deputy in charge of gender equality matters.

Administration for Inspection Affairs, namely, the **Labor Inspectorate**, has the mandate to monitor implementation of several laws, including the Law on Gender Equality, Law on Prohibition of Discrimination, the Law on Prohibition of Discrimination against Persons with Disabilities, the Law on Safety and Health at Work and the Law on Labor.

### 3. Status of women and men in the civil service of Montenegro

The Public Administration Reform Strategy 2016-2020 and the Public Administration Optimization Plan 2018-2020 envisaged a reduction in the number of employees at the central level by 5%, and at the local level by 10% by the end of 2020, compared to the initial value

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<sup>119</sup>The annual reports of the Protector are available at: [https://www.ombudsman.co.me/Izvjestaji\\_Zastitnika.html](https://www.ombudsman.co.me/Izvjestaji_Zastitnika.html)

defined in December 2017. However, according to the Report from July 2021<sup>120</sup>, in December 2020, there were **55 428** employees at the public administration level (42 193 people were employed at the central level and 13 235 at the local level). Hence, instead of the planned reduction, there was an increase in the number of employees by 8%, both at the central and local level. At the central level, during the implementation of the Optimization Plan, the number of employees increased by 3,134, and at the local level by 1,061, which is a total increase of 4,195 employees at the public administration level in the period from July 2018 to December 2020.

Neither the Public Administration Optimization Plan nor the report on its implementation for 2020, contain gender-disaggregated data or indicators. Collecting gender-disaggregated data in each public institution would be important for the analysis of the gender structure of civil servants, especially due to the fact that gender equality is recognized as a horizontal issue and one of the key values of the current public administration reform.

An additional problem is the inaccuracy of the Central Personnel Register (CKE) or the Personnel Information System (KIS), as the only digital tool in the field of human resources management, and the incoherence of KIS with other records of employees in state bodies. For this reason, the collection of data on the number of employees at the public sector level is slow and inefficient, it is not possible to determine the accuracy of data with certainty and other relevant data on employees are not available in one place<sup>121</sup>.

In this report, we analysed gender representation in the Government and administrative bodies, according to the organizational structure available at the website of the Government of Montenegro<sup>122</sup>. For the purpose of the analysis, two indicators were analysed: 1) the share of civil servants per title and 2) The the share of civil servants per institution.

Local government level was not covered by the scope of this analysis.

The data for this analysis were collected from relevant institutions' web pages, and through the requests for free access to information, Women's Rights Centre sent to relevant institutions in the period from November 2021 to January 2022. The data from 19 out of 26 administrative bodies were analysed, while the data for the remaining 7 administrative bodies were missing.

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<sup>120</sup> The Report on the implementation of the Public Administration Optimization Plan 2018-2020, for year 2020, Ministry of Public Administration, Digital Society and Media, July 2021, at: <https://wapi.gov.me/download-preview/ec2ba063-cbb9-4fd1-b08d79f432e6c85a?version=1.0>

<sup>121</sup> This challenge is identified in the PAR Strategy Proposal 2022-2026, page 62

<sup>122</sup> <https://www.gov.me/organizaciona-struktura> (accessed in January 2022)

## Share of women in civil service per title of civil servant

Presented data showed that, in total, there are more women in Government than men (64 %). However, out of a total of 12 ministries, 67 % of men hold ministerial positions, while 4 ministries are headed by women. Men dominate among the counsellors to the the Prime Minister <sup>123</sup>(5 men and 3 women) and to the Deputy Prime Minister (4 men and 1 woman), while women have high share among councillors at the PM Office (10 women and 1 men)<sup>124</sup>. Chief Negotiator with the EU is a woman, as are most of her councillors (67%) and her councillor's adviser. Men dominate among the secretaries of state (68%), as well as among directors general (53%), ambassadors in the ministries (70%), Ambassadors (57%) and Charge d’Affairs (100%). Police Chief, police sergeant and all chief police counsellors and inspectors are men, as well as port captains. Men dominate among police inspectors and prison management. The share of men among directors of administrative bodies is 71 %.

Apart from the fact that it is a rare case for a woman to occupy senior decision-making positions, only 32% of the positions of state secretaries are held by women, and they are less represented in the senior management. On the other hand, a significantly higher number of women than men in the ministries cover the position of secretaries, councillors and employees, with the high share among unallocated staff or the staff on temporary contract in the Government (70%). It is interesting that women dominate among urban and construction inspectors, judicial inspector, chief inspectors for housing, water, ecology, tourism and market are women. Women also make a majority of internal auditors and presidents of the Appeal and disciplinary Commissions.

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<sup>123</sup> Advisors to the Prime Minister are politically appointed, while the counsellors are public servants

<sup>124</sup> Public servants

**Table 2: Share of women in the civil service per title  
(on 30th December 2021)**

<b>Title</b>	<b>Number of women</b>	<b>% of Women</b>	<b>Number of men</b>	<b>% of men</b>	<b>Total</b>
<b>TOTAL GOVERNMENT<sup>125</sup></b>	<b>1698</b>	<b>64%</b>	<b>950</b>	<b>36%</b>	<b>2648</b>
<b>TOTAL ADMINISTRATIVE BODIES (19 OUT OF 26)<sup>126</sup></b>	<b>1403</b>	<b>51%</b>	<b>1323</b>	<b>49%</b>	<b>2726</b>
<b>SUM</b>	<b>3101</b>	<b>58%</b>	<b>2273</b>	<b>42%</b>	<b>5374</b>
<b>Prime-Minister</b>	/	/	1	100%	1
<b>Deputy Prime-Minister</b>	/	/	1	100%	1
<b>Secretary-General of the Government</b>	1	100%	/	/	1
<b>Deputy Secretary-General</b>	3	75%	1	25%	4
<b>Deputy Secretary of the Government</b>	/	/	1	100%	1
<b>Counsellor of the PM</b>	3	37%	5	63%	8
<b>Counsellor at the Prime Minister Office</b>	10	91%	1	9%	11
<b>Counsellor of the Deputy PM</b>	1	20%	4	80%	5
<b>Counsellor of the Secretary General</b>	1	100%	/	/	1
<b>Chief negotiator for the EU accession of MNE</b>	1	100%	/	/	1
<b>Deputy Chief negotiator</b>	1	50%	1	50%	2
<b>Counsellor of the Chief negotiator</b>	2	67%	1	33%	3
<b>Advisor of the Deputy Chief negotiator</b>	1	100%	/	/	1
<b>Minister</b>	4	33%	8	67%	12
<b>Secretary of State</b>	6	32%	13	68%	19
<b>Secretary of Ministry</b>	8	80%	2	20%	10
<b>Director General</b>	36	47%	40	53%	76
<b>Deputy Director General</b>	1	100%	/	/	1
<b>Ambassador in the Ministry</b>	3	30%	7	70%	10
<b>Chief Diplomatic Inspector</b>	/	/	1	100%	1
<b>Director of Directorate</b>	13	81%	3	19%	16

<sup>125</sup> Updated list of employees is available on the official webpage of Government of Montenegro: [www.gov.me](http://www.gov.me) which was revised on 13<sup>th</sup> of December 2021.

<sup>126</sup> Ibid - The lists of employees have been taken from the ministry's websites, thoroughly analyzed and referenced in this publication. They are generally completely up-to-date (mostly published a few months ago).

<b>Director</b>	1	100%	/	/	1
<b>Minister Counsellor</b>	4	80%	1	20%	5
<b>Counsellor</b>	6	86%	1	14%	7
<b>I Secretary</b>	9	82%	2	18%	11
<b>II Secretary</b>	9	69%	4	31%	13
<b>III Secretary</b>	8	58%	5	42%	13
<b>Attaché</b>	7	44%	9	56%	16
<b>Sub-secretary</b>	1	33%	2	67%	3
<b>Ambassador</b>	6	43%	8	57%	14
<b>Head of Mission</b>	1	100%	/	/	1
<b>Head of Country Office (World Bank)</b>	/	/	1	100%	1
<b>Deputy Head of Mission</b>	1	50%	1	50%	2
<b>Minister Counsellor at the Embassy</b>	5	50%	5	50%	10
<b>Counsellor at the Embassy</b>	2	50%	2	50%	4
<b>I Counsellor at the Embassy</b>	7	78%	2	22%	9
<b>I Secretary at the Embassy</b>	11	73%	4	27%	15
<b>II Secretary at the Embassy</b>	10	67%	5	33%	15
<b>III Secretary at the Embassy</b>	2	67%	1	33%	3
<b>Head of Political Section in the Mission</b>	/	/	1	100%	1
<b>Consul General</b>	1	50%	1	50%	2
<b>Consul</b>	1	100%	/	/	1
<b>Vice Consul</b>	1	50%	1	50%	2
<b>Charge d'Affairs</b>	/	/	2	100%	2
<b>Manager</b>	30	77%	7	23%	37
<b>Chief/Head</b>	71	66%	37	34%	108
<b>Deputy Chief</b>	1	100%	/	/	1
<b>Commander</b>	150	67%	75	33%	225
<b>Independent Counsellor I</b>	480	70%	208	30%	688
<b>Independent Counsellor II</b>	150	68%	69	32%	219
<b>Independent Counsellor III</b>	103	71%	42	29%	145
<b>Secretary of the Commission</b>	3	100%	/	/	3
<b>Independent Counsellor</b>	1	100%	/	/	1
<b>Senior Counsellor I</b>	21	66%	11	34%	32
<b>Senior Counsellor II</b>	7	54%	6	46%	13
<b>Senior Counsellor III</b>	46	62%	29	38%	75
<b>Counsellor I</b>	24	55%	20	45%	44
<b>Counsellor II</b>	3	100%	/	/	3
<b>Counsellor III</b>	7	50%	7	50%	14
<b>Independent referent</b>	310	65%	169	35%	479

Senior referent	/	/	3	100%	3
Referent	3	60%	2	40%	5
Inspector Coordinator	3	50%	3	50%	6
Chief Inspector	1	25%	3	75%	4
Chief Administrative Inspector	1	100%	/	/	1
Administrative Inspector I	1	50%	1	50%	2
Administrative Inspector II	/	/	2	100%	2
Administrative Inspector III	1	50%	1	50%	2
Inspector I	6	23%	20	77%	26
Inspector II	/	/	1	100%	1
Inspector III	/	/	6	100%	6
Safety Inspector	/	/	1	100%	1
Judicial Inspector	1	100%	/	/	1
Urban and Construction Inspector I	3	60%	2	40%	5
Urban and Construction Inspector II	1	100%	/	/	1
Urban and Construction Inspector III	7	54%	6	46%	13
Senior Internal Auditor	10	71%	4	29%	14
Internal Auditor	2	100%	/	/	2
Junior Internal Auditor	1	100%	/	/	1
Port Captain	/	/	2	100%	2
Chief police counsellor	/	/	5	100%	5
Senior I class police counsellor	3	30%	7	70%	10
Independent police counsellor	/	/	1	100%	1
Chief police inspector	1	25%	3	75%	4
Senior I class police inspector	3	25%	9	85%	12
Junior police inspector	3	27%	8	73%	11
Police sergeant	/	/	2	100%	2
Chief authorized official	/	/	1	100%	1
Authorized official I	1	100%	/	/	1
Authorized official II	/	/	2	100%	2
Authorized official III	/	/	1	100%	1
Police Officer	2	23%	7	77%	9
Coordinator	5	83%	1	17%	6
Associate I	2	100%	/	/	2
Associate III	/	/	1	100%	1
Senior Employee	1	33%	2	67%	3
Senior Employee I	5	100%	/	/	5
Senior Employee II	4	67%	2	33%	6
Employee	8	89%	1	11%	9



Temporary contract/unallocated	26	70%	11	30%	37
Entitled to a salary	/	/	2	100%	2
Authorized official I for control of the execution of imprisonment sentences	2	67%	1	33%	3
<b>ADMINISTRATIVE BODIES<sup>127</sup></b>					
Director	5		12		17
Secretary	1	100%	/	/	1
Director's Assistant	19	69%	9	31%	28
Secretary Assistant	2	50%	2	50%	4
Deputy Director	3	75%	1	25%	4
Assistant to the Head of the Administrative Body	2	67%	1	33%	3
Secretary to the Director	1	100%	/	/	1
Commander	92	69%	43	31%	135
Manager	6	60%	4	40%	10
Deputy Manager	6	67%	3	33%	9
Chief	28	56%	35	54%	63
Deputy Chief	2	40%	3	60%	5
Independent Counsellor	32	58%	23	42%	55
Independent Counsellor I	277	74%	98	26%	375
Independent Counsellor II	81	68%	36	32%	117
Independent Counsellor III	78	73%	30	27%	108
Counsellor I	21	57%	16	43%	37
Counsellor III	1	100%	/	/	1
Senior Counsellor I	1	33%	2	67%	3
Senior Counsellor III	20	56%	16	44%	36
Independent Referent	215	65%	120	35%	335
Referent	4	80%	1	20%	5
Senior Employee I	6	38%	10	62%	16
Senior Employee II	/	/	1	100%	1
Employee	8	73%	3	27%	11
Chief Prison Inspector	/	/	2	100%	2
Security Associate	/	/	1	100%	1
Senior I Class Superintendent of the Prison Police	/	/	4	100%	4
Senior Superintendent of the Prison Police	1	6%	16	94%	17
Superintendent of the Prison Police	/	/	19	100%	19
Senior I class Prison Police Officer	40	15%	219	85%	259
Senior Prison Police Officer	2	5%	42	95%	44

<sup>127</sup> Data was processed according to available lists of employees available on webpage of relevant ministries and other administrative bodies, on the webpage: [www.gov.me](http://www.gov.me)

<b>Prison Police Officer</b>	4	13%	27	87%	31
<b>Prisoner Treatment Commander</b>	1	50%	1	50%	2
<b>Prisoner Treatment Coordinator</b>	2	67%	1	33%	3
<b>Prisoner Treatment Counsellor</b>	3	100%	/	/	3
<b>Prisoner Treatment Senior Counsellor</b>	2	40%	3	60%	5
<b>Prisoner Treatment Independent Counsellor</b>	15	62%	9	38%	24
<b>Prisoner Treatment Referent</b>	4	57%	3	43%	7
<b>Prisoner Treatment Realization Independent Counsellor</b>	1	100%	/	/	1
<b>Prison Police Commander</b>	/	/	2	100%	2
<b>Prison Doctor Medicine Specialist</b>	/	/	1	100%	1
<b>Prison Doctor Medicine</b>	1	100%	/	/	1
<b>Prison Chief Medical Technician</b>	2	100%	/	/	2
<b>Prison Senior Medical Technician</b>	9	53%	8	47%	17
<b>Prison Medical Technician</b>	1	50%	1	50%	2
<b>Prison Senior Labor Commander</b>	1	14%	6	86%	7
<b>Prison Labor Commander</b>	/	/	1	100%	1
<b>Prison Independent Labor Manager</b>	/	/	1	100%	1
<b>Prison Labor Instructor I</b>	12	29%	29	71%	41
<b>Prison Commander for Officer Training</b>	/	/	1	100%	1
<b>Prison Lecturer</b>	1	50%	1	50%	2
<b>Associate I</b>	1	100%	/	/	1
<b>Prentice</b>	1	50%	1	50%	2
<b>Food Inspector I</b>	10		3		13
<b>Veterinary Inspector I</b>	6		10		16
<b>Veterinary Inspector III</b>	1	100%	/	/	1
<b>Phytosanitary Inspector I</b>	6		4		10
<b>Phytosanitary Inspector II</b>	2	50%	2	50%	4
<b>Phytosanitary Inspector III</b>	1				1
<b>President of the Commission of Appeal</b>	1	100%	/	/	1
<b>Member of the Commission of Appeal</b>	4	100%	/	/	4
<b>President of the Disciplinary Commission</b>	1	100%	/	/	1
<b>Member of the Disciplinary Commission</b>	3	75%	1	25%	4
<b>Chief Market Inspector</b>	1	100%	/	/	1
<b>Market Inspector Coordinator</b>	1	33%	2	67%	3

<b>Market Inspector I</b>	18	67%	9	33%	27
<b>Market Inspector II</b>	1	100%	/	/	1
<b>Market Inspector III</b>	12	55%	10	45%	22
<b>Chief Tourist Inspector</b>	1	100%	/	/	1
<b>Tourist Inspector I</b>	7	44%	9	56%	16
<b>Tourist Inspector III</b>	1	20%	4	80%	5
<b>Chief Labour Inspector</b>	1	100%	/	/	1
<b>Labour Inspector Coordinator</b>	/	/	1	100%	1
<b>Labour Inspector I</b>	15	63%	9	37%	24
<b>Labour Inspector II</b>	1	100%	/	/	1
<b>Labour Inspector III</b>	12	75%	4	25%	16
<b>Chief Metrology Inspector</b>	/	/	1	100%	1
<b>Metrology Inspector I</b>	1	50%	1	50%	2
<b>Metrology Inspector III</b>	/	/	1	100%	1
<b>Chief Lottery Games Inspector</b>	/	/	1	100%	1
<b>Lottery Games Inspector I</b>	/	/	4	100%	4
<b>Lottery Games Inspector III</b>	/	/	1	100%	1
<b>Chief Public Procurement Inspector</b>	/	/	1	100%	1
<b>Public Procurement Inspector I</b>	1	33%	2	67%	3
<b>Public Procurement Inspector III</b>	4	100%	/	/	4
<b>Chief Health and Sanitary Inspector</b>	1	100%	/	/	1
<b>Health and Sanitary Inspector Coordinator</b>	1	100%	/	/	1
<b>Health Inspector I</b>	1	100%	/	/	1
<b>Health Inspector III</b>	2	100%	/	/	2
<b>Sanitary Inspector</b>	13	87%	2	13%	15
<b>Sanitary Inspector III</b>	17	94%	1	6%	18
<b>Chief Forestry Inspector</b>	/	/	1	100%	1
<b>Forestry Inspector I</b>	1	11%	8	89%	9
<b>Forestry Inspector III</b>	/	/	1	100%	1
<b>Chief Social and Child Inspector</b>	/	/	1	100%	1
<b>Social and Child Inspector I</b>	1	50%	1	50%	2
<b>Social and Child Inspector III</b>	1	100%	/	/	1
<b>Chief Ecology Inspector</b>	1	100%	/	/	1
<b>Ecology Inspector Coordinator</b>	/	/	1	100%	1
<b>Ecology Inspector I</b>	2	67%	1	33%	3
<b>Ecology Inspector II</b>	1	100%	/	/	1
<b>Ecology Inspector III</b>	1	100%	/	/	1
<b>Chief Water Inspector</b>	1	100%	/	/	1
<b>Water Inspector I</b>	/	/	2	100%	2
<b>Water Inspector III</b>	/	/	1	100%	1
<b>Geodesy Inspector III</b>	1	100%	/	/	1

<b>Chief Housing Inspector</b>	1	100%	/	/	1
<b>Housing Inspector I</b>	/	/	3	100%	3
<b>Chief Mining and Hydrocarbon Inspector</b>	/	/	1	100%	1
<b>Mining Inspector I</b>	/	/	1	100%	1
<b>Hydrocarbon Inspector III</b>	1	100%	/	/	1
<b>Electricity Inspector III</b>	1	100%	/	/	1
<b>Thermal Energy Inspector I</b>	/	/	1	100%	1
<b>Chief Inspector of Education</b>	1	100%	/	/	1
<b>Education Inspector I</b>	2	29%	5	71%	7
<b>Education Inspector II</b>	1	100%	/	/	1
<b>Education Inspector III</b>	2	100%	/	/	2
<b>Chief Sport Inspector</b>	/	/	1	100%	1
<b>Sport Inspector I</b>	/	/	1	100%	1
<b>Sport Inspector II</b>	/	/	1	100%	1
<b>Sport Inspector III</b>	1	50%	1	50%	2
<b>Cultural Heritage Inspector I</b>	/	/	1	100%	1
<b>Cultural Goods Inspector III</b>	1	100%	/	/	1
<b>Archival Activity Inspector I</b>	1	100%	/	/	1
<b>Archival Activity Inspector III</b>	1	50%	1	50%	2
<b>Chief Inspector for Electronic Communications, Postal Services and Information Society Services</b>	/	/	1	100%	1
<b>Information Society Services Inspector I</b>	/	/	1	100%	1
<b>Electronic Communications and Postal Services Inspector III</b>	/	/	1	100%	1
<b>Independent Customs Counsellor I</b>	18	57%	12	43%	30
<b>Independent Customs Counsellor II</b>	2	20%	6	80%	8
<b>Independent Customs Counsellor III</b>	1	25%	3	75%	4
<b>Customs Counsellor</b>	1	100%	/	/	1
<b>Senior Customs Counsellor III</b>	2	67%	1	33%	3
<b>Senior Associate I</b>	22	31%	47	69%	69
<b>Senior Associate III</b>	1	20%	4	80%	5
<b>Independent Customs Referent</b>	3	100%	/	/	3
<b>Chief Customs Inspector</b>	1	100%	/	/	1
<b>Customs Inspector I</b>	14	64%	8	36%	22
<b>Independent Customs Inspector I</b>	37	50%	37	50%	74
<b>Independent Customs Inspector II</b>	2	29%	5	71%	7
<b>Independent Customs Inspector III</b>	3	20%	12	80%	15

Senior Customs Inspector I	/	/	1	100%	1
Senior Customs Inspector III	3	27%	8	73%	11
Independent Customs Operator	3	75%	1	25%	4
Independent Customs Operator I	1	25%	3	75%	4
Independent Customs Officer	37	21%	140	79%	177
Authorized Official I	/	/	1	100%	1
Inspector I - internal control	2	67%	1	33%	3
Inspector II - Internal control	/	/	1	100%	1
Revenue Inspector I - terrain control	22	54%	20	46%	42
Revenue Inspector II - terrain control	10	62%	6	38%	16
Revenue Inspector III - terrain control	7	64%	4	36%	11
Revenue Inspector I - fiscal control	/	/	2	100%	2
Revenue Inspector II - office control	6	60%	4	40%	10
Revenue Inspector III - office control	6	86%	1	14%	7
Revenue Inspector Coordinator	4	57%	3	43%	7
Revenue Inspector I - quality control	9	85%	3	25%	12
President of Syndicate	/	/	1	100%	1

### Share of women in civil service per institution

The following table provides an overview of percentage of women and men in Government and administrative bodies per institution.

Women dominate in all the ministries, while the share of women and men in administrative bodies is almost equal - 51% of women and 49% of men. The lowest percentage of women works in the Montenegro Hydrocarbon Administration (14%), Directorate for the execution of criminal sanctions (21%) and Railway Directorate (27%).

The lowest percentage of male employees works at the Human Recourses Management Authority (15%), as well as in the Ministry of Finance and Social Welfare (former Ministry of Labor and Social Welfare) -24%, and in the Ministry of Ecology, Spatial Planning and Urbanism (24%).

**Table 3: Share of women in the civil service per institution  
(on 30th December 2021)**

<b>Title</b>	<b>Number of women</b>	<b>% of Women</b>	<b>Number of men</b>	<b>% of men</b>	<b>Total</b>
<b>Ministry of Ecology, Spatial Planning and Urbanism<sup>128</sup></b>	<b>96</b>	<b>76%</b>	<b>30</b>	<b>24%</b>	<b>126</b>
Minister	0	0%	1	100%	1
Secretary of State	0	0%	1	100%	1
Secretary of Ministry	0	0%	1	100%	1
Director General	4	50%	4	50%	8
Manager	15	88%	2	12%	17
Chief/Head	2	67%	1	33%	3
Independent Counsellor I	35	90%	4	10%	39
Independent Counsellor II	6	75%	2	25%	8
Independent Counsellor III	12	92%	1	8%	13
Senior Counsellor III	1	50%	1	50%	2
Counsellor I	0	0%	1	100%	1
Counsellor II	1	100%	0	0%	1
Independent referent	6	100%	0	0%	6
Inspector Coordinator	3	50%	3	50%	6
Urban and Construction Inspector I	3	60%	2	40%	5
Urban and Construction Inspector II	1	100%	0	0%	1
Urban and Construction Inspector III	7	54%	6	46%	13
<b>Ministry of Economic Development<sup>129</sup></b>	<b>129</b>	<b>68%</b>	<b>61</b>	<b>32%</b>	<b>190</b>
Minister	0	0%	1	100%	1
Secretary of State	2	100%	0	0%	2
Secretary of Ministry	1	100%	0	0%	1
Director General	5	62%	3	38%	8
Manager	1	50%	1	50%	2

<sup>128</sup> List of employees of Ministry of Ecology, Spatial Planning and Urbanism is available and published on webpage [www.gov.me](http://www.gov.me), and was revised 29th November 2021

<sup>129</sup> List of employees of Ministry of economic development is available and published on webpage [www.gov.me](http://www.gov.me), and was revised 15<sup>th</sup> of August 2021

<b>Commander</b>	20	80%	5	20%	25
<b>Chief/Head</b>	5	71%	2	29%	7
<b>Independent Counsellor I</b>	58	69%	26	31%	84
<b>Independent Counsellor II</b>	9	50%	9	50%	18
<b>Independent Counsellor III</b>	6	67%	3	33%	9
<b>Senior Counsellor III</b>	1		3		4
<b>Counsellor I</b>	5	100%	0	/	5
<b>Counsellor III</b>	1	50%	1	50%	2
<b>Independent referent</b>	14	70%	6	30%	20
<b>Senior Internal Auditor</b>	1	50%	1	50%	2
<b>Ministry of Finance and Social Welfare<sup>130</sup></b>	<b>221</b>	<b>76%</b>	<b>71</b>	<b>24%</b>	<b>292</b>
<b>Minister</b>	/	/	1	100%	1
<b>Secretary of State</b>	/	/	2	100%	2
<b>Secretary of Ministry</b>	1	100%	/	/	1
<b>Director General</b>	7	54%	6	46%	13
<b>Manager</b>	2	100%	/	/	2
<b>Commander</b>	37	79%	10	21%	47
<b>Chief/Head</b>	2	100%	/	/	2
<b>Independent Counsellor</b>	1	100%	/	/	1
<b>Independent Counsellor I</b>	81	82%	18	18%	99
<b>Independent Counsellor II</b>	18	79%	5	21%	23
<b>Independent Counsellor III</b>	6	43%	8	57%	14
<b>Senior Counsellor I</b>	1	100%	/	/	1
<b>Senior Counsellor III</b>	9	82%	2	18%	11
<b>Counsellor I</b>	/	/	1	100%	1
<b>Independent referent</b>	24	77%	7	23%	31
<b>Senior referent</b>	/	/	1	100%	1
<b>Chief inspector</b>	/	/	1	100%	1
<b>Inspector I</b>	/	/	3	100%	3
<b>Coordinator</b>	4	80%	1	20%	5
<b>Associate I</b>	2	100%	/	/	2
<b>Senior internal auditor</b>	3	75%	1	25%	4
<b>Employee</b>	2	100%	/	/	2
<b>Temporary contract/unallocated</b>	21	84%	4	16%	25

<sup>130</sup> List of employees of Ministry of finance and Social Welfare is available and published on webpage [www.gov.me](http://www.gov.me), and was revised 28<sup>th</sup> of December 2021

<b>Ministry of Public Administration, Digital Society and Media<sup>131</sup></b>	<b>70</b>	<b>62%</b>	<b>43</b>	<b>38%</b>	<b>113</b>
Minister	1	100%	/	/	1
Secretary of State	1	100%	/	/	1
Secretary of Ministry	1	100%	/	/	1
Director General	2	100%	/	/	2
Manager	/	/	1	100%	1
Commander	5	42%	7	58%	12
Chief/Head	7	78%	2	22%	9
Independent Counsellor I	23	85%	4	15%	27
Independent Counsellor II	8	57%	6	43%	14
Independent Counsellor III	8	62%	5	38%	13
Senior Counsellor III	2	50%	2	50%	4
Counsellor I	1	33%	2	67%	3
Independent referent	2	40%	3	60%	5
Senior Internal Auditor	1	100%	/	/	1
Chief Administrative Inspector	1	100%	/	/	1
Administrative Inspector I	1	50%	1	50%	2
Administrative Inspector II	/	/	2	100%	2
Administrative Inspector III	1	50%	1	50%	2
Temporary contract	5	42%	7	58%	12
<b>Ministry of Capital Investments<sup>132</sup></b>	<b>67</b>	<b>51%</b>	<b>66</b>	<b>49%</b>	<b>133</b>
Minister	/	/	1	100%	1
Secretary of State	/	/	2	100%	2
Secretary of Ministry	1	100%	/	/	1
Director General	3	43%	4	57%	7
Manager	2	100%	/	/	2
Commander	6	60%	4	40%	10
Independent Counsellor I	36	63%	21	37%	57
Independent Counsellor II	5	83%	1	17	6
Independent Counsellor III	5	50%	5	50%	10
Senior Counsellor III	3	33%	6	67%	9
Counsellor I	/	/	3	100%	3
Independent referent	5	63%	3	37%	8

<sup>131</sup> List of employees of Ministry of public administration, digital society and media is available and published on webpage [www.gov.me](http://www.gov.me), and

was revised 10<sup>th</sup> of February 2021

<sup>132</sup> List of employees of the Ministry of Capital investments is available and published on webpage [www.gov.me](http://www.gov.me), and was revised 29<sup>th</sup> of November 2021



Chief Inspector	/	/	2	100%	2
Inspector I	/	/	7	100%	7
Inspector II	/	/	1	100%	1
Inspector III	/	/	3	100%	3
Safety Inspector	/	/	1	100%	1
Port Captain	/		2	100%	2
Senior employee II hygienist	1	100%	/	/	1
<b>Ministry of Defence<sup>133</sup></b>	<b>101</b>	<b>65%</b>	<b>54</b>	<b>35%</b>	<b>154</b>
Minister	1	100%	/	/	1
Director General	/	/	3		3
Commander	8	73%	3	27%	11
Chief/Head	6	55%	5	45%	11
Independent Counsellor I	36	69%	16	31%	52
Independent Counsellor II	11	65%	6	35%	17
Independent Counsellor III	8	89%	1	11%	9
Senior Counsellor III	2	67%	1	33%	3
Counsellor I	1	100%	/	/	1
Counsellor II	1	100%	/	/	1
Independent referent	20	54%	17	46%	37
Senior Internal Auditor	1	50%	1	50%	2
Chief Inspector	1	100%	/	/	1
Senior employee I	5	100%	/	/	5
<b>Ministry of Agriculture, Forestry and Water Management<sup>134</sup></b>	<b>100</b>	<b>58%</b>	<b>72</b>	<b>42%</b>	<b>172</b>
Minister	/	/	1	100%	1
Secretary of State	1	50%	1	50%	2
Secretary of Ministry	/	/	1	100%	1
Director General	2	33%	4	67%	6
Manager	2	100%	/	/	2
Commander	13		7		20
Chief/Head	5	56%	4	44%	9
Independent Counsellor I	45	65%	24	35%	69
Independent Counsellor II	10	67%	5	33%	15
Independent Counsellor III	5	56%	4	44%	9
Senior Counsellor III	6	60%	4	40%	10

<sup>133</sup> List of employees of Ministry of Defence is available and published on webpage [www.gov.me](http://www.gov.me), and was revised 30<sup>th</sup> of November 2021

<sup>134</sup> List of employees of Ministry of Agriculture, Forestry and Water Management is available and published on webpage [www.gov.me](http://www.gov.me), and was revised 15<sup>th</sup> of June 2021

Counsellor I	/	/	1	100%	1
Independent referent	8	57%	6	43%	14
Senior Internal Auditor	1	100%	/	/	1
Internal Auditor	1	100%	/	/	1
Inspector I	1	17%	5	83%	6
Inspector III	/	/	2	100%	2
Associate III	/	/	1	100%	1
Entitled to a salary	/	/	2	100%	2
<b>Ministry of Justice, Human and Minority Rights<sup>135</sup></b>	<b>68</b>	<b>69%</b>	<b>30</b>	<b>31%</b>	<b>98</b>
Minister/ Coordinator/Manager	/	/	1		1
Secretary of State	/	/	2		2
Secretary of Ministry	1	100%	/	/	1
Director General (including "v.d." -acting)	2	40%	3	60%	5
Manager	1	100%	/	/	1
Commander	9	75%	3	25%	12
Chief/Head	2	40%	3	60%	5
Independent Counsellor I	14	67%	7	33%	21
Independent Counsellor II	10	63%	6	37%	16
Independent Counsellor III	14	100%	/	/	14
Senior Counsellor III	1	100%	/	/	1
Counsellor I	2	100%	/	/	2
Independent referent	9	67%	3	33%	12
Senior referent	/	/	1	100%	1
Judicial Inspector	1	100%	/	/	1
Authorized official I for control of the execution of imprisonment sentences	2	67%	1	33%	3
<b>Ministry of Education, Science, Culture and Sports<sup>136</sup></b>	<b>106</b>	<b>71%</b>	<b>43</b>	<b>29%</b>	<b>150</b>
Minister	1	100%	/	/	1
Secretary of State	1	100%	1	/	2

<sup>135</sup> List of employees of Ministry of Justice, Human and Minority rights is available and published on webpage [www.gov.me](http://www.gov.me), and was revised 10<sup>th</sup> of June 2021

<sup>136</sup> List of employees of Ministry of Education, Science, Culture and Sports is available and published on webpage [www.gov.me](http://www.gov.me), and was revised 20<sup>th</sup> of October 2021

Secretary of Ministry	1	100%	/	/	1
Director General	7	58%	5	42%	12
Manager	1	100%	/	/	1
Commander	19	79%	5	21%	24
Chief/Head	1	100%	/	/	1
Independent Counsellor I	48	73%	18	27%	66
Independent Counsellor II	5	56%	4	44%	9
Independent Counsellor III	2	67%	1	33%	3
Senior Counsellor III	1	50%	1	50%	2
Counsellor III	/	/	1	100%	1
Independent referent	13	60%	8	40%	21
Senior Internal Auditor	3	100%	/	/	3
Internal Auditor	1	100%	/	/	1
Junior Internal Auditor	1	100%	/	/	1
Coordinator	1	100%	/	/	1
<b>Ministry of the Interior<sup>137</sup></b>	<b>422</b>	<b>59%</b>	<b>297</b>	<b>41%</b>	<b>719</b>
Minister	/	/	1	100%	1
Secretary of State	/	/	2	100%	2
Secretary of Ministry	1	100	/	/	1
Director General	1	50%	1	50%	2
Manager	1	50%	1	50%	2
Commander	16	45%	20	55%	36
Chief/Head	24	67%	12	33%	36
Independent Counsellor I	59	52%	54	48%	113
Independent Counsellor II	33	69%	15	31%	48
Independent Counsellor III	28	68%	13	32%	41
Senior Counsellor I	20	64%	11	36%	31
Senior Counsellor II	7	54%	6	46%	13
Senior Counsellor III	20	69%	9	31%	29
Counsellor I	10	53%	9	47%	19
Counsellor III	1	100%	/	/	1

<sup>137</sup> List of employees of Ministry of Education, Science, Culture and Sports is available and published on webpage [www.gov.me](http://www.gov.me), and was revised 11th of May 2021

Chief police counsellor	/	/	5	100%	5
Senior I class police counsellor	3	30%	7	70%	10
Independent police counsellor	/	/	1	100%	1
Inspector I	5	50%	5	50%	10
Inspector III	/	/	1	100%	1
Chief police inspector	1	25%	3	75%	4
Senior I class police inspector	3	25%	9	85%	12
Junior police inspector	3	27%	8	73%	11
Police sergeant	/	/	2	100%	2
Chief authorized official	/	/	1	100%	1
Authorized official I	1	100%	/	/	1
Authorized official II	/	/	2	100%	2
Authorized official III	/	/	1	100%	1
Independent referent	172	67%	83	33%	255
Referent	1	33%	2	67%	3
Employee	6	86%	1	14%	7
Senior employee	1	33%	2	67%	3
Senior employee II	3	60%	2	40%	5
Police officer	2	22%	7	78%	9
Senior internal auditor	/	/	1	100%	1
<b>Ministry of Foreign Affairs<sup>138</sup></b>	<b>136</b>	<b>60%</b>	<b>92</b>	<b>40%</b>	<b>228</b>
Minister	/	/	1	100%	1
Secretary of State	/	/	1	100%	1
Secretary General	1	100%	/	/	1
Director General	1	25%	3	75%	4
Deputy Director General	1	100%	/	/	1
Ambassador in the Ministry	3	30%	7	70%	10
Chief Diplomatic Inspector	/	/	1	100%	1
Manager	1	100%	/	/	1
Commander	3	50%	3	50%	6
Chief/Head	4	33%	2	67%	6
Director of Directorate	13	81%	3	19%	16
Director	1	100%	/	/	1

<sup>138</sup> List of employees of Ministry of Foreign Affairs is available and published on webpage [www.gov.me](http://www.gov.me) and was updated on 5th of July 2021

<b>Minister Counsellor</b>	4	80%	1	20%	5
<b>Counsellor I</b>	1	25%	3	75%	4
<b>Counsellor</b>	6	86%	1	14%	7
<b>I Secretary</b>	9	82%	2	18%	11
<b>II Secretary</b>	9	69%	4	31%	13
<b>III Secretary</b>	8	58%	5	42%	13
<b>Attaché</b>	7	44%	9	56%	16
<b>Sub-secretary</b>	1	33%	2	67%	3
<b>Independent Counsellor I</b>	1	50%	1	50%	2
<b>Independent Counsellor II</b>	3	50%	3	50%	6
<b>Independent Counsellor III</b>	1	100%	/	/	1
<b>Independent referent</b>	9	57%	6	43%	15
<b>Referent</b>	1	100%	/	/	1
<b>Ambassador</b>	6	43%	8	57%	14
<b>Head of Mission</b>	1	200%	/	/	1
<b>Head of Country Office (World Bank)</b>	/	/	1	100%	1
<b>Deputy Head of Mission</b>	1	50%	1	50%	2
<b>Minister Counsellor at the Embassy</b>	5	50%	5	50%	10
<b>Counsellor at the Embassy</b>	2	50%	2	50%	4
<b>I Counsellor at the Embassy</b>	7	78%	2	22%	9
<b>I Secretary at the Embassy</b>	11	73%	4	27%	15
<b>II Secretary at the Embassy</b>	10	67%	5	33%	15
<b>III Secretary at the Embassy</b>	2	67%	1	33%	3
<b>Head of Political Section in the Mission</b>	/	/	1	100%	1
<b>Consul General</b>	1	50%	1	50%	2
<b>Consul</b>	1	100%	/	/	1
<b>Vice Consul</b>	1	50%	1	50%	2
<b>Charge d'Affairs</b>	/	/	2	100%	2
<b>Ministry of Health<sup>139</sup></b>	<b>50</b>	<b>74%</b>	<b>18</b>	<b>26%</b>	<b>68</b>
<b>Minister</b>	1	100%	/	/	1
<b>Secretary of State</b>	1	50%	1	50%	2
<b>Director General</b>	2	33%	4	67%	6

<sup>139</sup> List of employees is available on the webpage: [www.gov.me](http://www.gov.me), and was updated on 11th of November 2021

Manager	1	100%	/	/	1
Commander	11	62%	3	38%	14
Independent Counsellor I	11	69%	5	31%	16
Independent Counsellor II	13	93%	1	7%	14
Independent Counsellor III	1	100%	/	/	1
Senior Counsellor I	1	100%	/	/	1
Independent referent	8	67%	4	33%	12
<b>Secretariat - General of the Government and Prime-Minister Cabinet</b>	<b>133</b>	<b>65%</b>	<b>73</b>	<b>35%</b>	<b>206</b>
Prime - Minister	/	/	1	100%	1
Deputy Prime-Minister	/	/	1	100%	1
Secretary General of Government	1	100%	/	/	1
Deputy Secretary-General	3	75%	1	25%	4
Deputy Secretary of Government	/	/	1	100%	1
Counsellor of Prime -Minister	3	38%	5	62%	8
Counsellor of Deputy Prime-Minister	1	/	4	100%	5
Chief negotiator for the EU accession of MNE	1	100%	/	/	1
Deputy Chief negotiator	1	50%	1	50%	2
Counsellor of the Chief negotiator	2	67%	1	33%	3
Counsellor of the Deputy Chief negotiator	1	100%	/	/	1
Manager	3	60%	2	40%	5
Commander	3	37%	5	63%	8
Chief/Head (of bureau and groups)	13	68%	6	32%	19
Deputy chief	1	100%	/	/	1
Independent Counsellor I (Samostalni/a savjetnik/ca I)	31	80%	8	20%	39
Independent Counsellor II	18	75%	6	25%	24
Independent Counsellor III	7	88%	1	12%	8
Counsellor/adviser in the Prime-Minister's office	10	91%	1	9%	11
Counsellor of the Secretary-General	1	100%	/	/	1
Counsellor I	4	100%	/	/	4
Counsellor II	1	100%	/	/	1
Independent referent	19	45%	23	55%	42

Senior referent	/	/	1	100%	1
Referent	1	100%	/	/	1
Secretary of the Commission	3	100%	/	/	3
Senior counsellor III	5	50%	5	50%	10

Title	Number of women	% of Women	Number of men	% of men	Total
<b>TOTAL ADMINISTRATIVE BODIES</b>	<b>1403</b>	<b>51%</b>	<b>1323</b>	<b>49%</b>	<b>2726</b>
<b>ENVIRONMENTAL PROTECTION AGENCY<sup>140</sup></b>	<b>39</b>	<b>53%</b>	<b>35</b>	<b>47%</b>	<b>74</b>
Director	/	/	1	100%	1
Director's assistant	1	50%	1	50%	2
Commander	1	33%	2	67%	3
Independent Counsellor	32	58%	23	42%	55
Counsellor I	/	/	1	100%	1
Independent Referent	5	42%	7	58%	12
<b>DIRECTORATE FOR THE EXECUTION OF CRIMINAL SANCTIONS<sup>141</sup></b>	<b>109</b>	<b>21%</b>	<b>405</b>	<b>79%</b>	<b>514</b>
Director	/	/	1	100%	1
Chief Prison Inspector	/	/	2	100%	2
Security Associate	/	/	1	100%	1
Senior I Class Superintendent of the Prison Police	/	/	4	100%	4
Senior Superintendent of the Prison Police	1	6%	16	94%	17
Superintendent of the Prison Police	/	/	19	100%	19
Senior I class Prison Police Officer	40	15%	219	85%	259
Senior Prison Police Officer	2	5%	42	95%	44
Prison Police Officer	4	13%	27	87%	31
Prisoner Treatment Commander	1	50%	1	50%	2
Prisoner Treatment Coordinator	2	67%	1	33%	3
Prisoner Treatment Counsellor	3	100%	/	/	3
Prisoner Treatment Senior Counsellor	2	40%	3	60%	5
Prisoner Treatment Independent Counsellor	15	62%	9	38%	24
Prisoner Treatment Referent	4	57%	3	43%	7

<sup>140</sup> List of employees is available on the webpage: [www.epa.org.me](http://www.epa.org.me) and is revised on 01st November 2021

<sup>141</sup> List of employees is available on the webpage: [www.ziks.gov.me/](http://www.ziks.gov.me/) and is revised on 25th December 2021

Prisoner Treatment Realization Independent Counsellor	1	100%	/	/	1
Prison Police Commander	/	/	2	100%	2
Prison Doctor Medicine Specialist	/	/	1	100%	1
Prison Doctor Medicine	1	100%	/	/	1
Prison Chief Medical Technician	2	100%	/	/	2
Prison Senior Medical Technician	9	53%	8	47%	17
Prison Medical Technician	1	50%	1	50%	2
Prison Senior Labor Commander	1	14%	6	86%	7
Prison Labor Commander	/	/	1	100%	1
Prison Independent Labor Manager	/	/	1	100%	1
Prison Labor Instructor I	12	29%	29	71%	41
Prison Commander for Officer Training	/	/	1	100%	1
Prison Lecturer	1	50%	1	50%	2
Commander	/	/	2	100%	2
Independent Counsellor I	2	50%	2	50%	4
Independent Counsellor III	1	100%	/	/	1
Chief	1	50%	1	50%	2
Counsellor III	1	100%	/	/	1
Senior Counsellor III	/	/	1	100%	1
Independent Referent	1	100%	/	/	1
Associate I	1	100%	/	/	1
<b>SECRETARIAT FOR LEGISLATION<sup>142</sup></b>	<b>13</b>	<b>68%</b>	<b>6</b>	<b>32%</b>	<b>19</b>
Secretary	1	100%	/	/	1
Secretary's Assistant	2	50%	2	50%	4
Independent Counsellor I	4	100%	/	/	4
Independent Counsellor II	3	60%	2	40%	5
Independent Counsellor III	/	/	1	100%	1
Senior Counsellor I	/	/	1	100%	1
Independent Referent	3	100%	/	/	3
<b>STATE ARCHIVES OF MONTENEGRO<sup>143</sup></b>	<b>101</b>	<b>74%</b>	<b>35</b>	<b>26%</b>	<b>136</b>
Director	/	/	1	100%	1
Assistant Head of the Administrative Body	2	67%	1	33%	3
Commander	18	95%	1	5%	19

<sup>142</sup> List of employees is published and available at webpage: [www.gov.me](http://www.gov.me) and was revised on October 2021

<sup>143</sup> List of employees of State Archives of Montenegro is published and available at webpage: [www.dacg.me](http://www.dacg.me) and was revised on 9<sup>th</sup> of December 2021



Independent Counsellor I	13	76%	4	24%	17
Independent Counsellor II	12	63%	7	37%	19
Independent Counsellor III	23	77%	7	23%	30
Counsellor I	4	50%	4	50%	8
Senior Counsellor III	1	100%	/	/	1
Independent Referent	26	76%	5	24%	31
Referent	1	100%	/	/	1
Senior Employee I	/	/	4	100%	4
Employee	1	50%	1	50%	2
<b>DIRECTORATE OF PUBLIC WORKS<sup>144</sup></b>	<b>28</b>	<b>56%</b>	<b>22</b>	<b>44%</b>	<b>50</b>
Director	/	/	1	100%	1
Commander	5	83%	1	17%	6
Independent Counsellor I	13	72%	5	28%	18
Independent Counsellor II	2	100%	/	/	2
Independent Counsellor III	2	33%	4	67%	6
Counsellor I	1	100%	/	/	1
Senior Counsellor III	2	40%	3	60%	5
Independent Referent	2	33%	6	67%	8
Referent	1	50%	1	50%	2
Senior Employee I	/	/	1	100%	1
<b>THE BUREAU OF METROLOGY<sup>145</sup></b>	<b>22</b>	<b>69%</b>	<b>10</b>	<b>31%</b>	<b>32</b>
Director	1	100%	/	/	1
Secretary to the Director	1	100%	/	/	1
Director's Assistant	/	/	2	100%	2
Commander	5	56%	4	44%	9
Manager	5	84%	1	16%	6
Deputy Manager	6	67%	3	33%	9
Employee	4	100%	/	/	4
<b>INSTITUTE FOR HIDROMETEROLOGY AND SEISMOLOGY<sup>146</sup></b>	<b>55</b>	<b>49%</b>	<b>58</b>	<b>51%</b>	<b>113</b>
Director	1	100%	/	/	1
Commander	8	53%	7	47%	15
Chief	/	/	2	100%	2
Independent Counsellor I	19	79%	5	21%	24
Independent Counsellor II	/	/	1		1
Independent Counsellor III	1	50%	1	50%	2

<sup>144</sup> List of employees at the Directorate of public works is published and available at webpage: [www.ujr.gov.me](http://www.ujr.gov.me) and was updated on October 2021

<sup>145</sup> List of employees at the Bureau of metrology is published and available at webpage: [www.metrologija.me/kontakt/](http://www.metrologija.me/kontakt/)

<sup>146</sup> List of employees at the Institute for hidrometerology and seismology is published and available at webpage: <http://www.meteo.co.me/doc> and is updated on 1<sup>st</sup> December 2021

Counsellor I	1	50%	1	50%	2
Independent Referent	23	37%	40	63%	63
Employee	1	100%	/	/	1
Prentice	1	50%	1	50%	2
<b>RAILWAY DIRECTORATE<sup>147</sup></b>	<b>3</b>	<b>27%</b>	<b>8</b>	<b>73%</b>	<b>11</b>
Director	/	/	1	100%	1
Director's Assistant	/	/	1		1
Manager	1	100%	/	/	1
Independent Counsellor I	1	20%	4	80%	5
Independent Counsellor II	/	/	1	100%	1
Senior Counsellor III	/	/	1	100%	1
Independent Referent	1	100%	/	/	1
<b>MONTENEGRO HIDROCARBON ADMINISTRATION</b>	<b>1</b>	<b>14%</b>	<b>6</b>	<b>86%</b>	<b>7</b>
Director	/	/	1	100%	1
Independent Counsellor I	1	17%	5	83%	6
<b>SPORTS AND YOUTH ADMINISTRATION<sup>148</sup></b>	<b>23</b>	<b>66%</b>	<b>12</b>	<b>34%</b>	<b>35</b>
Director	/	/	1	100%	1
Deputy Director	1	100%	/	/	1
Independent Counsellor I	11	61%	7	39%	18
Independent Counsellor II	3	75%	1	25%	4
Independent Counsellor III	1	100%	/	/	1
Senior Counsellor III	2	67%	1	33%	3
Counsellor I	2	100%	/	/	2
Senior Employee I	/	/	1	100%	1
Independent Referent	2	67%	1	33%	3
Referent	1	100%	/	/	1
<b>DEPARTMENT FOR DIASPORA AND EMIGRANTS<sup>149</sup></b>	<b>7</b>	<b>50%</b>	<b>7</b>	<b>50%</b>	<b>14</b>
Director	/	/	1	100%	1
Deputy Director	2	67%	1	33%	3
Independent Counsellor I	2	67%	1	33%	3
Independent Counsellor II	/	/	1	100%	1
Senior Counsellor I	1	50%	1	50%	2
Senior Counsellor III	/	/	1	100%	1
Independent Referent	2	67%	1	33%	3
<b>DIRECTORATE FOR FOOD SAFETY, VETERINARY AND PHYTOSANITARY AFFAIRS<sup>150</sup></b>	<b>57</b>	<b>67%</b>	<b>28</b>	<b>33%</b>	<b>85</b>
Director	1	100%	/	/	1

<sup>147</sup> List of employees is available on the webpage: <https://uzz.gov.me/Propisi/Slobodan>

<sup>148</sup> List of employees is available on the webpage: [www.gov.me](http://www.gov.me) and is revised on 19<sup>th</sup> October 2021

<sup>149</sup> List of employees is available on the webpage: [www.usdi.gov.me](http://www.usdi.gov.me) and is revised on 1<sup>st</sup> Mart 2021

<sup>150</sup> List of employees is available on the webpage: [www.ubh.gov.me](http://www.ubh.gov.me) and is updated on 15<sup>th</sup> October 2019

Director's Assistant	3	100%	/	/	3
Commander	6	75%	2	25%	8
Independent Counsellor I	7	88%	1	12%	8
Independent Counsellor II	3	100%	/	/	3
Independent Counsellor III	1	50%	1	50%	2
Counsellor I	1	100%	/	/	1
Senior Counsellor III	/	/	2	100%	2
Independent Referent	9	72%	2	18%	11
Senior Employee II	/	/	1	100%	1
Food Inspector I	10	77%	3	23%	13
Veterinary Inspector I	6	37%	10	63%	16
Veterinary Inspector III	1	100%	/	/	1
Phytosanitary Inspector I	6	60%	4	40%	10
Phytosanitary Inspector II	2	50%	2	50%	4
Phytosanitary Inspector III	1	100%	/	/	1
<b>HUMAN RESOURCES MANAGEMENT AUTHORITY<sup>151</sup></b>	<b>55</b>	<b>85%</b>	<b>10</b>	<b>15%</b>	<b>65</b>
Director	1	100%	/	/	1
Director's Assistant	2	67%	1	33%	3
Commander	6	86%	1	14%	7
Independent Counsellor I	16	89%	2	11%	18
Independent Counsellor II	2	100%	/	/	2
Independent Counsellor III	5	83%	1	17%	6
Counsellor I	/	/	1	100%	1
Senior Counsellor III	2	67%	1	33%	3
Independent Referent	10	91%	1	9%	11
Employee	1	50%	1	50%	2
Senior Employee I	1	100%	/	/	1
President of the Commission of Appeal	1	100%	/	/	1
Member of the Commission of Appeal	4	100%	/	/	4
President of the Disciplinary Commission	1	100%	/	/	1
Member of the Disciplinary Commission	3	75%	1	25%	4
<b>STATISTICAL OFFICE OF MONTENEGRO<sup>152</sup></b>	<b>72</b>	<b>75%</b>	<b>24</b>	<b>25%</b>	<b>96</b>
Director	/	/	1	100%	1
Director's Assistant	4	100%	/	/	4
Commander	14	87%	2	13%	16
Independent Counsellor I	33	72%	13	28%	46
Independent Counsellor II	4	80%	1	20%	5

<sup>151</sup> List of employees is available on the webpage [www.uzk.gov.me/pretraga/172672/Slobodan-pristup-informacijama.html](http://www.uzk.gov.me/pretraga/172672/Slobodan-pristup-informacijama.html)

<sup>152</sup> List of employees is available on website [www.monstat.org](http://www.monstat.org)

Independent Counsellor III	4	100%	/	/	4
Counsellor I	3	75%	1	25%	4
Senior Counsellor III	2	67%	1	33%	3
Independent Referent	8	62%	5	38%	13
<b>DIRECTORATE FOR INSPECTION AFFAIRS<sup>153</sup></b>	<b>189</b>	<b>63%</b>	<b>109</b>	<b>37%</b>	<b>298</b>
Director	/	/	1	100%	1
Director's Assistant	5		1		6
Chief Market Inspector	1	100%	/	/	1
Market Inspector Coordinator	1	33%	2	67%	3
Market Inspector I	18	67%	9	33%	27
Market Inspector II	1	100%	/	/	1
Market Inspector III	12	55%	10	45%	22
Chief Tourist Inspector	1	100%	/	/	1
Tourist Inspector I	7	44%	9	56%	16
Tourist Inspector III	1	20%	4	80%	5
Chief Labour Inspector	1	100%	/	/	1
Labour Inspector Coordinator	/	/	1	100%	1
Labour Inspector I	15	63%	9	37%	24
Labour Inspector II	1	100%	/	/	1
Labour Inspector III	12	75%	4	25%	16
Chief Metrology Inspector	/	/	1	100%	1
Metrology Inspector I	1	50%	1	50%	2
Metrology Inspector III	/	/	1	100%	1
Chief Lottery Games Inspector	/	/	1	100%	1
Lottery Games Inspector I	/	/	4	100%	4
Lottery Games Inspector III	/	/	1	100%	1
Chief Public Procurement Inspector	/	/	1	100%	1
Public Procurement Inspector I	1	33%	2	67%	3
Public Procurement Inspector III	4	100%	/	/	4
Chief Health and Sanitary Inspector	1	100%	/	/	1
Health and Sanitary Inspector Coordinator	1	100%	/	/	1
Health Inspector I	1	100%	/	/	1
Health Inspector III	2	100%	/	/	2
Sanitary Inspector	13	87%	2	13%	15
Sanitary Inspector III	17	94%	1	6%	18
Chief Forestry Inspector	/	/	1	100%	1
Forestry Inspector I	1	11%	8	89%	9

<sup>153</sup> List of employees was requested by WRC based on Law on free access to information and the information was received on 12th of January, 2022 and analyzed accordingly

<b>Forestry Inspector III</b>	/	/	1	100%	1
<b>Chief Social and Child Inspector</b>	/	/	1	100%	1
<b>Social and Child Inspector I</b>	1	50%	1	50%	2
<b>Social and Child Inspector III</b>	1	100%	/	/	1
<b>Chief Ecology Inspector</b>	1	100%	/	/	1
<b>Ecology Inspector Coordinator</b>	/	/	1	100%	1
<b>Ecology Inspector I</b>	2	67%	1	33%	3
<b>Ecology Inspector II</b>	1	100%	/	/	1
<b>Ecology Inspector III</b>	1	100%	/	/	1
<b>Chief Water Inspector</b>	1	100%	/	/	1
<b>Water Inspector I</b>	/	/	2	100%	2
<b>Water Inspector III</b>	/	/	1	100%	1
<b>Geodesy Inspector III</b>	1	100%	/	/	1
<b>Chief Housing Inspector</b>	1	100%	/	/	1
<b>Housing Inspector I</b>	/	/	3	100%	3
<b>Chief Mining and Hydrocarbon Inspector</b>	/	/	1	100%	1
<b>Mining Inspector I</b>	/	/	1	100%	1
<b>Hydrocarbon Inspector III</b>	1	100%	/	/	1
<b>Electricity Inspector III</b>	1	100%	/	/	1
<b>Thermal Energy Inspector I</b>	/	/	1	100%	1
<b>Chief Inspector of Education</b>	1	100%	/	/	1
<b>Education Inspector I</b>	2	29%	5	71%	7
<b>Education Inspector II</b>	1	100%	/	/	1
<b>Education Inspector III</b>	2	100%	/	/	2
<b>Chief Sport Inspector</b>	/	/	1	100%	1
<b>Sport Inspector I</b>	/	/	1	100%	1
<b>Sport Inspector II</b>	/	/	1	100%	1
<b>Sport Inspector III</b>	1	50%	1	50%	2
<b>Cultural Heritage Inspector I</b>	/	/	1	100%	1
<b>Cultural Goods Inspector III</b>	1	100%	/	/	1
<b>Archival Activity Inspector I</b>	1	100%	/	/	1
<b>Archival Activity Inspector III</b>	1	50%	1	50%	2
<b>Chief Inspector for Electronic Communications, Postal Services and Information Society Services</b>	/	/	1	100%	1
<b>Information Society Services Inspector I</b>	/	/	1	100%	1
<b>Electronic Communications and Postal Services Inspector III</b>	/	/	1	100%	1
<b>Chief</b>	3	100%	/	/	3
<b>Commander</b>	4	80%	1	20%	5
<b>Independent Counsellor I</b>	7	78%	2	22%	9

Independent Counsellor II	1	50%	1	50%	2
Independent Counsellor III	11	100%	/	/	11
Independent Referent	21	87%	3	13%	24
Referent	1	100%	/	/	1
Employee	1	100%	/	/	1
<b>REVENUE AND CUSTOMS ADMINISTRATION<sup>154</sup></b>	<b>574</b>	<b>52%</b>	<b>524</b>	<b>48%</b>	<b>1098</b>
Director	1	100%	/	/	1
Director's Assistant	3	60%	2	40%	5
Commander	22	56%	17	44%	39
Manager	/	/	3	100%	3
Chief of the Branch Office	24	44%	30	56%	54
Deputy Chief	2	40%	3	60%	5
Independent Counsellor I	112	77%	34	23%	146
Independent Counsellor II	48	55%	21	45%	69
Independent Counsellor III	29	67%	14	33%	43
Independent Customs Counsellor I	18	57%	12	43%	30
Independent Customs Counsellor II	2	20%	6	80%	8
Independent Customs Counsellor III	1	25%	3	75%	4
Counsellor I	9	53%	8	47%	17
Customs Counsellor	1	100%	/	/	1
Senior Counsellor III	11	67%	5	33%	16
Senior Customs Counsellor III	2	67%	1	33%	3
Senior Associate I	22	31%	47	69%	69
Senior Associate III	1	20%	4	80%	5
Independent Referent	95	66%	48	34%	143
Independent Customs Referent	3	100%	/	/	3
Chief Customs Inspector	1	100%	/	/	1
Customs Inspector I	14	64%	8	36%	22
Independent Customs Inspector I	37	50%	37	50%	74
Independent Customs Inspector II	2	29%	5	71%	7
Independent Customs Inspector III	3	20%	12	80%	15
Senior Customs Inspector I	/	/	1	100%	1
Senior Customs Inspector III	3	27%	8	73%	11
Independent Customs Operator	3	75%	1	25%	4
Independent Customs Operator I	1	25%	3	75%	4
Independent Customs Officer	37	21%	140	79%	177
Authorized Official I	/	/	1	100%	1

<sup>154</sup> List of employees is available on website: [www.upravaprihoda.gov.me](http://www.upravaprihoda.gov.me) and was updated 2<sup>nd</sup> December 2021

Inspector I – internal control	2	67%	1	33%	3
Inspector II – Internal control	/	/	1	100%	1
Revenue Inspector I – terrain control	22	54%	20	46%	42
Revenue Inspector II – terrain control	10	62%	6	38%	16
Revenue Inspector III – terrain control	7	64%	4	36%	11
Revenue Inspector I – fiscal control	/	/	2	100%	2
Revenue Inspector II – office control	6	60%	4	40%	10
Revenue Inspector III – office control	6	86%	1	14%	7
Revenue Inspector Coordinator	4	57%	3	43%	7
Revenue Inspector I – quality control	9	85%	3	25%	12
Senior Employee I	1	25%	3	75%	4
Employee	/	/	1	100%	1
President of Syndicate	/	/	1	100%	1
<b>INSTITUTE FOR SOCIAL AND CHILD PROTECTION<sup>155</sup></b>	<b>12</b>	<b>67%</b>	<b>6</b>	<b>33%</b>	<b>18</b>
Director	/	/	1	100%	1
Commander	1	50%	1	50%	2
Independent Counsellor I	6		2		8
Independent Counsellor II	2	100%	/	/	2
Independent Counsellor III	/	/	1	100%	1
Senior Employee I	1	100%	/	/	1
Independent Referent	2	67%	1	33%	3
<b>BUREAU OF EDUCATION SERVICE<sup>156</sup></b>	<b>43</b>	<b>72%</b>	<b>17</b>	<b>28%</b>	<b>60</b>
Director	/	/	1	100%	1
Deputy Director	1	50%	1	50%	2
Commander	2	50%	2	50%	4
Chief	/	/	2	100%	2
Independent Counsellor I	30		11		41
Independent Counsellor II	1	100%	/	/	1
Senior Employee	3	75%	1	25%	4
Independent Referent	5	100%	/	/	5
<b>WATER ADMINISTRATION<sup>157</sup></b>	<b>4</b>	<b>67%</b>	<b>2</b>	<b>33%</b>	<b>6</b>

<sup>155</sup> List of employees was requested by WRC based on Law on free access to information and the information was received on 11th of January.2022 and analyzed accordingly

<sup>156</sup> List of employees was requested by WRC based on Law on free access to information and the information was received on 13th of January.2022 and analyzed accordingly

<sup>157</sup> List of employees was requested by WRC based on Law on free access to information and the information was received on 13th of January.2022

<b>Independent Counsellor I</b>	2	50%	2	50%	4
<b>Independent Counsellor II</b>	1	100%	/	/	1

**Table 2: Share of women in the civil service per institution**

<b>Institution</b>	<b>No of men (%)</b>	<b>No of Women (%)</b>	<b>Total</b>
<b>Secretariat-General and Prime Minister Cabinet</b>	35%	65%	100 (206)
<b>Ministry of Ecology, Spatial Planning and Urbanism</b>	24%	76%	100% (126)
<b>Ministry of Economic Development</b>	32%	68%	100% (190)
<b>Ministry of Finance and Social Welfare</b>	24%	76%	100% (292)
<b>Ministry of Public Administration, Digital Society and Media</b>	38%	62%	100% (113)
<b>Ministry of Capital Investments</b>	49%	51%	100% (133)
<b>Ministry of Defence</b>	35%	65%	100% (154)
<b>Ministry of Agriculture, Forestry and Water Management</b>	42%	58%	100% (172)
<b>Ministry of Justice, Human and Minority Rights</b>	31%	69%	100% (98)
<b>Ministry of Education, Science, Culture and Sports</b>	29%	71%	100% (150)
<b>Ministry of the Interior</b>	41%	59%	100% (719)
<b>Ministry of Foreign Affairs</b>	40%	60%	100% (228)
<b>Ministry of Health</b>	26%	74%	100% (68)
<b>ENVIRONMENTAL PROTECTION AGENCY</b>	47%	53%	100% (74)
<b>DIRECTORATE FOR THE EXECUTION OF CRIMINAL SANCTIONS</b>	79%	21%	100% (514)
<b>SECRETARIAT FOR LEGISLATION</b>	32%	68%	100% (19)

and analyzed accordingly



<b>STATE ARCHIVES OF MONTENEGRO</b>	26%	74%	100% (136)
<b>DIRECTORATE OF PUBLIC WORKS</b>	44%	56%	100% (50)
<b>THE BUREAU OF METROLOGY</b>	31%	69%	100% (32)
<b>INSTITUTE FOR HIDROMETEROLOGY AND SEISMOLOGY</b>	51%	49%	100% (113)
<b>RAILWAY DIRECTORATE</b>	73%	27%	100% (11)
<b>MONTENEGRO HIDROCARBON ADMINISTRATION</b>	86%	14%	100% (7)
<b>SPORTS AND YOUTH ADMINISTRATION</b>	34%	66%	100% (35)
<b>DEPARTMENT FOR DIASPORA AND EMIGRANTS</b>	50%	50%	100% (14)
<b>DIRECTORATE FOR FOOD SAFETY, VETERINARY AND PHYTOSANITARY AFFAIRS</b>	33%	67%	100% (85)
<b>HUMAN RESOURCES MANAGEMENT AUTHORITY</b>	15%	85%	100% (65)
<b>STATISTICAL OFFICE OF MONTENEGRO</b>	25%	75%	100% (96)
<b>DIRECTORATE FOR INSPECTION AFFAIRS<sup>158</sup></b>	37%	63%	100% (298)
<b>REVENUE AND CUSTOMS ADMINISTRATION</b>	48%	52%	100% (1098)
<b>INSTITUTE FOR SOCIAL AND CHILD PROTECTION<sup>159</sup></b>	33%	67%	100% (18)
<b>BUREAU OF EDUCATION SERVICE</b>	28%	72%	100% (60)
<b>WATER ADMINISTRATION<sup>160</sup></b>	33%	67%	100% (6)

<sup>158</sup> List of employees was requested by WRC based on Law on free access to information and the information was received on 12th of January.2022 and analyzed accordingly

<sup>159</sup> List of employees was requested by WRC based on Law on free access to information and the information was received on 11th of January.2022 and analyzed accordingly

<sup>160</sup> List of employees was requested by WRC based on Law on free access to information and the information was received on 13th of January.2022 and analyzed accordingly

<b>NATIONAL SECURITY AUTHORITY</b>	<i>DATA MISSING</i> <sup>161</sup>		
<b>POLICE ADMINISTRATION</b>	<i>DATA MISSING</i>		
<b>ADMINISTRATION FOR MARITIME SAFETY AND PORT MANAGEMENT</b>	<i>DATA MISSING</i>		
<b>CADASTRE AND STATE PROPERTY ADMINISTRATION</b>	<i>DATA MISSING</i>		
<b>TRAFFIC DIRECTORATE</b>	<i>DATA MISSING</i>		
<b>FOREST ADMINISTRATION</b>	<i>DATA MISSING</i>		
<b>ADMINISTRATION FOR PROTECTION OF CULTURAL PROPERTY</b>	<i>DATA MISSING</i>		

#### 4. Factors and barriers affecting the status of women in the civil service

Results from the UNDP the Research on the attitudes and perceptions of citizens and public administration employees on gender equality<sup>162</sup>

Although gender inequality and discrimination against women are clearly perceived in the public administration, two-thirds of employees believe that the issue of gender equality is excessively imposed today as an unnatural and unachievable goal that does not significantly improve the position of women in Montenegro. Despite the fact that women make up only one-quarter of the total management staff in public administration, two out of three men believe that women are adequately represented in governing bodies, while women hold a different opinion. Namely, one in two women believes that there should be significantly more of them. As many as 60 percent of public administration employees are not sure whether a gender analysis has been conducted in their institution in the last year. These were the key results of the Research “Gender Equality in Montenegro and evaluation of the application of

<sup>161</sup> We received the list of employees with blurred names, so we couldn't extract gender segregated data

<sup>162</sup> The Research was presented at the UNDP conference "Equality at the Heart of Government", held in Podgorica, in June 16 2021

the principle of gender equality in public administration” that was conducted in January 2020 by Ipsos Strategic Marketing for the Office of the United Nations Development Program (UNDP) in Montenegro,

The research included desk analysis, the survey on the attitudes and perceptions of citizens and public administration employees on gender equality, conducted on representative sample.

Other findings are as follows:

#### **4.1 Attitudes on gender equality**

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

- 2 out of 3 women employed in public administration believe that men have greater rights than women, while only 1 in 3 men will agree with this statement.
- 2 out of 3 employees in public institutions believe that the issue of gender equality is being overly imposed, without resulting in substantial improvement of the position of women in Montenegro.
- Every second public administration employee views the contribution of feminism positively.

#### **4.2 Understanding and capacities for the gender mainstreaming and a stimulating work environment**

Women make the majority of employees in public administration; they are equally burdened with 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 compared to their male colleagues. 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.

- 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.
- Employees in the Parliamentary Service of the Parliament of Montenegro show a higher degree of awareness and recognition of gender-based discrimination compared to employees in other public institutions.
- Men 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 insufficient commitment to their careers and do not notice the existence of any other barriers.
- Women see reconciling work with their private and family obligations as the major obstacle to their career advancement.
- Every second citizen believes that leadership skills are more characteristic of men, while 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 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, travelling for business purposes and working during weekends.
- Every fifth employee expressed dissatisfaction with their work-life balance, with men being the ones who 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 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.

#### **4.3 Integrating the principles of gender equality in the work of public administration**

In public administration, gender equality contact persons are seen as solely responsible for the creation and implementation of gender equality policies, along with 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.

- 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 trainings in the field of gender equality in the last five years.
- Of those who attended at least one of such trainings, 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 programmes, 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 the gender responsive budgeting (GRB).

## 5. Main Conclusions and Recommendations

### 5.1 Main Conclusions :

1. Women make only a quarter of the total management in public administration i.e. they are still underrepresented in decision making and senior staff positions in public administration, often due to explicit or implicit bias in hiring, training, and promotion practices. New PAR measures need to include affirmative measures to preserve recent gains and to further improve the gender balance in the managerial positions in public sector.
2. Unlike in the previous Strategy 2016-2020, that was completely gender blind, the new PAR Strategy 2022-2026 included **gender equality, inclusion, anti-discrimination and equal opportunities for all**, as horizontal issues that are essential for further modernization of public administration. However, in developing the new PAR Strategy 2022-2026, the *ex ante* analysis of its social, economic, fiscal, environmental and gender impact was not conducted, as Regulatory Impact Assessment Analysis (RIA) is focused only on the assessment of fiscal and economic impact.
3. Gender machinery nor the gender focal point of the Ministry of Public Administration don't have a seat on the Council for Reform of Public Administration and as a consequence this body lacks the institutional capacity to anchor gender expertise in governance, planning, and policy dialogue, in line with the EU Gender Equality acquis
4. The Law on Civil Servants and Employees and sectorial Laws, in their provisions related to the appointment of individuals, bodies (Managing Boards and Supervisory Boards, Committees etc.) are not envisioning and applying principle of gender balance. There is no temporary measure to improve the gender balance at managing and advisory boards, working groups, committees established by the Government.
5. The Law on Gender Equality does not provide provisions on mechanisms for control and sanctions for violating Articles 10, 11, 12 of the Law on Gender Equality pertaining gender balanced representation in public life.

6. The general provisions regarding the adherence to the principle of gender equality are not reflected in all relevant indicators of the Strategy of Public Administration Reform in Montenegro 2022-2026.
7. Even though Gender Responsive Budgeting is stipulated in the legislation, line ministries and municipalities are not employing this mechanism.
8. In terms of Boards for Appeals<sup>163</sup> in the Civil Service who are highly relevant in protection of civil servant rights and responsibilities, the legislator stipulates that the President and members of the Board for Appeals are appointed and dismissed by the Government, at the proposal of the Ministry, after a public competition. It ought to be noted that there is no stipulation in the Law that gender balance and gender diversity ought to be taken into consideration when deciding the composition of the disciplinary committees.
9. HRMA annual report does not provide gender disaggregated data of the actual number and percentage of civil servants in total and by categories. This data is a prerequisite for gender analysis and continuous assessment in line with gender equality provisions of the Law on Gender Equality. HRMA Register does not generate certain data relevant for in depth analysis (previous positions, salary, automatic generation of data for certain category of CS).
10. Gender is not sufficiently mainstreamed in the existing Civil servant training curricula and over 75% of employees in public institutions have not attended any trainings in the field of gender equality in the last five years.

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<sup>163</sup> The Article 141 of the Law on on Civil Servants and Employees ("Official Gazette of the Republic of Montenegro", No. 2/2018, 34/2019 and 8/2021)



## 5.2 Recommendations:

- Further engendering the PAR strategy should be prioritized and achieved through interventions based on gender impact analyses, conducted as an integral part of annual PAR reporting.
- Adopt a Decision on quotas imposing a balanced composition in statutory consultative organs established by the Government to ensure equal access of both gender in power structures and the decision-making process
- Introduce monitoring and enforcement mechanism and sanctions that would encompass, among other things, an annulment of the procedure if the principle of gender balanced representation is violated.
- The Law on Gender Equality should be amended so that it includes references to relevant liability procedures and sanctions on violation of gender balanced representation that beside a sanction for the state authority would imply annulment of the appointment procedure.
- Introduce gender analysis as a requirement prior to the adoption of the policies.
- Strengthen significantly institutional and administrative capacity and competencies of the national gender equality mechanism by replacing the currently existing Gender Equality Department within the Ministry, with a competent authority which would be adequately equipped to ensure effective horizontal coordination of gender equality activities across public administration, coordinated by a top-level government official.
  
- Amend the Decision on PAR Council to ensure seats for the existing Department for Gender Equality of the Ministry of Justice, Human and Minority Rights to ensure the needed expertise for engendering PAR.
- Change the Law on Gender Equality with provision that would introduce fines for institutions that failed to mainstream policies, documents and legislation.
- Introduce administrative instruction with clear guidance for central and local level institutions for procedures for application Gender budgeting by line ministries and municipalities.
- Amend Article 141 of the Law on Civil Service to read that when deciding on composition of the Appeal Boards gender balance and gender diversity ought to be taken into consideration.

- Conduct gender analysis of the needs for e-services and ensure better access to public services for women and marginalized groups
- In the annual reporting, provide gender disaggregated data by categories of civil servants to enable monitoring and track changes in gender parity of civil servants.
- Regularly update the Register of civil servants for previous position and salaries
- Upgrade the system to automatically generate data for specific category of civil services
- Carry out gender assessment and review of the current training curricula from the gender perspective; Make gender equality and antidiscrimination trainings an integral part of training exercises for civil servants and consider making them obligatory.

## Annex 1. Bibliography and Policy and legal documents analyzed, and interviews conducted

### Policy and legal documents

- ❖ Constitution of Montenegro, Article 9. The Official Gazette of Montenegro, No. 01/2007. Available online in ENG at: [https://www.constituteproject.org/constitution/Montenegro\\_2007.pdf?lang=en](https://www.constituteproject.org/constitution/Montenegro_2007.pdf?lang=en) (accessed on May 24, 2021).
- ❖ Law on the Prohibition of Discrimination (Official Gazette of Montenegro, No. 46/2010, 40/11, 18/14, 42/17).
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## **ABOUT WOMEN'S RIGHTS CENTER**

NGO 'Women's Rights Center' (WRC), based in Podgorica, was founded in 2012, on the basis of the founders' long-term experience in providing support to women victims of domestic violence and other violations of women's human rights.

The basic objectives of the establishment and functioning of the Organization are:

- Promotion of women's human rights and gender equality;
- Empowering women survivors of family violence / partner violence through counselling, psychological and legal support;
- Connecting with other organizations / institutions dealing with protection and promotion of women's human rights.

### **MISION**

Women's Rights Center is a non-profit, non-party aligned, non-religious organization that fights for the suppression of all forms of violence against women and their access to justice, developing gender equitable democratic practices and cooperation with all relevant domestic and international actors in Montenegro.

### **VISION**

**GENDER EQUALITY, ACCESS TO JUSTICE AND SOCIETY WITHOUT VIOLENCE AGAINST WOMEN – OUR REALITY**

[www.womensrightscenter.org](http://www.womensrightscenter.org)

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