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Gender Mainstreaming in the EU Accession Process

Country Assessment Report

Montenegro

2023.

Partner Organisation



WOMEN'S RIGHTS CENTER
CENTAR ZA ŽENSKA PRAVA



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COUNTRY ASSESSMENT REPORT

Country: Montenegro

Organisation compiling the report: Women's Rights Centre

Year: 2022, covering the period of **1 January 2022 - 31 December 2022**

INTRODUCTION

More than ten years since starting the negotiations, Montenegro still has 30 chapters opened with no possibility to provisionally close any, at least until the temporary benchmarks for the rule of law cluster (Chapter 23: *Justice and fundamental rights* and Chapter 24: *Justice, freedom and security*) are met. Although action plans for these expired in 2018 and were followed by adopting “mini action plans”¹, country continued implementation of the key reform agenda without concrete measures, through cross-cutting and hasty laws.² Closing benchmarks are still not delivered to Montenegro, beside the fact that those were officially asked for³.

Instead of accelerating the EU related reform process, as it has declared in its top priority agenda, so called Minority Government elected on 28 April 2022, led the country into even deeper political and institutional crisis. European Commission's assessment that Montenegro “lost its focus on key EU reforms, especially in the rule of law”⁴ did not, consequently, come as surprise. As a result, human rights and gender equality portfolio were put aside. Official conclusion is that gender equality policy in Montenegro is not sufficiently successful⁵.

¹ Information shared on the Government session held on 3 August 2022. Session at URL: <https://www.youtube.com/watch?v=iVk6YD7pmJw&t=16s>

² Papović, Biljana and authors: 10 first years of negotiations between Montenegro and EU /through prism of nonfulfilling political criteria for membership. Center for Democratic Transition, 2022. Publication is at URL: <https://www.cdtmn.org/analyze/prvih-10-godina-pregovora-crne-gore-i-eu/>

³ Interview with Minister for European Affairs, Jovana Marović. More at URL: <https://www.portalanalitika.me/clanak/zavrсна-mjerila-za-poglavlja-23-i-24-moguće-dobiti-do-kraja-godine>

⁴ Preliminary findings of the EC's 2023 Non-paper on Montenegro, more at link: <https://www.vijesti.me/vijesti/politika/662994/non-pejper-ek-crna-gora-izgubila-fokus-na-kljucnim-eu-reformama-posebno-u-vladavini-prava>

⁵ Official findings of the Mid-term Evaluation of the Implementation of the National Strategy for Gender Equality 2021-2025, produced by the Department for Gender Equality in Ministry for Human and Minority Rights and presented during the session of WG for drafting new 2023-2024 Action Plan for the implementation of Strategy in whose official membership is the representative of Women's Rights Centre. The assessment is also supported in the Report: Revizija uspjeha: Uspješnost sprovođenja politike rodne ravnopravnosti u Crnoj Gori – konačni izvještaj, published by State Audit Institution, more at URL: <http://www.dri.co.me/doc/Izvještaj%20o%20reviziji%20uspjeha%20Uspješnost%20sprovedenja%20politik%20rodne%20ravnopravnosti.pdf>

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Short-term appointments of officials, arising from shifts of three governments in two years, left institutions without institutional memory and acquired knowledge in integration processes⁶. These transformations also introduced restructuring of negotiation structure. Office for European Integrations, previously established within Prime-minister's cabinet, was institutionalised into the *Ministry for European Affairs* while the newly appointed minister took over the negotiation process. The position of *NIPAC* was separated from the Chief Negotiator's mandate and filled accordingly. *Collegium for negotiations* and *Council for the rule of law* were re-established.

It is the EU Delegation in Montenegro together with the international stakeholders (EC, OSCE, UNHCR) that appeared as the most important advocacy channel, through which WCSO's addressed latest developments on national level asking for more robust response and pressure on the Government.

The following findings are result of the monitoring research⁷ Women's Rights Centre conducted second year in a row, on the basis of joint methodology developed for this specific purpose by partner organisations⁸. Methodology includes 45 indicators designed in accordance with EU Gender Action Plan III (GAP III) and the revised methodology for EU enlargement. The aim is to measure the level and possible trends in gender-mainstreaming in the EU integration processes led by the relevant government bodies and supported by the EU Delegation in Montenegro.

The methodology used to compile the report includes both primary and secondary data sources. In particular, interviews with key informants were carried out as well as content analysis, and review of publicly available documents. The presented findings provide valuable qualitative and quantitative data source that can be used for further comparative analysis and show more precisely the extent of inclusiveness and mainstreaming of the EU related reform processes.

FINDINGS

CRITERION A. COUNTRY REPORTS ARE GENDER-MAINSTREAMED

	2021	2022	Change ⁹
1. Number of times gender is mentioned in the Country Report	19	31	0.5
2. Number of times women/girls are mentioned in the Country Report	Women - 38 Girls - 4	Women - 34 Girls - 5	0
3. Number of times boys/men are mentioned in the Country Report	Men - 6 Boys - 3	Men - 4 Boys - 3	0

⁶ The assessment was also confirmed in the research conducted for the purposes of drafting new Strategy for informing the public about Montenegro's accession to the European Union in 2023 - 2026. More at: <https://www.gov.me/dokumenta/21390df2-6233-4a1b-8689-846d78dd83c0>, pg. 18.

⁷ The first, baseline Country Assessment Report was published in 2021.

⁸ Within the action Furthering Gender Equality through the EU Accession Process (EQUAPRO) Coalition.

⁹For each indicator, tables compare findings from 2021 and 2022. The last column of each table assesses changes using a five-point scale where "-1" illustrates significant regression, "-0.5" signifies slight regression, "0" is no change, "0.5" illustrates some improvement, and "1" is significant improvement **or complete implementation**. This is used to assess the overall regress or progress in further integrating a gender perspective in the EU Accession process.

4. % of Chapters gender-mainstreamed ¹⁰	6,06% ¹¹	9,09% ¹²	0.5
5. Number of official recommendations on gender equality included in the Country Report	3	6	0.5
6. Number of other recommendations with a gender perspective included in the narrative of Chapters	5	7	0.5
7. Extent to which Country Report uses sufficiently sex-disaggregated data	Moderately	Moderately	0
8. Extent to which issues recommended by women's organisations are included in the Country Report, based on your knowledge	Extensively	Extensively	0

Mentioning of gender in the 2022 EC Country Report significantly increased compared to 2021, while direct references on women and man slightly decreased. Girls and boys are almost equally mentioned as in the previous year.

Report also provides almost doubled number of official and other recommendations, but those mostly relate to chapters 23 and 19¹³. However, there is significant improvement in gender mainstreaming of Chapter 19 that offers in detail overview of women position in social policy and employment¹⁴. Unlike the previous edition, this year report introduces gender dimension in Chapter 25: Science and research.

Although the extent of chapters that are fully gender mainstreamed increased compared to the 2021 baseline value of 6,06%, there is still space for improvement. Sex-disaggregated data should be used throughout the whole document when providing context analysis of specific sector. Primarily, publicly available data should be included regarding the public administration reform, institutional structures for a coherent policy-making system and HR capacities referring to gender equality mechanism. Chapters on statistics, agriculture and environmental policies need additional mainstreaming. There are chapters where the vulnerable position of women is recognised by imposing official recommendation, but this recommendation is not linked with the narrative of the chapter leaving it "gender blind"¹⁵. Reference to the UN SC Resolution 1325 is missing this year.

Official recommendations provided in 2022 Country Report refer to:

¹⁰ For a chapter to be gender-mainstreamed it would need to include gender analysis, meaning specific reference to the situation and needs of diverse women and girls, men and boys in a particular sector. It should also, ideally, include an analysis of key barriers preventing progress in a specific sector/domain such as, for example, lack of housing, land and property rights for women's access to economic rights, etc.

¹¹ Two chapters out of 33 in total.

¹² 3 Chapters (Parliament, CH 19: Social policy and employment, CH 23: Fundamental Rights) out of 33 Chapters.

¹³ The new EU enlargement methodology mostly positions gender equality policy in Cluster 1 – The Fundamentals of Accession Process (Chapter 23) and Cluster 3 – Competitiveness and inclusive growth (Chapter 19).

¹⁴ This progress could be also prescribed to the active engagement of WRC in advocacy with DG NEAR, EU Delegation and participation in JFS SAA Sub-Committee to which we continuously deliver latest developments and contributions related to the scope of chapters 23, 24 and 19 policies.

¹⁵ Such as Chapter 25: Science and Research.

1. The capacity of Parliament to integrate and oversight gender equality issues needs to be enhanced¹⁶.
2. Reform and strengthen the Employment Agency in order to allow it to play its role as a modern public employment service, designing and implementing quality employment activation measures, ensuring these are targeted, including at young people, women, persons with disabilities, vulnerable persons and minorities, including Roma¹⁷;
3. Monitor implementation of the revised labour law and reinforce staffing in and the institutional structure of the labour inspectorate, also ensuring that issues; regarding women, persons with disabilities, minorities including Roma and vulnerable people, are more robustly addressed¹⁸;
4. Revise legislation to: increase protection against domestic violence, discrimination, hate crimes and hate speech; comply with 2018 UN Universal Periodic Review recommendation to prohibit the statute of limitations for criminal offences of torture and other forms of ill treatment; fully harmonise with the 2020 same-sex partnership law; to fully align with the Optional Protocol to the Convention on the Rights of the Child; criminalise all forms of marriage with a person under age 18 and to align protection of personal data¹⁹;
5. Improve interinstitutional cooperation to achieve more efficient protection from all kinds of discrimination, better access to justice, full enjoyment of procedural rights, and free legal aid for victims of human rights violations and crimes, in particular children, women, persons belonging to minorities, including Roma and Egyptians, and persons with disabilities²⁰;
6. Increase investments in research and innovation programmes and participation in the Horizon Europe programme, ensuring that this also targets women²¹.

As for the *Other* recommendations, they stay with mild language and sometimes without targeting responsible stakeholders. In future reporting, European Commission should consider using more direct and stricter language. Addressing the problem should be also followed with precise recommendations so that exact expectation is delivered towards Montenegrin Government.

1. There is a need to introduce mandatory gender budgeting and assign more funds to women's entrepreneurship at local level and to ensure gender mainstreaming at all levels of decision making, policy planning and implementation²².
2. There is an urgent need to eradicate all forms of discrimination by using legal protection mechanisms and to address deeply rooted societal behaviours that degrade and discriminate against women, resulting in instances of gender-based violence²³.

¹⁶ EC Country Report 2022, page 11. url: https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2022_en.

¹⁷ EC Country Report 2022, page 95

¹⁸ Ibid.

¹⁹ Op.cit. page 32

²⁰ Ibid.

²¹ Even the official reference on women in science is included, chapter remains without sex-desegregated data or context analysis in the narrative. Gender mainstreaming could be achieved as regards to the S3 priority areas, COST programme and by inviting Montenegro to gender mainstream future Strategy for Scientific Research Activities (2022-2026) which was not yet in place. For this reason, this chapter was not included in those selected as fully gender mainstreamed. EC Country Report 2022, Chapter 25: Science and research, page 99.

²² Cluster on reforms, section on Governance. EC Country Report 2022, page 13.

²³ EC Country Report 2022, page 39

3. Montenegro must address the issue of gender-based violence and domestic violence in the strategy²⁴.
4. Montenegro has yet to adopt a new strategy on protection from violence²⁵.
5. More should be done to have in place legal protections for women employed under fixed-term employment contracts²⁶.
6. Due to lack of data, it is not possible to state how many cases of sexual harassment have come to trial. In parallel, more can be done in terms of raising public awareness on this issue, including via the Ombudsperson office and through actively supporting women's NGOs²⁷.
7. Although an analysis of the education systems has been completed, Montenegro still does not have a qualitative, budgeted, multi-annual education strategy and plan for sustainable reforms. This would require broad discussions with all relevant stakeholders, including civil society taking in issues of youth with disabilities, minority groups, as well as a gender dimension focusing on the specific needs of girls and boys²⁸.

WCSO's recommendations are extensively included in the 2022 Country Report. For example, WRC delivered 21 recommendations, out of which 11, or more than 50% have been partially or fully adopted²⁹. Other CSO's that proactively participate in the preparation of the EC reports, share similar attitude towards inclusiveness of the process itself³⁰. However, they do not closely track % of included recommendations, although they perceive those are usually taken into consideration.

CRITERION B. STABILISATION AND ASSOCIATION COMMITTEE MEETINGS INCLUDE GENDER ISSUES

	2021	2022	Change
9. % of SAA Committee meetings with gender equality issues on the agenda	Cannot be concluded	Cannot be concluded	Cannot be concluded
10. % of Sub-Committee meetings with gender equality issues on the agenda	Cannot be concluded	Cannot be concluded ³¹	Cannot be concluded
11. Extent to which women's organisations were consulted by the EU ahead of the sub-committee meetings	Moderately	Extensively	0.5

²⁴ However, Department for Gender Equality in the Ministry of Human and Minority Rights made official statement towards European Commission explaining that GBV and domestic violence are going to be tackled through separate strategic document, which is why this recommendation is not applicable. This information is obtained through the work of Working group for 2023-2024 Action Plan for the implementation of Gender Equality Strategy 2021-2025, where the representative of Women's Rights Center is one of its members.

²⁵ EC Country Report 2022, page 50

²⁶ Op.cit. page 96

²⁷ Op.cit. page 98

²⁸ Op.cit. page 101-102

²⁹ Those refer to the male-dominated politics and verbal abuse against women in public and political life (page 12), shortcomings in the legal framework regulating funding of political parties (page 12), illegally submitted electoral lists (page 13), data on GBV and domestic violence.

³⁰ On 23 February 2023, WRC sent inquiry to five NGO's dealing with GE and HR and asking to share their experience about cooperation with the EU Delegation in Montenegro including in the processes of contributing to the annual country reports. Three of them (NGO Women's Alliance, NGO Association Spectra and NGO Coalition of Blind) provided affirmative feedback on this. According to this, they regularly deliver contributions on gender equality and intersectional discrimination.

³¹ Detail explanation about this is in the narrative of the chapter.

12. Extent to which SAA committee and sub-committee meetings conclusions attend to gender equality issues	Cannot be concluded	Cannot be concluded	Cannot be concluded
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The Montenegrin Ministry of Capital Investments published brief information about 11th SAA Committee³² meeting, which was held virtually on 26 January 2022, but without reference on the agenda. Accordingly, from the open sources it cannot be concluded whether GE issues were included. However, WRC was informed that these issues are always on SAA Committee meetings and very prominently covered under justice, freedom and security chapter, as well as in the employment and social policies and under the political criteria and public administration reform³³. In addition, it is explained that conclusions of SAA committee and sub-committee meetings cover gender equality under all chapters where they were initially discussed³⁴. On a behalf of the EU Delegation, WRC is as well informed that all relevant CSOs are consulted prior to sub-committee meetings, including women CSOs. However, WRC only keeps receiving invitations to JLS Sub-Committee meetings.

During the reporting year, work of the Ministry for European Affairs became *more transparent*, while the information about SAA Sub-committee meetings and preparation sessions were regularly published. However, briefs only consisted of thematic focus, without detailed agenda or publicly available conclusions. If sometimes published, those are put in general and broad context from which particular conclusions, specifically about inclusion of gender equality issues, cannot be made³⁵. As a result, processes remain distant from the WCSO's substantial influence and contribution.

Dynamics of sessions were as follows:

1. Three thematic sessions³⁶ of WG for Chapter 24 and three thematic sessions³⁷ of WG Chapter 23 were held for the preparation of 11th meeting of EU-Montenegro Sub-committee for Justice, Freedom and Security (15-16. February)³⁸. *Upon the invitation of the EU Delegation to Montenegro, WRC delivered contributions for the Chapters 23 and 24 in the framework of the preparation for SC meeting. On the basis of this participation, we had direct approach to the agenda and insisted on including GE issues.*
2. 15th meeting of EU-Montenegro Sub-committee on Traffic, Environment, Climate Change, Energy and Regional Policy (8th June)³⁹
3. 13th meeting of EU-Montenegro Sub-committee for Internal Market and Competition (9th June)⁴⁰

³² More information at URL: <https://www.gov.me/clanak/xi-sastanak-odbora-za-stabilizaciju-i-pridruzivanje>,

³³The information was obtained from the Gender Focal Point in the EU Delegation to Montenegro in written on 28 April 2023.

³⁴ Same as above.

³⁵One of the examples at URL: <https://www.gov.me/clanak/uspjesno-završen-11-sastanak-pododbora-za-pravdu-slobodu-i-bezbjednost-crna-gora-da-nastavi-sa-punom-i-nedvosmislenom-implementacijom-reformi-vladavine-prava>

³⁶ On police cooperation and fight against organized crime, cooperation in civil and criminal matters and fight against terrorism and cooperation in the field of drugs.

³⁷ On fundamentals, fights against corruption and justice.

³⁸More about the meeting at: <https://www.gov.me/clanak/uspjesno-završen-11-sastanak-pododbora-za-pravdu-slobodu-i-bezbjednost-crna-gora-da-nastavi-sa-punom-i-nedvosmislenom-implementacijom-reformi-vladavine-prava>

³⁹ More at URL: <https://www.instagram.com/p/Ceiy-XbIM6-/?igshid=YmMyMTA2M2Y%3D>

⁴⁰ More at URL: <https://www.instagram.com/p/CencKGplaxz/?igshid=YmMyMTA2M2Y%3D>

4. 15th meeting of EU-Montenegro Sub-committee on Trade, Industry, Customs and Taxation (4th October)⁴¹
5. 15th meeting of EU-Montenegro Sub-committee on Agriculture and Fisheries (5th October)⁴²
6. 12th meeting of EU-Montenegro Sub-committee on Innovation, Human Resources, Information, Society, Social Policy (5th October)⁴³. For the purpose of this research, WRC was informed that GE issues are also on the agenda of this Sub-committee⁴⁴.
7. 16th meeting of EU-Montenegro Sub-committee on Economic, Financial Issues and Statistics (18th October)⁴⁵

The important event within the EU integration process happened on 14 July 2022 in Montenegro. The EU-Montenegro Stabilization and Association Council (SA Council) held its 11th meeting⁴⁶, for the first-time taking place in the Western Balkans region⁴⁷. Council discussed the accession strategy – in the light of the Commission’s Montenegro 2021 Report. Even though we do not directly monitor SA Council work, we would like to highlight that CSO’s, including WRC⁴⁸, were invited on consultations with EC High Representative for Foreign Affairs and Security Policy, Mr. Joseph Borrell, where they discussed key accession issues, including challenges in implementing gender equality agenda. This should serve as a positive example on how process can be inclusive even on the highest political levels of negotiations.

On time preparations of the SAA Sub-committee meetings that would include sharing of focused agenda, meaningfully including diverse WCSO’S while they are investing their time and resources for supporting the country in the EU accession reforms, and committing to jointly follow-up with the conclusions, would significantly increase the inclusiveness of the processes.

CRITERION C. EU STRATEGIC ENGAGEMENT AT COUNTRY-LEVEL ON GENDER EQUALITY IS IN PLACE

	2021	2022	Change
13. Country-level Implementation Plan for GAP III agreed and transmitted to HQ (Brussels) (indicator 5.1 GAP III)	Yes	Yes	0
14. WCSOs consulted for the monitoring and implementation of CLIP.	N/A	Yes	Cannot be concluded

⁴¹ More at URL: https://www.instagram.com/p/CjPuv_ICBZ/?igshid=YmMyMTA2M2Y%3D

⁴² More at URL: <https://www.instagram.com/p/CjS0aywoMXx/?igshid=YmMyMTA2M2Y%3D>

⁴³ More at URL: <https://www.instagram.com/p/CjS0aywoMXx/?igshid=YmMyMTA2M2Y%3D>

⁴⁴ The information was obtained from the Gender Focal Point in the EU Delegation to Montenegro in written on 28 April 2023.

⁴⁵ More at URL: <https://www.instagram.com/p/CjzyPg2IlKf/?igshid=YmMyMTA2M2Y%3D>

⁴⁶ The meeting was chaired by Mr Josep Borrell Fontelles, the High Representative for Foreign Affairs and Security Policy, Mr Olivér Várhelyi, Commissioner for Neighbourhood and Enlargement, represented the European Commission. Mr Dritan Abazović, the Prime Minister, represented the Montenegrin side.

⁴⁷ More about the meeting at URL: <https://womensrightscenter.org/izvijestaj-o-napretku-zemlje-za-2021/>

⁴⁸ Information about the meeting is at URL: <https://www.facebook.com/womensrightscenter.mne/posts/pfbid0iXmdTj12cmwQevuQEYdfX97Sh4rK7jkwrFMMxeKTmgCdEWz1E6HDFi3y4avt2NyYl>

15. Gender Country Profile conducted / updated	Yes	No	0
16. Fully-fledged gender analysis conducted / updated	No	No	0
17. Number of sector-specific gender analyses for the priority areas under the programming cycle 2021-2027 developed and transmitted to HQ (Brussels) (indicator 5.2)	1	3 <i>(public administration, media sector and employment and social policies)</i>	1
18. Extent to which EU Delegation engages in dialogue on gender equality with governments, national gender equality mechanisms, parliaments and other institutional actors (indicator 7.1)	Extensively	Extensively	0
19. Extent to which EU Delegation consulted civil society including women's organisations for the development of the Country-level Implementation Plan	Extensively	Fully	1
20. Extent to which EU Delegation engages in dialogue on gender equality with civil society including women's organisations (indicator 7.2)	Extensively	Extensively	0
21. Extent to which EU Delegation engages in dialogue with civil society on women, peace and security issues in partner countries (indicator 7.2)	Not at all	Not at all	0

In 2022 there were no initiatives for CLIP revision. Consultation meeting in order to discuss progress in the implementation of the CLIP (adopted in 2021) is scheduled for May 2023, with CSOs invited. The aim will be to share information and feedback on the results achieved as well as challenges faced as regards the objectives set in the CLIP, gender mainstreaming across country/regional programming priority areas and implementing modalities, actions targeting gender equality as well as policy and political dialogue. In the invitation letter⁴⁹ CSOs will be welcomed to share their experience in the area of gender equality and challenges they face in everyday work.

Gender Equality Profile (GEP)⁵⁰ was published in 2021 as a support for CLIP preparation, and it was not updated since. Montenegro still does not have fully-fledged gender analysis conducted.

⁴⁹ Invitation to a consultation meeting in order to discuss progress in the implementation of the Country Level Implementation Plan – CLIP, which was drafted by the EU Delegation to Montenegro in July 2021, was received on 10 May 2023 by the GFP in the EU Delegation to Montenegro, or within the period of writing this report. As a follow up to this meeting, WRC submitted extensive comments for the purposes of CLIP revision, that is taking place in the reporting

⁵⁰ UNDP, Ministry of Justice, Human and Minority Rights and EU, Gender Equality Profile, from July 2021.

Gender Analyses of the Public Administration Reform (developed by Women's Right Centre)⁵¹ is published at the beginning of 2022. *Gender sectoral analysis covering employment and social policies*, which will inform Operational Programme in that area 2024-2026, was developed in 2022 and submitted to Brussels and Montenegrin authorities⁵². UNDP in Montenegro also developed gender analyses related to media sector: *Handbook for gender-responsive journalism*⁵³, *Gender mirror of the media in Montenegro*⁵⁴, *Analysis of media legal regulation from a gender perspective*⁵⁵; and public administration: *Gender responsible communication in public administration* and *Handbook for gender-responsive communication in public administration*⁵⁶, *Recommendations for improving the strategic framework for gender-responsive communication*⁵⁷.

During the reporting year and as a part of this action, WRC sub-grantees, produced several sector-specific gender analysis as regards to the diverse aspects of EU accession process. Those refer to *Potentials of early EU integration for gender equality in Montenegro* (developed by Institute Alternative)⁵⁸; *Gender analysis of the inclusion of LGBT women and TIRV in the media reporting on national level*, and *Gender analysis of the inclusion of LGBT women and TIRV in Montenegrin Programmes for the Accession to the EU (MPAEU) for the period of 2018 - 2022*⁵⁹ (developed by LGBTIQ Association Queer Montenegro); *Inclusion of women with disabilities in the EU integration process* (developed by Association of Young with Handicap of Montenegro)⁶⁰, *Analysis of sexual and reproductive health of persons with disabilities with specific focus on women* (developed by Union of Blind)⁶¹; *Whose is our gender equality? - human rights of TIRV persons in Montenegro in relation to*

⁵¹ Women's Right Center, Gender Equality in Public Administration In Montenegro, January 2022.

⁵² Information was shared by the GFP in the EU Delegation in written on 28 April 2023.

⁵³ Publication at URL: <https://www.undp.org/cnr/montenegro/publications/prirucnik-za-rodno-odgovorno-novinarstvo>

⁵⁴ Publication at URL: <https://www.undp.org/cnr/montenegro/publications/rodno-ogledalo-medija-u-crnoj-gori>

⁵⁵ Publication at URL: <https://www.undp.org/cnr/montenegro/publications/analiza-medijske-pravne-regulative-iz-rodne-perspektive>

⁵⁶ Publication at URL: <https://www.undp.org/cnr/montenegro/publications/prirucnik-za-rodno-odgovorno-komuniciranje-u-javnoj-upravi>

⁵⁷ Publication at URL: <https://www.undp.org/cnr/montenegro/publications/preporuke-za-unapredenje-strateskog-okvira-za-rodno-odgovorno-komuniciranje>

⁵⁸ Institute Alternative identified 17 new institutional mechanisms on the EU level that can be incorporated into the joint regional advocacy and stakeholder strategies, offering new advocacy channels for promoting gender equality at EU level. The analysis is offered to the Ministry of European Affairs as a toolkit for future mainstreaming, what was more than welcomed by the line Ministry. Publication at URL: <https://institut-alternativa.org/potencijali-rane-integracije-crne-gore-u-eu-okvir-za-postizanje-rodne-ravnopravnosti/>

⁵⁹ These analyses go into detailed omission of previous strategies, showing the extent of structural negligence of LBTQ women and TIRV persons and their invisibility in national policies, with special focus on chapters 10 (Informatic Society and Media), 19 (Social Policy and Employment), 20 (Entrepreneurship and Industry Policy), 23 (Judiciary and Fundamentals), 24 (Justice, Freedom and Security), 26 (Education and Culture) and 28 (Consumer and Health Protection). More about at URL: <http://www.prcentar.me/clanak/ljudska-prava-ena-i-rodna-ravnopravnost-nijesu-prioritet-u-procesu-prikljuenja-eu/2167>

⁶⁰ They have evaluated legislative and strategical framework adopted in the process of synchronisation with EU Acquis. The research indicated that CSO working with WWD are usually excluded from the process of designing policies, or if they participate in the working groups, they are often taken for granted. Publication at URL: <https://umhcg.com/publikacije/>

⁶¹ They reported on how health care system in Montenegro is not inclusive for persons with disabilities while the policies gathered within Chapter 28, specifically dealing with sexual and reproductive health, neglect needs of PWD and WWD as a particularly vulnerable group. Findings from the research showed that women with disabilities are more discriminated against in the health system compared to men with disabilities. Publication at URL: <https://youtu.be/N1xWfo8xEu8>

gender equality and the process of accession to the European Union (developed by Association Spectra)⁶².

The accession process is the key channel for continuous political and policy dialogue to promote and monitor progress on gender equality towards a full alignment with the EU gender equality and non-discrimination acquis in the key priority sectors. EUD contribution to gender equality in Montenegro is channelled through regular policy dialogues with Montenegrin Government, Parliament, Member States and financial assistance to different actors⁶³. Meetings with ambassadors are organised on regular basis, but it is not clear whether gender equality issues are tackled, at least from publicly available sources. EU Delegation to Montenegro is also engaged with CSOs⁶⁴, universities⁶⁵, business community providing valuable grants for the support of women entrepreneurship⁶⁶ etc. However, there is always place to enhance policy dialogue with WCSOs in general, as per the commitments in GAP III and having in mind WCSOs expertise in the field and their contribution to democratic society.

During 2022, more than 20 events were organised dedicated to gender equality, among which briefing with WCSOs and women on decision making positions⁶⁷. Head of the Mission raised numerous issues regarding women position in society and institutional protection of their rights⁶⁸,

⁶² The monitoring research tackles with diverse sectors such as education, health, media, economic empowerment, system of social protection and gives overview about the position and structural and systematic exclusion of these groups. Publication at:

https://asocijaciaspektra.files.wordpress.com/2023/04/cija_je_nasa_rodna_ravnopravnost_izvijestaj-1.pdf

⁶³ The paragraph was taken from written answer of the GFP in the EU Delegation.

⁶⁴ For example:

<https://www.facebook.com/EUDELmontenegro/posts/pfbid02Qgg9mcix6ixeQ1Vk6BUvarPBpfAsseeWa7Fwvwnq8eGQeGpyQbGPpkmq1Gm1jp1zl>

⁶⁵ See the event on Law Faculty at URL:

<https://www.facebook.com/EUDELmontenegro/posts/pfbid0EiJMuWYgtHyEQwrubQz2QHc1m8DFiubLSBxfqSYGy2vVdVx4JkVGoY6hAPS1Rfivl>

⁶⁶ More at URL:

<https://www.facebook.com/EUDELmontenegro/posts/pfbid0zog13PB8WuUR1RjJhbtFk9YdaUXeeRePNYqdVhYMviXKnnX2bxmHPwpvedVNFfURL>. EUDEL signed the Agenda for economic empowerment of women,

more at:

<https://www.facebook.com/EUDELmontenegro/posts/pfbid0h1dwYAvuRaNw9igTb3cvQrziW2dNmKF5gv7KxTTmQNKb2ASRnwKR9ANMAFQiLGRbl>. See also event:

<https://www.facebook.com/EUDELmontenegro/posts/pfbid02t3puWDvhw8qm5zVmDtXGT8BxFPaUHWe14chFKabgRecs9dHVAXPRGR8ErmocPVYVl>

⁶⁷ More about the info:

<https://www.facebook.com/EUDELmontenegro/posts/pfbid02UB9jVN17JEvtEorYDY4Pfj5WeixwsSwpr2fEG7JLTyWQt22Jj14gV8EbH7b3tQ8jl>

⁶⁸ Event at URL:

<https://www.facebook.com/EUDELmontenegro/posts/pfbid0PeW5KAmHszsMT4BcvtBEJYW6NSE6nbXuooCerSmQjLBeQSaMXZCg7iu1kpI9P5l>, also:

<https://www.facebook.com/EUDELmontenegro/posts/pfbid0KUbrQG2VfSmu6jnsnVNFjimeGXTT52Zz5DrgGxAox7mc6GCbcMtbtdSdABwqeov65l>. The event for free legal aid was as well organised:

<https://www.facebook.com/EUDELmontenegro/posts/pfbid02FL1acZSq2rvPZUzzVrwYWswWpBEb6ZSbKKMEybc8ojHRVvNBbj1VoyZFFMDMAknWl>

launched campaign and participated on events during 8 March march⁶⁹ and 16 days of activism⁷⁰, particularly addressing GBV and domestic violence as a burning societal, health and safety issue⁷¹. EU Delegation supported LGBTQI community during Montenegro Pride⁷², participated at their events and strongly reacted on few occasions of attacks on their premises⁷³.

CSOs consider that the cooperation with the EU Delegation exists, although it can be more structured and focused⁷⁴. On the other side, EU Delegation finds that there is a regular civil-society dialogue and it is mostly framed around different consultations for EUD political reporting, organization of sub-committees and peer reviews. According to them, WCSOs are always consulted, especially regarding human rights, social and employment policies, public administration reform, good governance, etc⁷⁵.

Particular attention needs to be put on the inclusion of women WCSOs in the annual Joint meetings of the CSO Consultative Committee between the EU and Montenegro, from which gender perspective is excluded as there is no representative of WCSO in the membership or among invitees.⁷⁶

Dialogue with civil society on women, peace and security between the EU Delegation and WCSOs is still not taking place.

⁶⁹More at URL:

<https://www.facebook.com/EUDeMontenegro/posts/pfbid0e7TJ24dyjZTanrSoa27zuMHe6f78VpiLpTNCnBfHfv9bWyYzweVuzRAe9SY7egx3l>

⁷⁰ More at URL: <https://www.facebook.com/watch/?v=549906100314003>, see also:

<https://www.facebook.com/EUDeMontenegro/posts/pfbid0LsR9gEXieyHrkMXC12vSRSpPhoKgZbaMplnPnMkLoAx8TPwtFUMwE56DGPdXv2Pbl>

⁷¹ More at URL:

<https://www.facebook.com/EUDeMontenegro/posts/pfbid02TqVZ9eWaMITbrvC2S1wVcoVkJSWg5qnXqsTYWLMsnAE8mYi6bCDFQdBAmdyVvhmZl>

⁷² See at URL:

<https://www.facebook.com/EUDeMontenegro/posts/pfbid02xSBCd14iGZm8iyiokoDESBjGctt9ha2phVwSXD4neSqcA218jzHwkk6SNHNrZl>

⁷³ See the reaction here:

[https://www.facebook.com/EUDeMontenegro/posts/pfbid0DhSEaGkAVh72erBLz4LhDy1NBB9ShWUKo678gF7ZcUTCz8A8jnsKwSk6rofmmUz3l?_cft__\[0\]=AZVHL8a-ITsLFBEBA91MQFzXidpCLmE03hP7zjR89B6iZT8m8R8zz5w-S aiYKaz3UjtGb-8uWaVKm7kLxymveyijWwihR4cvsoygf7009G9oTBtZ0tekiIhlllg_U3i21ESPW5XqS2ozoJAmbCALcBo15c5AjaY4415otkMGtS0yWbT8q6auqPPRllKyiziVuW&_tn_=%2CO%2CP-R](https://www.facebook.com/EUDeMontenegro/posts/pfbid0DhSEaGkAVh72erBLz4LhDy1NBB9ShWUKo678gF7ZcUTCz8A8jnsKwSk6rofmmUz3l?_cft__[0]=AZVHL8a-ITsLFBEBA91MQFzXidpCLmE03hP7zjR89B6iZT8m8R8zz5w-S aiYKaz3UjtGb-8uWaVKm7kLxymveyijWwihR4cvsoygf7009G9oTBtZ0tekiIhlllg_U3i21ESPW5XqS2ozoJAmbCALcBo15c5AjaY4415otkMGtS0yWbT8q6auqPPRllKyiziVuW&_tn_=%2CO%2CP-R)

⁷⁴ For instance, CSO Association Spectra informed that they are regularly invited on the EU events dedicated to trans-gender rights, as well as that the EU officials are always responsive and supportive, but they have not received any invitation to the gender equality events in general. CSO Union of Blind has more bilateral cooperation nurtured through occasional meetings with human rights focal points in the Delegation. CSO Women's Alliance was as well invited on few occasions, but depending on the structure of participants, it sometimes happens that gender equality is "lost" somewhere between other important issues such as ecology or fight against corruption. Note: On February 23rd 2023, WRC sent inquiry to five NGO's dealing with GE and HR and asking to share their experience about cooperation with the EU Delegation in Montenegro. Three of them (NGO Women's Alliance, NGO Association Spectra and NGO Coalition of Blind) provided feedback on this.

⁷⁵ Information shared by GFP in EU Delegation, same as above.

⁷⁶ 15th meeting was held in hybrid mode, on 11 April 2022. More information about the event is in the Governments report on the implementation of EC recommendations January - June 2022. Info about the 16th meeting is at URL: <https://www.eu.me/sjutra-sesnaesti-sastanak-zajednickog-konsultativnog-odbora-izmedju-eu-i-crne-gore/>, more on JCC at URL: <https://www.eesc.europa.eu/en/sections-other-bodies/other/eu-montenegro-joint-consultative-committee-jcc/events>

CRITERION D. EU MAINSTREAMS GENDER IN ALL ACTIONS AND TARGETED ACTIONS

	2021	2022	Change
22. Number and % of new actions that are gender responsive / targeted (GM1 + GM2) at country level (indicator 1.1 GAP III)	6 or 100%	3 or 100%	0
23. Number and % of new gender targeted action (GM2) implemented from national allocation (indicator 1.2 GAP III)	0	0	0
24. Total funding in support of gender equality at country level (GM1 + GM2) (indicator 1.3 GAP III)	Approx. 36 017 million EUR ⁷⁷	Approx 38.720.000 ⁷⁸	0.5
25. Amount of funding directed towards women's organisations and movements at country level (indicator 1.4 GAP III)	Cannot be concluded	Cannot be concluded	Cannot be concluded
26. % of new actions supporting public finance management reforms that include a gender budgeting component (indicator 3.1 GAP III)	N/A	33% (1 out of 3)	Cannot be concluded

During 2021, five Action Documents for IPA III⁷⁹ were programmed. As a follow up, in 2022, three annexes - action plans for the implementation of the AD's were signed and all marked with GM1. Although, gender mainstreaming of these annexes **improved compared to the basic action documents**, they still do not meet all required criteria to be marked with GM1. Beside presence of at least *one explicit gender equality objective* but without supporting *indicator*, and in some AD's *data disaggregated by sex*, there is still space to improve *gender analysis and follow up recommendations* as well as *commitments to monitor and report* on gender equality results achieved by the action. As in a previous year, gender responsible budgeting and related allocations of funds are not traceable. Total sum for implementing the actions is 37.720.000 EUR. Albeit civil society is recognised as an important partner, the amount of funding directed towards women's organisations in the country cannot be measured since the gender marker methodology does not allow to differentiate per beneficiaries. However, employees working in the IPA Department of the Ministry for European Affairs conduct regular evaluation of signed contracts, what is perceived as an opportunity to include

⁷⁷ This has been adapted since the 2021 monitoring report, because the EU published the Action Document on the EU Civil Society Facility and Media Programme for Montenegro 2021-2023 after the 2021 monitoring report had been finalized. This has been updated to reflect this Action Document, approved in 2021.

⁷⁸ This amount sums up the total funding under all of the Action Documents for 2022 including the funding designated for 2022 in the Multi Annual Civil Society Facility Programme for Montenegro 2021-2023.

⁷⁹ European Integration Facility; EU for Environment and Climate Action; EU for Connectivity and Green Agenda; EU for the Agriculture Sector; EU Reform Facility, and EU Civil Society Facility and Media Programme for Montenegro 2021-2023 at URL: https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/overview-instrument-pre-accession-assistance/montenegro-financial-assistance-under-ipa-ii_en

monitoring of these funds⁸⁰. Potential obstacle is seen in the lack of gender indicators in the AD's itself and consequently its exclusion from the contracted activities⁸¹.

CRITERION E. THE EU LEADS BY EXAMPLE

	2021	2022	Change
27. Number and % of women in senior and middle management positions in the EU Delegation/Office (indicator 10.1 GAP III)	57%	57%	0
28. % of management trained on gender equality and GAP III in EU Delegation and CSDP mission (indicator 10.2)	14% ⁸²	71%	0.5
29. % of management trained on women, peace and security in EU Delegation and CSDP mission (indicator 10.2)	Not at all	Not at all	0
30. Number of Gender Adviser / Gender Focal Points in the EU Delegation and CSDP mission	2	2	0

Women on senior and middle management positions in the EU Delegation are 57%, or four out of seven in total (two senior and two middle management positions), as in the previous year, while the rest are covered by man. Head of Delegation is a woman.

There is visible progress in improving knowledge on gender equality among EU Delegation senior - management staff. Five out of seven managers have been trained on gender equality or 71%, which makes increase of more than 50% managers trained, compared to the baseline value.⁸³ Still none of the management is trained on women, peace and security issues.

Compared to the 2021, there was no change as regards the position of Gender Focal Point (GFP) in the EU Delegation. It is not enhanced through formal job description, nor it became a full-time job. One staff member continues to oversee gender issues in the *Cooperation Section* and works in the field of projects and financial support and one staff member in the *Political Section* oversees gender issues from the political and reporting aspects.

CRITERION F. GOVERNMENT ADOPTS LEGISLATION IN LINE WITH THE EU ACQUIS COMMUNAUTAIRE ON GENDER EQUALITY AND CONSULTS WOMEN'S ORGANISATIONS



	2021	2022	Change
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⁸⁰ "As for the previous projects that were focused on gender, it was the IPA 2010 Gender Program worth 750,000 euros and the IPA 2014 Support for anti-discrimination and gender equality policies worth 908,000 euros. As we discussed orally, every action document must contain gender mainstreaming, but the question is how it will be implemented in practice."- message shared by Irena Bošović, advisor to the chief negotiator and head of the sector for EU funds, via e-mail on May 31, 2013.

⁸¹ Opinion shared with WRC team by Irena Bošković, advisor to the chief negotiator and head of the sector for EU funds, during the meeting organized on 17 May 2023.

⁸² One out of seven. Same source of information.

⁸³ In 2021, there were only one out of seven senior-management employee (or 14%) who was trained in GE. Same source of information.

31. Extent to which gender equality is addressed in the National Programme for the Adoption of the Acquis (NPAA)	Minimally	Minimally	0
32. Extent to which key laws on gender equality and EU Accession are open for public consultation	Fully	Moderately	-0.5 
33. Extent to which inputs on Laws / amendments / policies by women's organisations in line with the EU Acquis on gender equality are taken on board	Moderately	Moderately	0
34. Extent to which new sectoral strategies are publicly available	Fully https://javnepolitike.me	Fully https://javnepolitike.me	1
35. Extent to which new sectoral strategies mainstream gender equality	Minimally	Minimally/37%	0
36. % of sector working groups (or the like) with women's rights organisations included/represented	14% ⁸⁴	Not at all	-0.5 

The new Accession Programme to the EU 2023-2024 (MPAEU) was subjected to public debate⁸⁵. Line Ministry received a total of four addresses⁸⁶. Approximately 75% of WRC comments were fully or partially adopted. There are 10 direct references on gender equality in the proposed document out of 521 in total, or less than 2%.

Adoption of gender equality legislative is foreseen through chapters 19 and 23 and relates to:

Laws:

1. Law on Prohibition of Discrimination – initially planned for 2022 but prolonged for 2023;
2. Law on legal recognition of gender on the basis of self-determination;
3. Law on Amendments to the Law on Protection from Domestic Violence;

Strategies:

4. National document for the implementation of the Council of Europe Convention on Suppression and Prevention of Violence against Women and Domestic Violence (Istanbul Convention) - the document was transferred to the new MPAEU due to delays in implementation from previous year.
5. Strategy for improving the quality of life of LGBTI people in Montenegro for the period 2024-2028, with an Action Plan for 2024.

Action plans:

6. 2023-2024 Action plan for the implementation of the National Strategy for Gender Equality 2021-2025.

⁸⁴ 2 out of 33, more detail about structure of working groups for negotiating chapters see at: <https://www.eu.me/>

⁸⁵ Link for the document: <https://www.gov.me/clanak/okrugli-sto-povodom-izrade-programa-pristupanja-crne-gore-evropskoj-uniji-2023-2024>

⁸⁶ From: CSO "Montenegro Pan-European Union", the LGBTIQ Association "Kvir Montenegro", the company "Invent d.o.o." and Women's Rihts Center.

7. 2024 – 2025 Action plan for the implementation of Strategy for the protection of persons with disabilities from discrimination and the promotion of equality.
8. 2023 Action plan for the implementation of the Strategy for improving the quality of life of LGBTI persons in Montenegro for the period 2019-2023.
9. 2023-2024 Action plan of the Strategy for the Development of Women's Entrepreneurship in Montenegro 2021-2024.
10. 2024-2025 Action plan for implementing the Strategy of Social Inclusion of Roma and Egyptians in Montenegro 2021-2025.

What can be issued is the structure of the MPAEU itself. Previous editions (such as the one for 2019-2020) were divided into two parts: a) the *current* MPAEU (which represents a two-year plan for the harmonization of legislation mostly listed through tables) and b) the *expanded* document, which gives the *updated status* of all that has been done in terms of harmonization for each chapter, cumulatively⁸⁷. Although Ministry for European Affairs answered⁸⁸ that the status elaborations were removed for the purpose of rationalisation of the document, it would be more than useful to include these in future documents in order to follow up accession dynamics in more measurable way. Narratives need also to include and define short-term and medium-term priorities related to the specific sector.

Key laws on gender equality and EU Accession are moderately open for public consultations. They have been published on online platform euprava.me until the august 2022.⁸⁹ Public calls were relocated afterwards on the official Government website, which is currently used to inform about legislative initiatives. However, not all ministries conducted public consultations when drafting laws and strategies. Moreover, a significant number of laws were adopted without prior consultation of civil society.⁹⁰

Decisions about members of sectoral working groups are sporadically published. As a result, only 4 decisions, out of 62 public calls for CSO's during 2022, are public⁹¹. There are no representatives of women's civil society organizations in these sectoral groups, at least from available data.

⁸⁷ This comment was provided during public debate by the CSO "Pan-European Union" led by the former Minister for European Integrations and professor at the University of Montenegro, PhD Gordana Djurović with multiannual experience in the EU integrations.

⁸⁸ In the public debate report, more at: <https://wapi.gov.me/download-preview/753bf255-9104-442e-96d4-363b270b7517?version=1.0>

⁸⁹ However, since the organized hacker attacks on IT government infrastructure lasted for several months, those could be a potential reason for the non-functioning of the platform.

<https://eusluge.euprava.me/eParticipacija/Rasprave/>

⁹⁰ European Commission 2022 Country Report, page 14. Case study: Process of consolidating Contract with the Serbian Orthodox Church, initially planned to be developed in cooperation with HR CSO's, may be considered to have negative impact on the overall cooperation and position of CSO's in the country. Namely, the Government appointed notorious church lawyer, already known for misogyny hate speech and threats directed to the LGBTQ publicly expressed. Such proposal made two female legal experts (one from HR CSO) to publicly protest⁹⁰ and withdraw from the Commission, causing the further outburst of the hate speech and public insults directed to women human rights defenders by the same lawyer and persons close to the church, who didn't face any official repercussions for such unethical conduct. The Prime Minister failed to react on such conduct, or to withdraw his candidacy, requested by CSOs dealing with human rights. Moreover, the document was adopted in top secrecy without publicly available contractual text. Protest letter is at URL: <https://www.hraction.org/2022/07/22/akcija-za-ljudska-prava-nece-ucestvovati-u-strucnom-timu-ciji-clan-promovise-homofobiju-i-seksizam>

⁹¹ Detailed overview is at URL: <https://eusluge.euprava.me/eParticipacija/RadneGrupe/>

In 2022 ministries continued to appoint representatives of CSOs to working groups in charge of drafting laws and national strategies in their respective areas⁹². WCSOs use this channel of influence when possible. What can be improved are the dynamics of meetings. It still happens that the WGs meetings are cancelled or not organised at all, due to the inability of some members (mostly representatives of the ministries) to participate, and the communication is moved via email or bilaterally (if ever organised) with each member individually⁹³. This affects substantial insight on the overall process and limits the extent of CSOs influence.

Out of the 57 sectoral strategies, available at the Government Secretary General's website www.javnepolitike.me that are currently implemented in Montenegro, only 3 strategies are gender transformative (GM2), that is, achieving gender equality is their main goal; 14 can be said to be gender mainstreamed, 4 strategies are partially mainstreamed, while as many as 36 strategies are completely gender-blind⁹⁴. In summary, 21 strategy is fully or partially gender mainstreamed or approx. 37% out of total number. Government adopted only one strategy in 2022 related to cooperation between state administration bodies and non-governmental organizations 2022-2026, which references to gender in the section named *Horizontal issues*, so is partially mainstreamed.⁹⁵

Negotiation structure is composed of total 648 members, out of which 422 are women. Among 30 CSO's representatives, 18 are women. In addition, out of total 27 WG with appointed heads of the working groups, women head over 17 of them, or 63%. When commenting this data, coordinator of the work of Ministry for European Affairs expressed her attitude that women are still more engaged in the lower bodies conducting "hard work", while their number and influence decreases in higher positions, due to the structural obstacles preventing women from greater political engagement⁹⁶.

In July, Government announced public call for CSO's to propose one representative for the membership in each of 33 working groups for negotiating chapters. By rationalizing negotiating structure related to CSO's participation, the initial aim was to narrow cumbersome membership and foster integration processes. As a consequence, otherwise small number of WCSO's (6% of total membership⁹⁷), was completely diminished, while the negotiations were reduced including mainly CSO's expertise related to public administration, justice, fight against corruption or ecology⁹⁸. Influence of the specialized WCSO's previously participating in the Chapter 23 and Chapter 7 working

⁹² Such as WRC participation in the WG for amending Criminal Code and Criminal Procedure Code.

⁹³ The latest case was with the drafting of National Action Plan for the Implementation of Istanbul Convention where WRC representative is a member of the WG. Overall communication was shared via email in written while the group never met in person.

⁹⁴ CSO Institute Alternative, Strategic Planning under the Glossary of Gender Assessment of the Degree of Gender Mainstreaming in Sectoral Strategies and Their Action Plans, 2022. Publication is at URL: <https://institut-alternativa.org/stratesko-planiranje-pod-rodnom-lupom/>

⁹⁵ More on this: <https://www.gov.me/dokumenta/cc6fef07-782f-4b78-8b15-fa851ccc3abf>

⁹⁶ Official statement of the Ministry of European Affairs coordinator and Minister of ecology, spatial planning and urbanism, Ana Djurović during the panel dedicated to the visibility of LBTQ women in integration processes. More info about the event on: <https://www.instagram.com/p/CmoctxnIsZf/>

⁹⁷ Value was provided in baseline Country Assessment Monitoring Report.

⁹⁸ CSO's are in the membership of 21 WG, while the rest of 12 WG remain without CSO's representatives. There is no single WCSO in the official membership of the WG. Publicly available decisions about the establishment of WG's are at URL: <https://www.eu.me>

groups⁹⁹ was eroded with no single representative, while the possibility to ask for presence during the session additionally formalized the debate, instead of being interactive and productive.

CRITERION G. GOVERNMENT IMPLEMENTS RECOMMENDATIONS ON GENDER EQUALITY INCLUDED IN THE COUNTRY REPORT

	2021	2022	Change
37. Extent to which recommendations on gender equality included in the Country Report have been implemented by the government/institutions	Moderately	Moderately	0

EC’s Montenegro 2022 Report estimates that the overall implementation of the EU-related reforms remains limited and without visible progress¹⁰⁰. Most of the last year recommendations are largely valid, while it introduces additional obligations as regards the gender equality portfolio in the country. Below we give overview of the extent to which gender equality recommendations provided in the 2021 Country Report have been implemented by the responsible bodies in the country.

Official recommendations:

1. Improve the legal and institutional framework in order to ensure better access to justice, procedural rights and free legal aid for victims of human rights violations and crimes, in particular children, women, minorities, including Roma and Egyptians, and persons with disabilities¹⁰¹.

EXTENT OF IMPLEMENTATION:

- Montenegro signed Protocol 16 to the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- Government adopted III Periodic Report on CEDAW Implementation¹⁰²;
- Commission for monitoring the implementation of the National Gender Equality Strategy 2021-2025 with the 2021-2022 Action Plan, composed of 24 representatives of relevant institutions and CSOs, is established¹⁰³.
- Strategy for the protection of persons with disabilities from discrimination and the promotion of equality 2022-2027 is adopted.

⁹⁹ Maja Raičević from WRC in the WG 23, and Sandra Milićević from SCO “First multicultural women’s organization in Montenegro – dialogue for unity” in the WG 7. For detailed structure of WG’s see following link: <https://www.eu.me/en/home-3/>

¹⁰⁰ EC Country Report 2022, page 9.

¹⁰¹ EC Country Report 2021, p.29

¹⁰² Dokument is on URL:

<https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=0CAMQw7AJahcKEwio5fyAxp-AhUAAAAAHQAAAAAQAg&url=https%3A%2F%2Fwapi.gov.me%2Fdownload%2F9f773f9c-26f3-424c-a057-c048bec0605c%3Fversion%3D1.0&psig=AOvVaw1CyjyrmC9aOWs7PTwfdTgR&ust=1681911269953462>

¹⁰³ However, during the reporting period, Commission held **only one constitutional session** where the WCSO’s representatives were invited.

- Strategy for the Social Inclusion of Roma and Egyptians in Montenegro 2021-2025 and Action Plan for the Implementation of the Strategy for 2021 are adopted. The Office for Dealing with the Issues of the Roma and Egyptian Population was formed as part of the Secretariat for Social Welfare (Capital city Podgorica).
- Government adopted Information on drafting National report on human rights in Montenegro in the framework of UN UPR 4th cycle of reporting, for the period 2018-2022.

However, most important laws and provisions are being postponed and still pending their adoption:

- Although Law on Life Partnership of Same Sex Persons is adopted, its harmonisation with other laws and bylaws is pending.
 - Law on Legal Recognition of Gender based on Self-Determination is not in the procedure yet.
 - Government formed WG for drafting the Law on Amendments to the Law on Protection from Domestic Violence, whose adoption is being postponed to 2023.
 - Law on Prohibition of Discrimination is being continuously prolonged and still not adopted¹⁰⁴.
2. *Parliament should strengthen the professional and expert capacity of its administrative staff and improve women's political representation*¹⁰⁵;

EXTENT OF IMPLEMENTATION:

- Both women speaker of the Parliament and women vice-president were appointed.
- The Parliament adopted 2022-2024 Action Plan for Gender Responsible Parliament¹⁰⁶;
- The Parliament organised several round tables dedicated to enhancing women political participation in Montenegro¹⁰⁷;
- Gender Equality Board in cooperation with OSCE Mission to Montenegro launched publication: Importance and role of the Parliament in achieving gender equality – Welcoming Booklet for the new MPs¹⁰⁸.
- Administrative staff attended trainings on gender responsive budgeting (23 employees from different sectors), while the staff working in the Gender Equality Board regularly attend trainings and workshops aimed to improve expertise and knowledge in gender equality in general.

However,

¹⁰⁴ Because the previous one was not fully harmonized with the EU- acquis, it did not make a clear distinction between forms and grounds of discrimination, criminal policy was not harmonized with other relevant laws.

¹⁰⁵ Detailed analysis about political participation of women can be found in WRC Gender Analysis of the Parliamentary Elections 2020¹⁰⁵. Full recommendation in EC Country Report 2021, p.10

¹⁰⁶ Information was provided in written response on 21st April 2023, from the Parliament, upon the demand sent from WRC for the purpose of conducting monitoring research.

¹⁰⁷ Such as the one available at URL: <https://www.skupstina.me/me/dogadjaji/okrugli-sto-unapredenje-politickog-ucesca-zena-u-crnoj-gori>

¹⁰⁸ Available at URL: <https://api.skupstina.me/media/files/1670923737-knjiga-dobrodoslice-za-nove-poslanike-i-poslanice.pdf>

- There are still no procedures initiated based on violation of Code of Ethics, beside the fact that hate speech and misogynist narratives also comes from parliamentary benches¹⁰⁹.
 - Although the initiative for drafting the first Law on the Parliament was launched¹¹⁰ in the midst of 2022, also seen as an opportunity to impose mandatory quotas for the less represented gender, nothing has been done since.
3. Continue the implementation of the labour law and develop quality employment measures targeting young people, women, people with disabilities, minorities and vulnerable persons impacted by the pandemic¹¹¹.
- Other related recommendations: put in place legislative and non-legislative measures focused on work-life balance¹¹²; raise the minimum age for entering marriage as the practice of arranged child marriages among the Roma and Egyptian communities that remains a matter of concern¹¹³.

Some progress have been evident in the field of labour:

- Ministry of Labor and Social Welfare established *Working Group for drafting the Law on Amending the Labor Law* aiming to further harmonize it with Work-Life Balance Directive. According to the NPAA of Montenegro (MPAEU), its adoption is foreseen for the third quarter of 2024¹¹⁴.
- The share of women in the records of the Employment Bureau has increased from 58,82% to 60,16%¹¹⁵. There were 10,934 persons with disabilities on the unemployment register, of which 61.78% were women. For this reason, the Government has undertaken a series of activities that contribute to the activation of women in the labor market and their economic empowerment:
 - o *"We don't share stereotypes, we share obligations"* campaign was launched on national broadcaster and social networks, aiming to issue attitudes on unpaid domestic work¹¹⁶.
- *Strategy for the Development of Female Entrepreneurship in Montenegro 2021-2024*, with an Action Plan for implementing the Strategy for the period 2021-2022. The integration of the gender aspect was also implemented through the *Program for Improving the Competitiveness of the Economy*.¹¹⁷
- *Working group for economic empowerment of women* composed of government representatives, female associations of entrepreneurs and the SME sector and international organizations is established¹¹⁸.
- *National Employment Strategy 2021-2025 and following Action Plan for 2023* were adopted and they include gender equality objectives and intersectional approach.

¹⁰⁹ Reaction of WCSO on hate speech from MEP at URL: <https://womensrightscenter.org/reagovanje-czp-na-izjavu-poslanika-slavena-radunovica/>

¹¹⁰ More information on this at URL: <https://www.portalanalitika.me/clanak/durovic-jedan-od-izazova-ali-i-prioriteta-je-donosenje-zakona-o-skupstini>

¹¹¹ EC Country Report 2021, p.88

¹¹² Ibid,p.90

¹¹³ Ibid.

¹¹⁴ Information was shared on behalf of the Ministry of Labor and Social Welfare on 3 May 2023.

¹¹⁵ Governments Report on the implementation of the European Commission recommendations which refers to the period from June 2021 - March 2022.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

- Public Relation Agency d.o.o. P.R.A, within the SOPEES¹¹⁹, implements the project "Campaigns on early/forced/arranged marriages, domestic violence and forced begging". The project is financed by the European Union with national co-financing from the Budget of Montenegro.
- The Red Cross of Montenegro continued with the implementation of projects that support business incubators established in the Roma area of Konik¹²⁰.

Other recommendation:

- Further alignment of the legislation with the Istanbul Convention and the GREVIO recommendations in order to adopt adequate definitions of gender-based violence and domestic violence, while the Report points out that sexual harassment isn't criminalized yet¹²¹;
- Invest necessary resources in establishing victim support services in the health and social sector and family support and outreach services¹²²;

EXTENT OF IMPLEMENTATION:

- The Ministry of Labor and Social Welfare established the Directorate for Protection from Gender-Based Violence and Domestic Violence.
- Also, for the first time in 2022, Ministry of Labour and Social Welfare provided funding for the shelter service through a public call, and in accordance with Article 8 of the Istanbul Convention¹²³.
- **However**, Adoption of the National plan for the implementation of Istanbul Convention is being prolonged and still pending. The document largely depends on the Ministry of Finance, which still has to approve the budget, that is, the RIA - *Report on the conducted analysis of the impact assessment of regulations*¹²⁴.
- New Law on social protection and childcare and accompanying by-laws, whose adoption is expected, will aim to fully recognise GBV, new users and tailored services. There is also initiative to determine standards and the cost price of the services, which will simplify future funding. One of the previous attempts in this regard failed due to the inconsistency of the Law and by-laws (regulations) with the Istanbul Convention. In this regard, almost all forthcoming work depends on the new law¹²⁵. However, it is the unstable political situation to be considered as leading risk factors that significantly affects the pace of processes¹²⁶.

¹¹⁹ Sector Operational Program for Employment, Education and Social Policy 2015-2017. Ibid.

¹²⁰ 9 (nine) citizens of the Roma and Egyptian population are registered as entrepreneurs and carry out their activities in the premises given to them by the Red Cross. Ibid.

¹²¹ Ibid, p.35

¹²² Ibid, p.36

¹²³ Answer of Director of the Directorate for the Protection of GBV and Domestic Violence, Ms. Jovana Radiković upon the written inquiry sent to the line Ministry by WRC in the research process. This information is received via mail on 11 April 2023.

¹²⁴ The adoption of this strategic document has been postponed for more than two years. It should be also noticed that during 2022, out of 68 legislative proposals of the Government, 35 were adopted, while 10 of them did not have a RIA form¹²⁴ which suggest the need for more coherent and unique approach in the legislative proceedings.

Template of RIA is at URL: <https://wapi.gov.me/download-preview/d3531d5a-be6c-461d-a2e9-87b4ee4ecf7c?version=1.0>

¹²⁵ Written answer. Same as above.

¹²⁶ Attitude expressed by the Head of the above Directorate in written.

- Also see progress evaluation under 1st official recommendation.

Other recommendations:

- Raise the minimum age for entering marriage as the practice of arranged child marriages among the Roma and Egyptian communities that remains a matter of concern¹²⁷;
- Improve capacity to detect largescale trafficking networks, in particular for sexual exploitation¹²⁸;

EXTENT OF IMPLEMENTATION:

- Government adopted Decision on funding accommodation services for shelter for children, and elderly victims of human trafficking from 1 February to 31 December amounting 60.000 EUR. This was an alarming example of the possible corruption and a system failure in the area of social protection of vulnerable groups and NGO funding, as this shelter was led by a person known for been convicted for criminal offense of violent behavior, combined with criminal offense - unlawful deprivation of liberty of two minors. Authorities failed to respond to WRC requests to protect the most vulnerable beneficiaries of social services¹²⁹. Ministry of Labor and Social Welfare continued to fund NGOs that received negative reports and allegations of violation of children’s rights.
- *Team for Formal Identification of Victims of Human Trafficking* continued its regular work.
- Report on the implementation of the Action Plan of the Strategy for the fight against human trafficking for the period 2019-2024, for 2020 was adopted. The report monitored the implementation of 48 activities. Out of the total number of activities, 29 were implemented (62%), 11 activities were partially implemented (21%), while there were a total of eight unrealized activities (17%).
- Amendments to the Criminal Code provided definition of child as every person under 18, which implies that anyone who marries a child will be prosecuted for criminal liability. However, the Criminal Code and the Criminal Procedure Code are still pending their adoption.

In addition to these, EC did also recognize deficiencies in implementation and reporting on gender responsible budgeting. According to the assessment from the official report of the State Audit Institution, *Successful implementation of gender equality policy in Montenegro*¹³⁰, there are only 26 (or 17%) programs in the 2021 Law on Budget that include indicators (although not gender mainstreamed), while the Budget for 2022 does not include adequate gender-responsive indicators (except one related to economic empowerment of women) that can measure the success of

¹²⁷ Ibid.

¹²⁸ Ibid, p.46

¹²⁹ In July 2022, WRC received information that Mitar Radonjic, a former director of NGO ISOP, committed violence against children in state funded antitrafficking shelter run by the aforementioned NGO. WRC sent urgent appeal about the allegations to the the line Ministry of Social Welfare, Ombudsperson and to the National Council for the Rights of the Child, chaired by the Prime Minister. Authorities failed to provide feedback to date, but media reported that prosecution started criminal investigation. The result is not known to WRC. More at URL: <https://www.portalanalitika.me/clanak/alarm-za-drzavu-osudivani-nasilnik-brine-o-zrtvama-nasilja>

¹³⁰ More at link URL:

<http://www.dri.co.me/doc/Izveštaj%20o%20reviziji%20uspjeha%20Usješnost%20sprovođenja%20politik e%20rodne%20ravnopravnosti.pdf>

implementing gender-responsive programs¹³¹. The State Audit Report also calls for further harmonization of the Law on Gender Equality with international treaties, generally accepted standards and provisions of relevant directives of the EU. Future amendments should define policy measures for the realization and improvement of gender equality, introduce the obligation to perform a gender analysis, clearly define the institutional framework for the realization of gender equality policies, as well as the obligations of all stakeholders to integrate a gender perspective in the field in which they operate¹³². The national GE responsibility mechanism shows weaknesses even in those areas where there is a corresponding normative order and stays without much needed institutional memory. In addition, National Council for Gender Equality is completely non-functional and without measurable achievements since being established.

CRITERION H. PROGRAMMING OF IPA III AT NATIONAL LEVEL PRIORITISES GENDER EQUALITY

	2021	2022	Change
38. Extent to which responsible government bodies consulted women's organisations for the development of the Multi-annual Indicative Programmes [IPA III Strategic Response]	Moderately	Moderately	0
39. Extent to which Multi-annual indicative Programme [IPA III Strategic Response] includes gender equality objectives	Minimally	Minimally	0
40. Extent to which annual Indicative Programs or Action Documents contain a gender perspective	Fully	Moderately ¹³³	-0.5

IPA III Strategic Response was subject of a public debate at the end of 2021¹³⁴. According to the Report from public debate, four participants delivered comments on the document¹³⁵, among them only one CSO (WRC).

Gender equality objectives are minimally included in the Draft version of IPA III Strategic Response¹³⁶. It should be noticed that the percentage of allocation of funds for gender equality within the Thematic Priority 5: Fundamental Rights, amounts to only 1.31% out of total budget and is estimated to be implemented starting from 2023. Final version of IPA III Strategic Response is not available nor adopted yet. However, WRC was informed that the Response is considered as a "working document" for IPA programming and is open for revision and additional changes according to the priorities set by EC and the Government. There is some possibility to address gender in the implementing process and related to each programmed area, but the obstacle arises from the lack of

¹³¹ Ibid.

¹³² Official recommendation of State Audit Institution, more at the Report, page 62.

¹³³ As the praxis of wrong marking of IPA III AD's continued during the reporting year, which in essence means that all of the AD's were marked with GM1 without fulfilling more than a few gender marker indicators, the assessment was made in qualitative manner showcasing the inner inconsistencies of the documents that need to be raised on official level as soon as possible.

¹³⁴ More information at: <http://eusluge.euprava.me/eParticipacija/Item/DefaultMobile.aspx?Id=706>

¹³⁵ List of comments and more information at:

<file:///C:/Users/Korisnik/Downloads/Izvie%C5%A1taj%20sa%20javne%20rasprave.pdf>

¹³⁶ Draft version of IPA III Strategic Response for Montenegro on <https://www.gov.me/dokumenta/fd797b2b-a3d3-4f9e-b148-e792cf2ce089>

knowledge on how to do that, lack of political will and leadership and lack of human resources in the line Ministry itself¹³⁷.

Although all of three Annexes to Action Documents programmed in 2022 contain GM1, they do not meet all the required criteria, as it is explained in Criterion D. What follows is the brief analysis of each document.

1. **ANNEX 1 - Action Document for EU for Integrated Border Management**: Gender equality is marked as a significant objective, but the document itself does not fulfil all criteria to be marked with GM1. Gender equality is incorporated in the mainstreaming chapter within both: gender equality and human rights section. There is also one specific indicator related to sex-disaggregated data regarding employment of Border Police staff. Total funding is stipulated on 15 000 000 EUR, but could not be determined how much would be precisely spent on GE objectives. More attention could be focused on gender sensitive activities within developing measures for Priority 8: *Respect, protection and promotion of fundamental human rights, training, research and innovation*, specifically as regards the trafficking in human beings for the purpose of sexual exploitation, where women are disproportionately affected. Although the action supports public finance management reforms, it does not include a gender budgeting component.
2. **ANNEX 2 - Action Document – EU for Public Administration Reform**¹³⁸: Gender equality is marked as a significant objective¹³⁹. The implementation of this objective will be achieved through supporting gender equality and gender mainstreaming in the public administration and in the management of public financial resources and by this contribute to the Objective 4 of EU Gender Equality Strategy 2020-2025. Gender is referenced in the context analysis as well as in the mainstreaming section. Targets are specified to be sex-disaggregated where appropriate and foresee measurement within gender indicators. Total funding will be 14 000 000 EUR, while it is not traceable how much would be spent on gender equality objectives. What lacks is the commitment to monitor and report on gender equality results achieved by the project in the evaluation phase, which is why this document does not fulfil one out of five in total OECD DAC criteria required for GM1 marking.

The Action focuses on some of the most challenging objectives of the PAR Strategy and Public Finance Management Reform Programme, notably on those that interlink public administration and public finance management.¹⁴⁰ These will be achieved through supporting gender equality and gender mainstreaming in the public administration and in

¹³⁷ Information was shared during the interview with Irena Bošković, Advisor to the chief negotiator and Head of the sector for EU funds, organized on 17 May 2023.

¹³⁸ Action Document at URL: https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-12/C_2022_9162_F1_ANNEX_EN_V3_P1_2341612.PDF

¹³⁹ The specific objectives are directly linked to the priorities of the PAR Strategy and the PFM Programme, focusing on those topics that are common to both strategic documents and therefore imply a coordinated approach (as part of the country's priorities) for their implementation: credible and sustainable public policies, efficient service delivery based on the needs of citizens and business, increased accountability and transparency of the work of public institutions, including transparent public financing, better mechanisms for human resource management (HRM) in public administration and more efficient public investment management system. For this reason, we consider this AD important for the indicator 25 as well.

¹⁴⁰ Same as above.

the management of public financial resources. The PFM Reform Programme 2022-2026 and related side-strategies have included gender, green and social protection mainstreaming in their activities and include gender indicators¹⁴¹. The introduction of gender-responsive local policies, including gender-responsive impact assessment of legislation and gender-responsive budgeting, is also worth noting. Consequently, Annex 2 to the Action Document EU for PAR includes following indicator: *Mid-year and annual budget performance report produced, including gender indicators (by 2024)*.

3. **ANNEX 3 - Action Document for the EU Integration Facility (EUIF)**¹⁴²: Gender equality is marked as a significant objective. Mainstreaming gender is foreseen to be one of the outcomes of the programme and is followed by supporting gender related activities. For example, gender is integrated in the Output 1 related to Outcome 2 (Improving and communicating appropriately the process of EU accession) namely 2.2. *Support for mainstreaming of gender in policy dialogue, reforms and management of IPA and national funds*; and follow up activities - *to support mainstreaming of gender in policy dialogue, reforms and management of IPA and national funds*. The document foresees that this action will be implemented in indirect management with the UNDP¹⁴³. Total funding is 8 720 000 EUR, out of which 3 500 000 EUR will be allocated through indirect management with international organizations (UNDP, UNICEF and UNOPS). In the response from the line Ministry, approx. 500.000EUR will be spent on GE targets, through cooperation with UNDP. Although the action supports public finance management reform it does not include a gender budgeting component nor there is clear commitment to monitor the implementation of gender equality objectives, which should be improved in order for the document to be justifiably signed with GM1.

CRITERION I. SEX-DISAGGREGATED DATA IS COLLECTED BY NATIONAL STATISTICAL OFFICES

	2021	2022	Change
41. The Country has an updated Gender Equality Index (GEI) at national level	No	No	0
42. Whether National Statistical Offices publish a report with easily accessible sex-disaggregated data that is sufficient for the public's use (based on Women & Men publication)	Moderately	Moderately	0

The very first **Gender Equality Index** for Montenegro was published in 2019, with an overall score of 55, while for the EU-28 average is 68.6¹⁴⁴. The next GEI is expected for 2023. National Statistical

¹⁴¹ Ibid.

¹⁴² Action Document at URL: https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-12/C_2022_9162_F1_ANNEX_EN_V3_P1_2341613.PDF

¹⁴³ The envisaged entity has been selected using the following criteria: nature of the action, operational capacity and value added of the entity. Given the experience of UNDP for gender mainstreaming, UNDP will continue working with the Government to implement the national strategy.

¹⁴⁴ Komar, Olivera, UNDP, Gender Equality Index 2019, available at:

<https://www.undp.org/montenegro/publications/gender-equality-index-2019>, see also:

<https://eige.europa.eu/gender-equality-index/2022/country>

Office already processed all required data, but it is up to the UNDP, as an international partner engaged in this process, to provide further analysis and determine the dynamics of publishing¹⁴⁵.

Every two years the **National Statistical Office** (MONSTAT) publishes the publication called *Women & Men in Montenegro*¹⁴⁶. The 2022 edition remains almost same structured as in the previous years. However, data from the research on living conditions and safety of women - GBV 2021 are included in the latest publication. Unlike in the previous cases, there is no data on early marriages¹⁴⁷. The document still does not provide much needed context analysis, crosslinking of data, nor there are references on gender equality policies, provisions and national mechanisms. However, due to the lack of capacities in human resources and given authorities, staff working in the MONSTAT is not entitled to produce qualitative analysis and provide reference on broader social conditionality of data¹⁴⁸. Also, there are no statistics that are kept in relation to gender and sex as separate categories¹⁴⁹.

Besides, the publication provides data on marriages and divorces, but lack statistics on single and widowed persons disaggregated by sex and age, although those data are also available in the Monstat's another research. There are also no included data on: gender pay gap; average pensions disaggregated by sex; age of first time parents (mothers and fathers); family units categorized by type of households (ex. cohabitating with and without children, single man and single women with children, single man and single women living alone); the publication misses all set of data regarding health although national Institute for Public Health is one of the official producers of statistics and those can relate to sickness rate, cause of death, maternal mortality, abortions or sex-selective abortions etc. Gender statistics on average time use disaggregated by age and family status would be more than useful as to inform future work-life balance policies and tailor effective measures.

In order to improve the process of dissemination of statistical data, at the end of 2021, the MONSTAT improved the appearance and content of the announcements in accordance with the Statistical Data Publication Calendar. Also, it started promoting the results of official statistics using social networks (Twitter and LinkedIn).

CRITERION J. NATIONAL BODIES RESPONSIBLE FOR EU INTEGRATION INCLUDE STAFF WITH GENDER EXPERTISE

	2021	2022	Change
43. Extent to which gender expertise exists in the government body responsible for EU integration	Minimally	Minimally	0
44. % of staff trained on gender equality in the national body responsible for EU integration	Minimally	54,2%	0.5

¹⁴⁵ Information was shared during the meeting with MONSTAT representatives, Snežana Remiković, vice-president, Milena Vukotić engaged in the department for social services and living conditions and Jovana Živković from the department for justice, education and culture, organized on Thursday, 21 April 2023.

¹⁴⁶ Also see URL: https://www.monstat.org/cg/publikacije_page.php?id=212

¹⁴⁷ We were explained that these data are gathered every five years in cooperation with UNICEF, so if included the same data as in the previous edition would be presented.

¹⁴⁸ Also explained in the above interview.

¹⁴⁹ Successful implementation of gender equality policy in Montenegro, official report of State Audit Institution, more at URL:

<http://www.dri.co.me/doc/Izvještaj%20o%20reviziji%20uspjeha%20Usješnost%20sprovođenja%20politik e%20rodne%20ravnopravnosti.pdf>

45. Extent to which Gender Focal Points are consulted in the IPA programming	Minimally	Minimally	0
46. Extent to which gender equality expertise exists in national statistical offices	Cannot be concluded	Minimally	Cannot be concluded

National mechanism for promoting gender equality, within which gender focal point should play important coordination role, is still weak and non-efficient. Institutionally, there is a lack of a comprehensive and coherent framework for achieving and improving gender equality in practice, because the majority of competent and other state bodies are often not consistent or sufficiently dedicated to the implementation of their legal obligations, or their employees are not trained to implement gender politics¹⁵⁰. According to the UNDP research on public administration¹⁵¹, entitled gender focal points are not aware, nor do they have records about the total number of employees in their institution/organ who have undergone training in the field of gender equality. Precise records on this, for the public administration in general, are taken by the Administration for Human Resources¹⁵².

When interviewed, members of the negotiation structure expressed their concern about being partially or insufficiently familiar with their role, rights and obligations in the negotiation process and agreed that internal communication should obviously remain one of the priorities of the next period¹⁵³.

There is no person in the Ministry of European Affairs who deals exclusively with GE issue. If needed, those are usually addressed to one senior manager who has previous expertise in GE but covers completely different position (in charge for INTERREG cooperation). When it comes to trained employees on gender equality, 38 of them (working in the *Directorate General for European Funds*)

¹⁵⁰ Findings and recommendations on national gender equality policies are quoted from the State Audit Institute Report, Op.Cit. page 15.

¹⁵¹ Research on the attitudes and perceptions of citizens and employees in public administration on gender equality, was conducted by Ipsos Strategic Marketing for the needs of the UNDP Office in Montenegro. More info at URL:

<https://www.me.undp.org/content/dam/montenegro/docs/publications/ISTRAZIVANJE%20Stavovi%20i%20percepcije%20zaposlenih%20u%20javnoj%20upravi%20o%20rodnoj%20ravnopravnosti.pdf>

¹⁵² Namely, within the framework of the professional development program, several regular, general trainings in the field of gender equality are planned on an annual basis, but if there is a greater interest, trainings can be organized more frequently at the request of the state body or local self-government body. However, this type of training is not mandatory for newly hired officials and employees. More info in the State Audit Institute Report, Op.Cit. page 28. WRC addressed Administration with inquiry on the number of public employees educated in gender equality, but didn't receive response to date.

¹⁵³ Form the Draft Strategy on Communicating Accession Process of the Montenegro to the EU 2023-2026, data are gathered within the framework of the project "Strengthening capacity to accelerate the process of accession of Montenegro to the European Union", which was financed by the Ministry of Foreign Affairs of Norway, and implemented by UNDP in cooperation with the Office for European Integration and the Secretariat General of the Government. Also, every fifth member gives low marks to the question to what extent they are satisfied with the amount, structure and scope of the information that was available to them during the negotiations. More than half believe that working group meetings should be organized more often (grades 4 and 5 on a scale from 1 to 5), 68.8% believe that regular and timely communication on all relevant issues would be necessary, along with sharing information on progress in all areas of negotiations, and 71.3% believe that a clearer division of tasks within the working group is needed. The same percentage of members believe that the knowledge and skills of members of the working group should be improved.

participated at the training organized by UNDP, which makes 54.2% out of total number of employees in the Ministry for European Affairs ¹⁵⁴.

Within the previous period, in the framework of the *Directorate for EU accession and acquis*, the *Department for EU political affairs* was established, which can monitor the implementation of activities aimed at improving the gender equality in public administration. Unfortunately, due to the “brain drain” from the Ministry, the Department is reduced to several employees covering all 33 chapters and being stretched over with little time and knowledge to promote gender agenda on more substantial level¹⁵⁵.

The Ministry of European Affairs is addressing gender equality issues within the coordination of CH 23 Working Group. It has been done through the preparation of specific recommendations to state bodies and the submission of non-papers on the rule of law. The plan is also to address the need for sectoral gender mainstreaming in due time¹⁵⁶. What should be considered in this regard as a potential obstacle is the exclusion of gender expertise, mostly coming from WCSO, in the existing structure of CH 23 WG, as a result of politics of rationalisations¹⁵⁷. Ministry can additionally raise the issue of gender equality during the sessions of the Council for the rule of law, as a governmental working body that gathers the most prominent authorities for the rule of law.¹⁵⁸

When it comes to IPA itself, the official stand is that the gender perspective is introduced through every step of project preparation and programming, implementation, monitoring and evaluation¹⁵⁹. In parallel, ministry conducts trainings (through specific projects) aiming to improve the capacities of decision makers and civil servants for the inclusion of gender issues in IPA programs. The fact that knowledge about gender mainstreaming of IPA staff increased during the reporting period can be attributed to the training organised by one of WRC sub-grantees within this *Action*, namely NGO Institute Alternative. The training was dedicated to raising capacities of IPA sectors employees in diverse ministries on how to approach gender mainstreaming of future action documents. Some detected progress in including gender component in programming activities is explained in the Criterion D. of this report. However, there is still need for additional trainings in order to enhance the knowledge of all required criterions needed to be implemented as regard to the OECD DAC marking system.

As for the National Statistical Office, within diverse sections¹⁶⁰ in the Sector for social statistics and demography, all the data are collected and disaggregated by sex. The Office also offers statistical processing of existing data upon demand and free of charge. The current number of employees remains slightly above 50% of the number of posts foreseen in the organisation chart. Lack of spatial

¹⁵⁴ Information shared from Irena Bošković, Advisor to the chief negotiator and Head of the sector for EU funds, via e-mail on May 31, 2023.

¹⁵⁵ Information was shared during the interview with Irena Bošković, Advisor to the chief negotiator and Head of the sector for EU funds, organized on May 17, 2023.

¹⁵⁶ Official response of the Minister for European Affairs Jovana Marović, sent to WRCs sub-grantee Union of Blind on 30 September 2022, upon the demand to inform about steps taken by the Government in order to further gender equality in the EU integration processes. The full response, together with other related annexes is attached to the project documentation and delivered to WRC and Reactor team for revision.

¹⁵⁷ See more on this in Criterion F.

¹⁵⁸ From the written answer of the Minister for European Affairs, see above.

¹⁵⁹ Same as above.

¹⁶⁰ Organizational structure of MONSTAT is at URL:

[https://www.monstat.org/uploads/files/slobodan%20pristup%20informacijama/SEMA%20SISTEMATIZACIJE%205%20\(2\).pdf](https://www.monstat.org/uploads/files/slobodan%20pristup%20informacijama/SEMA%20SISTEMATIZACIJE%205%20(2).pdf)

capacities is also constantly addressed by the EC¹⁶¹. There is no post specifically entitled to provide gender analysis nor there is separate section for gender statistics.

CONCLUSION

Overall, the gender-mainstreaming of the EU Accession process has improved by approximately 14% from 2021 to 2022.

European Commission unequivocally calls Montenegro to deliver more focused and visible results in conducting EU-related reforms. Not only that the last year recommendations remain valid, but the EC's Montenegro 2022 Report introduces additional obligations as regards the gender equality in the country. This positive trend in gender-mainstreaming is measured in almost double increase of official and other recommendations related to GE. However, there is still space for improvement. The possible way forward could be in including those publicly available sex-disaggregated data related to public administration and functioning of GE institutional mechanisms in the chapter's context analysis. Data provided in the baseline Country Assessment Report including the one presented throughout this document, should also be taken into account in future EC reporting. Better synchronisation with key priority sectors recognised in CLIP as those that need close gender monitoring is also welcomed. The process of CLIP revision is announced in the reporting period, but is planned for 2023 and would include consultations with WCSO's.

EU Delegation in Montenegro stays responsive and inclusive towards WCSO's. However, structural dialogue between EU delegation and WCSO's, that would allow for more regular exchange of knowledge and information is still not established. Dialogue with civil society on women, peace and security is not taking place, neither any of the EU Delegation staff is trained in these issues. Visible progress has been recorded when it comes to trainings on gender equality among managers. Nothing has been changed regarding the position of Gender Focal Point (GFP) in the EU Delegation.

There are some positive developments when the **gender analysis** of specific sectors are taken into account, but those mostly derive from civil society sector. Capacity development of WRC sub-grantees within this *Action* resulted in six publications contributing to gender perspective of the EU integration processes. On the other side, extent of gender mainstreaming on strategic level is still below satisfactory. In summary, approx. 37% out of total number of active strategies are fully/partially mainstreamed.

Gender mainstreaming of the Action Documents slightly improved compared to the basic values from 2021. However, there is still space to strengthen gender related activities within programmed actions specifically in the context analysis and with more commitments to monitor and report on gender equality results achieved by the action. Gender responsible budgeting and related allocations of funds are still not traceable.

The work of the **Ministry for European Affairs** became more transparent in the reporting period. Regarding its internal capacities, more than 50% of the employees in the *Directorate General for*

¹⁶¹ More information on this find in the EC 2022 Montenegro Country Report, page 72.

European Funds underwent trainings on gender equality, but there is still no person exclusively entitled for GE on the level of Ministry itself. The yearly Montenegro's Accession Programme minimally includes gender equality, counting references that do not exceed 2% out of total document's provisions. The structure of the programme should also be addressed as it does not include narrative overview of already achieved results nor the selection of short-term and medium-term priorities. If this was the case, accession dynamics could be traceable in more measurable way. The Ministry oversees work of the negotiation structure within which women are included more than 60%, both on the level of WG composition and among heads of the WG's. However, the latest restructuring of the negotiation structure limited the inclusion of CSO's at one representative, leaving it without single WCSO and by this narrowing the inclusion of GE issues on the agenda.

Finally, when it comes to the efficiency in implementing EC recommendations, even if there were some achievements (mostly in the area of economic empowerment of women), vital regulations regarding fight against gender based violence and anti-discrimination laws are pending adoption for several years. With all remaining issues, followed by the mild legislative but also executive response, gender equality in Montenegro is still waiting to be recognised not only as strategic value, but as well as the one that horizontally determines the appropriation of European values. By this, it determines the pace of Montenegro's Accession towards the EU.

RECOMMENDATIONS

Recommendations made for 2021 Country Assessment Report are not specifically met and still remain largely valid.

FOR EU:

- 1) Continue gender mainstreaming of all chapters in country reports, in accordance with EU commitments;
- 2) Better synchronize reporting with key priority sectors recognised in the CLIP;
- 3) Include information on women participating in peacekeeping missions and on the implementation of UNSCR 1325 action plan;
- 4) Enhance dialogue and inclusion of women's organisations ahead of the sub-committee meetings. Consider delivering SAA committee and sub-committee meetings conclusions on gender equality issues.
- 5) Initiate cooperation with WCSOs and those working with intersectional approach, through structured dialogue organized at least once quarterly.
- 6) Consider establishing a full-time position for Gender Focal Point in the EUD with a standard job description including expertise required for the position, access to decision-making within the EUD, resources available and responsibilities in both programming as well as policy dialogue on gender equality issues.
- 7) Continue the good practice of developing more sector-specific gender analyses in order to actively inform EU programmes and domestic programmes/policies in more gendered way;
- 8) Include *monitoring of funds* directly allocated to gender equality objectives and directed to WCSO when providing evaluation of contracts signed within IPA III.

FOR THE GOVERNMENT:

- 1) Comprehensively *meet recommendations from EC Country Report* without delaying adoption of vital provisions concerning women's rights, and in particular of those concerning gender-based and domestic violence;
- 2) *Increase transparency and inclusiveness of the SAA processes*. Conduct on-time preparations of the meetings: target specialized WCSO's which can contribute to specific topics on the agenda; share focused agenda with WCSO's significantly prior to the meetings; call for voluntary enrolment for WCSO's in the SAA sub-committee meetings; Commit to follow-up with the conclusions from the meetings and jointly evaluate the extent of the implementation;
- 3) *Increase the gender mainstreaming in the IPA III programming activities* by ensuring close monitoring of the implementation of gender equality objectives within Action plans and report accordingly;
- 4) Organise *additional trainings* for those working in IPA sections, in order to enhance their knowledge about all required criteria needed to be implemented as regards the OECD DAC marking system;
- 5) *Expand the Montenegro's Program of Accession to the EU* by *including narrative* about achieved results and specify short-term and medium-term priorities for each sector;
- 6) Make *public consultations process obligatory*, additionally transparent and include WCSOs in prior consultations within working groups;
- 7) Work of the sectoral WGs needs to be more *transparent*. Ensure participation of the WCSOs and its direct influence;
- 8) *Revise the politics of "rationalisation"* and include WCSOs in negotiation structures in order to ensure substantial gender mainstreaming of future reforms;
- 9) Make *National Council for Gender Equality accountable* for its work and initiate necessary changes of its membership, thus making it functional;
- 10) *Enhance the responsibility of budgetary units* to report about implementing gender-responsive programs with measurable indicators;
- 11) *Extend gender statistics* in the biannual publication Women and Men in Montenegro by including more data and relevant context analysis;
- 12) *Improve gender expertise* among employees of the Ministry for European Affairs and provide that all working staff acquire basic knowledge on gender equality;
- 13) Consider *institutionalising a full-time position* for Gender Focal Point in the Ministry for EU Affairs;
- 14) *Establish and support* the Gender Focal Point network among ministries which is crucial for long-standing systematic achievements;
- 15) *Improve gender mainstreaming* in future sectoral strategies.

ANNEX 1. DATA SOURCES**LITERATURE:**

- Commission Staff Working Document Montenegro 2021 Report *Accompanying the document* Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2021 Communication on EU Enlargement Policy;
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- Pavićević Nikoleta, *Potencijali rane integracije Crne Gore u EU okvir za postizanje rodne ravnopravnosti*, Institut Alternativa, januar 2022.
- *Mid-term Evaluation of the Implementation of the National Strategy for Gender Equality 2021-2025*, produced by the Department for Gender Equality in Ministry for Human and Minority Rights.
- *Revizija uspjeha: Uspješnost sprovođenja politike rodne ravnopravnosti u Crnoj Gori – konačni izvještaj*, published by State Audit Institution, 2023.

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LIST OF INTERVIEWS AND WRITTEN COMMUNICATION:

- Interview with the National Statistical Office (MONSTAT) representatives, Snežana Remiković, Vice-president, Milena Vukotić engaged in the Department for social services and living conditions and Jovana Živković from the Department for justice, education and culture, organized on Thursday, 21 April 2023.

Written Contributions:

- Written response from Minister of European Affairs, Jovana Marović submitted to NGO Union of Blind, on 30 September 2022.
- Written response from Head of the Directorate for Protection from Gender-Based Violence and Domestic Violence, Ministry of Labor and Social Welfare, Jovana Radifković, from 11 April 2023.
- Written response from President of the Parliament of Montenegro, Danijela Djurović, from 21 April 2023.
- Written response from Director of the Labor Directorate in Ministry of Labor and Social Welfare, Aleksandar Memčević, from 25. April 2023.
- Written response from National Statistical Office form 28 April 2023.
- Written response from Gender Focal Point in the EU Delegation to Montenegro, Mladenka Tešić, from 28 April 2023.
- Written response from Minister of European Affairs, Jovana Marović submitted to NGO Union of Blind, on 30 September 2022.
- Interview with Irena Bošković, advisor to the chief negotiator and head of the sector for EU funds, organized on 17 May 2023.
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About Women's Rights Center

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

Goals

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

Programs

ADVOCACY PROGRAM

Advocacy and monitoring implementation of policies in the field of gender equality and women's human rights;

SUPPORT SERVICES FOR WOMEN WHO EXPERIENCED GENDER-BASED VIOLENCE PROGRAM

Initial counseling and support of the women's advocates;
Representation before institutions and free legal support;
Psychological counseling.

CULTURE PROGRAM

Cultural, artistic, and educational activities to promote feminist and anti-fascist principles and encourage activism through creative work.

Mission

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

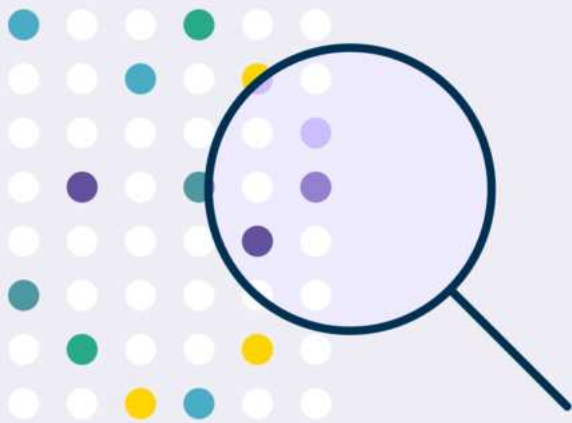
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Gender Mainstreaming in the EU Accession Process

Country Assessment Report

Montenegro

2023

Partner Organisation

