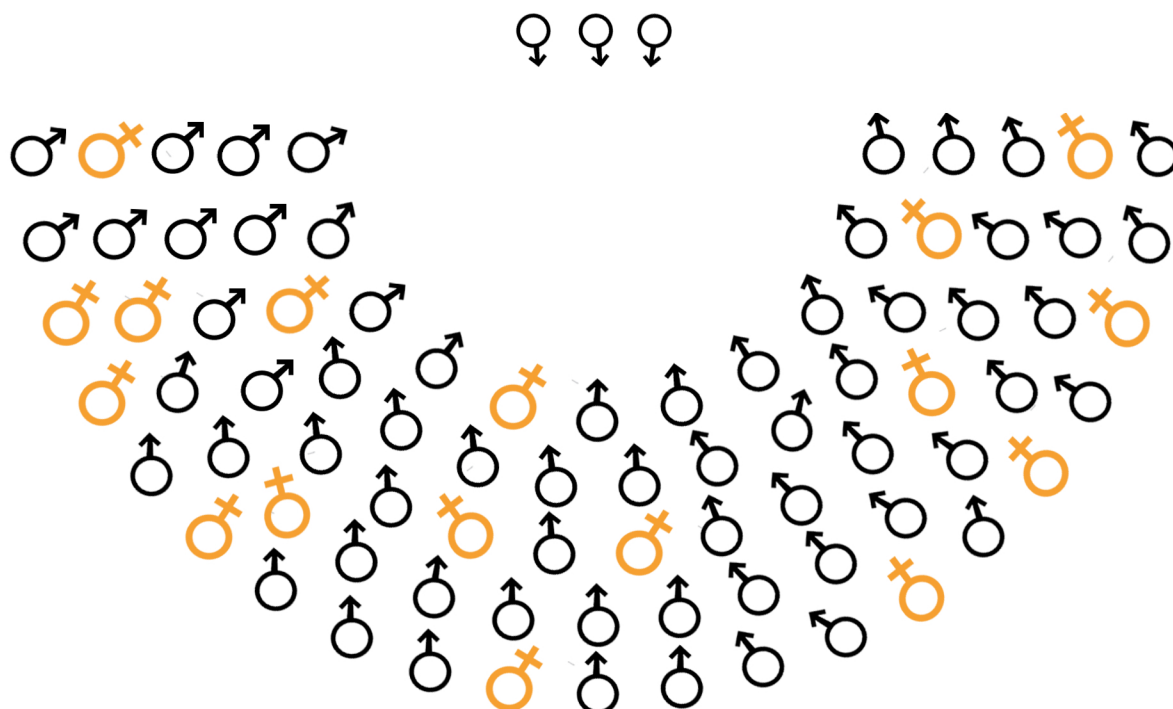




WOMEN'S RIGHTS CENTER
CENTAR ZA ŽENSKA PRAVA



A GENDER PERSPECTIVE OF THE 2023 PARLIAMENTARY ELECTIONS

WOMEN'S RIGHTS CENTER
ASSOCIATION SPEKTRA

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ACRONYMS AND ABBREVIATIONS

ASK - Agency for Prevention of Corruption
BS - Bosniak Party
CEDAW - Convention on Elimination of Discrimination against Women
DEMOS - Democratic Alliance
DNP - Democratic People's Party
DP - Democratic Christian movement
DPS - Democratic Socialist Party
DRI - State Audit Institution
DSS - Democratic Serbian Party
DUA - Democratic Union of Albanians
HGI - Croatian citizens' initiative
LGBTQI+ – lesbian, gay, bi-sexual, trans, queer, intersex + community
LP - Liberal Party
NSD - New Serbian Democracy
OECD - The Organization for Economic Cooperation and Development
OSCE/ODIHR - Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights
PCG - Real Montenegro
PWD – persons with disabilities
PZP - Movement for changes
RAE - Roma, Ashkali and Egyptian population
RP - Workers' Party
SCG - Free Montenegro
SD - Social Democrats of Montenegro
SDP - Social Democratic Party of Montenegro
SEC - State Election Commission
SNP - Socialist People's Party of Montenegro
The movement - Movement for Pljevlja
Upheaval - Upheaval for a safe Montenegro
WPN - Women's Political Network
WRC – Women's rights center

SUMMARY

The goal of this publication is to provide relevant arguments for changes in policies and laws, with a focus on removing barriers that hinder greater participation of women and marginalized groups in politics. The analysis is based on a thematic observation of the extraordinary parliamentary elections in 2023, during the period from May 15 to September 30, 2023. This observation was focused on the analysis of pre-election programs, electoral lists, and election results. Through qualitative and quantitative data analysis, we have concluded that the majority of electoral lists (ten out of a total of fifteen) barely meet the minimum quotas for underrepresented genders.

The existing quota system is not sufficient to increase women's political representation, and additional legislative measures are necessary to achieve more significant progress in women's political participation. After the parliamentary elections in Montenegro, held on June 11, 2023, only 17 women were elected to the Montenegrin Parliament out of a total of 81 parliamentarians, representing 20.98%. In previous parliamentary terms, the increase in the number of female parliamentarians often resulted from the resignations of male parliamentarians who transitioned to executive or ministerial positions. In such situations, women became parliamentarians automatically. For example, in the previous parliamentary term, 18 women were elected out of a total of 81 parliamentarians (22.22%). Two men who resigned from their positions in the parliamentary benches were replaced by women who were next in line on those electoral lists, raising the total number of women in the Parliament to 20 out of 81 (24.69%)¹.

To increase the number of female parliamentarians in the Montenegrin Parliament, it is necessary to adopt a new quota system that guarantees a minimum of 40% women in the initial parliamentary term. This can be achieved by requiring that every three candidates on an electoral list include at least one woman or a representative of the underrepresented gender. It would be an incentive to amend the existing provisions to ensure that vacant positions of candidates belonging to the underrepresented gender on electoral lists are filled by the next-ranked representative of the underrepresented gender.

Based on the analysis of election programs, we noticed that most political parties ignore the specific needs of women, especially those belonging to vulnerable groups. Gender equality is rarely a central theme in their programs, and an intersectional approach, which includes women and people of different gender identities from marginalized groups, is almost completely absent. Future policies must be informed and strengthened by gender-disaggregated data, with clear measures for the empowerment of women, LGBTIQ+ people, people with disabilities, Romani women and other marginalized groups.

Considering the fact that four out of 15 lists did not submit their programs for analysis, it gives the impression that the parties' responsibility towards women and vulnerable groups is at an exceptionally low level. Consequently, it seems that there

¹ Women's Rights Center, Parliamentary Elections 2020 from a Gender Perspective, publication available at: <https://womensrightscenter.org/wp-content/uploads/2021/06/Parlamentarni-izbori-2020.-iz-rodne-perspektive.pdf>

is still a long way to go before we can reach a democratic society without discrimination. The election lists that did not submit their programs for this research and were not available on their official websites are as follows: "Narodna koalicija – Složno i tačka," "Albanska alijansa," "Aleksa i Dritan – Hrabro se broji," and "Za budućnost Crne Gore NSD-DNP-RP."

Our analysis shows that out of 11 programs, only one election program minimally consults gender analysis, which leads us to wonder for whom the parties create policies if they are not informed by the specific needs of women, especially those belonging to vulnerable groups. Gender equality is MINIMALLY included in nine election programs, and two programs do not include this topic at all. Gender equality is almost exclusively recognized through the prism of gender-based violence, which is also not adequately addressed. Only one election program communicates equally with male and female citizens and consistently uses gender-sensitive language.

In a comprehensive reform of electoral legislation, we expect solutions that will adequately address these obstacles. The goal is to minimize the structural exclusion of women and persons of different gender identities, especially those from marginalized groups, from the Montenegrin political scene.

Recommendations:

For Parliament of Montenegro:

- Initiate changes and amendments to the electoral legislation in order to comply with the recommendations of the European Commission and the CEDAW Committee. Parliament should amend the electoral law to prescribe a minimum quota of 40% as well as the obligation that one out of every three candidates on the electoral list must be a person of the less represented sex/gender;
- It is necessary to consider other legal possibilities that would guarantee a higher percentage of women in the Assembly;
- Prescribe a clear and effective mechanism of sanctions in case of non-compliance with quotas prescribed by law;
- Prescribe a clear structure of jurisdiction in case of irregularities in the declared electoral lists;
- The law stipulates the obligation to fill the positions that became vacant due to the resignations of those who replaced their parliamentary seats with a leadership position in the executive branch by the first-ranked representative of the less represented gender;
- Harmonize Article 39a of the Law on the Election of Councilors and Deputies with the Law on Gender Equality in the part of recognition of the right of members of different gender identities to political participation;
- Enact a Law on the Election of Councilors and Deputies to mandate the State Election Commission to timely publish the election lists of parties, coalitions, and independent lists in the form they are submitted, while also defining which personal data can be published during this process;
- Enact a Law on the Election of Councilors and Deputies to mandate municipal election commissions to timely publish the election lists of parties, coalitions,

and independent lists in the form they are submitted, while also defining which personal data can be published during this process. This recommendation applies to local elections.

For the State Election Commission:

- Amend the Instructions on the Manner of Declaring Election Lists, Content, Form, and the Manner of Posting the Aggregate Election List to specify the procedure for timely publishing election lists and related steps;
- Include the principle of transparency in the Code of Ethics of election administration bodies, which all members of these bodies are obliged to adhere to.

For the Agency for the Prevention of Corruption, the State Audit Institution and the Ministry of Finance:

- It is necessary that the institutions that have control over the use of funds for the financing of political subjects, including the Ministry of Finance, the Agency for the Prevention of Corruption and the State Audit Institution, should take a closer look at the control of the use of funds paid to political parties from the budget in the name of financing women's organizations, as better transparency would be ensured and any dedicated spending of this money would be sanctioned, in accordance with the law.

For political parties and the Government of Montenegro:

- Raise awareness of the systemic, structural and cultural obstacles to greater political representation and participation faced by women and members of the LGBTQI community, PWDs, RAE and other marginalized groups;
- To encourage the political participation of women, especially those from marginalized groups, while preventing manipulation (tokenism) of their representation and marginalizing their political activity by limiting it to "women", "LGBTI", "PWD" and other topics that are related exclusively to their identity;
- Implement systemic efforts to make gender equality an essentially multidisciplinary intersectional issue, instead of the dominant current perception as a "women's issue";
- Political parties should use the received funds for specific purposes and regularly report on how the financial resources allocated for women's organizations are being used to advance women's political participation;
- Political parties, coalitions, and independent lists participating in elections should establish a culture of transparency and make their election programs available to the public, which would enhance voter awareness of the goals and work of future representatives;
- In addition to the mandate holder's duty to consider gender equality when proposing the composition of the Government, it would be important to legislate the obligation that the final proposal for government members includes no less

than 40% representation of the underrepresented gender. If the structure foresees only one deputy prime minister, the Law on the Government should provide that a candidate from the underrepresented gender is nominated for this position. Furthermore, the law should include a provision requiring the president of the state to reject any proposal for the composition of the government that does not adhere to gender quotas for the underrepresented gender. It should also guarantee that any changes in the government's structure must be made while respecting the principles of gender equality and complying with the designated quotas for the underrepresented gender.

In parallel with further work on improving legal solutions and party mechanisms that will ensure the equal participation of women in decision-making processes, it is necessary to work dedicatedly and continuously on building and improving a political culture where the public space is a safe place for women to act freely politically, without fear of different kind of pressure, and exposure to *ad hominem* negative and misogynistic comments.

1. INTRODUCTION - WHY WOMEN IN POWER?

*"In that country with the habits of patriarchal life, public authority is not an exponent of the whole. It is only the result of the game between the tribes and their leaders."
(Pavicević, 1997)*

„The knowledge gained during life in the female skin is important.

And that knowledge has a place at the center of the government.“ (Peres, 2021)²

Women constitute more than half of the electorate in Montenegro. The latest data from MONSTAT on the number of the population in Montenegro for 2022 by age groups show that women make up 248,545 of the adult population (40.3%), which means approximately with the right to vote, while that number for men is around 235 802 (38.2%)³. If compared with the official voter list, this number is about 11% less than the total number of registered voters (543,599) from the last parliamentary elections⁴. It is an additional argument for the multi-year appeal of the non-governmental sector to implement a comprehensive electoral reform that will first regulate the voter lists. For us, these figures mean another, cautionary thing: women make up more than half of the electorate, but those they elect systematically squeeze their needs and experiences out of official policies. Judging by the analysis of election programs of political parties, which we will present below, the needs of half of the electorate do not exceed 30% of these programs, and that only in exceptional cases.

When researching the channels through which women first reach politics, the Inter-Parliamentary Union found that this mostly happens through political parties. In the remaining 20% of cases, women come to politics through the efforts of feminist non-governmental organizations and the international community⁵. However, one of the most common forms of structural discrimination against women lies precisely in the internal party organizational culture and internal power relations. Namely, the narrow centers of power in the parties function outside of the public's view and according to non-transparent procedures of candidacy and nomination. Thus, key party decisions are made behind the scenes, in informal rooms where women do not have access, often outside working hours and according to the principle of hand to hand⁶. Even money from the state budget, intended for the promotion of gender equality in parties, is spent outside the law and not for that purpose (more on this in the context analysis, Chapter X of the report). Once the party wins power, such relations of exclusion of women, and male loyalty and the so-called gender corruption⁷, transferred to official legislative and executive policies. Numerous studies clearly show

² Krijado Peres, Karolin (2021). Invisible: How Data Shapes the World for Men, Beograd: Laguna.

³ More on that at:

<https://www.monstat.org/uploads/files/demografija/procjene/2022/Procjene%20stanovnistva%20i%20osnovni%20demografski%20indikator%202022.pdf>

⁴ <https://www.vijesti.me/vijesti/politika/649748/vise-ce-biti-glasaca-nego-gradjana-crna-gora-za-17-dana-dobila-skoro-1500-novih-biraca>

⁵ For example: <http://archive.ipu.org/pdf/publications/action-gender-e.pdf>

⁶ Krijado Peres, Karolin (2021). Invisible: How Data Shapes the World for Men, Laguna, Beograd. page 280.

⁷ Merkle, O., Bratten, S. ... (2021) Gender and corruption: what do we know? OSCE i WIN. More on link: <https://www.osce.org/files/f/documents/4/6/507569.pdf>

the connection between the exclusion of women from "male patronage networks" and their limited influence in government⁸.

*My father-in-law changes the channel as soon as he sees a woman speaking
in the Parliament⁹*

Although intra-party political processes, procedures, structures and culture are beyond the scope of this research, they remain as a warningly important topic that society must address in the near future, in order to recognize and name the obstacles that stand in the way of greater political emancipation and participation of women. In this report, we analyze whether and how the existing system affirms greater participation of women in politics.

An important mechanism in the existing system is quotas for the less represented gender on electoral lists, which play a crucial role in achieving minimum standards for women's political participation. The results of all the previous and even the last elections show that quotas are nothing more than a measure to compensate for the historical injustice created on the wrong assumptions about the natural predispositions of the sexes, according to which politics, as a public activity for the purpose of the public good, belongs to men, while the only good is about to whom women should take care of what is to stay "at home".

Despite this, quotas can still be heard today as "reverse discrimination", and that they artificially encourage women's political participation by hindering the "victory of the best". Dealing with quotas for us means recognizing the consequences of systemic and structural discrimination against women, persons of other gender and sexual identities, persons with disabilities (PWD), Roma population (RAE), while we look for the causes in imposed gender roles and the traditional division of labor from which those who profit have the most power and capital in society. The current social structure keeps women on the margins of political events and denies them the opportunity to decide on crucial social issues on which the future of the community depends. Such a patriarchal political culture and system, through its models of organization, communication and way of electing those who represent citizens, favors male candidates, and does not recognize women either as an electorate or as candidates for important political positions.

The consequences of such a system, immune to gender and other differences, are most obvious in politics, which is reduced to the struggle for positions of power, which for decades fails to solve the real problems of the population, such as poverty,

⁸ More on link: <https://noref.no/Publications/Themes/Peacebuilding-and-mediation/Women-political-leaders-and-peacebuilding>

⁹ Statement of one of the interviewees from the research: <https://www.wfd.org/sites/default/files/2022-02/WFD-brosura-mne.pdf>

discrimination, inadequate access to justice, violence... A system that ignores different needs and gender differences, is a direct consequence of the exclusion of women and members of other gender and sexual identities and the marginalization of certain social groups (PWD, RAE) and their experience from the place where policies and political priorities are made. We are talking about historical exclusion, despite the key role these communities played in the democratization and building of a fairer Montenegrin society and despite the changes that are the result of decades of efforts by feminists and not so many institutional allies.

The results of research on female political activism from 2021, conducted by the agency DeFacto Consultancy¹⁰, confirm that the stereotype about women's lack of interest in politics is no longer valid. It established that as many as 87% of respondents voted in the elections in the past three years, and at the same time, in comparison to earlier research, a significant growth trend in the self-reported membership of women in political parties was observed. In other words, while women have always made up a significant part of the active voting body in Montenegro, the participation of women in the public political life of the country through formal party involvement is becoming more and more frequent.

The same survey showed that an increase in the percentage of women in decision-making positions would motivate as many as two-fifths of respondents to get involved in political activities, and that 54.1% of respondents agree with the statement that a clear division of gender roles in Montenegrin society deters women from participating in political activities.

More than half of the respondents agree with the statement that it is necessary to change the electoral law in order to increase the number of women in political life. Cumulatively, 70.4% of respondents believe that women can make a real change through their participation.

Although the political participation of women is becoming an increasingly visible issue, with a significant number of researches and publications done on this topic, data on the political participation of LGBTI people is still scarce. Literature on visible lesbian, gay, bisexual, and transgender (LGBT) MPs is scarce. Although there have been important studies on their presence in the national parliaments of Western countries¹¹, there is very little international research on the existence and political influence of openly LGBT MPs. Despite the significant increase in the visibility of the

¹⁰Research of public opinion "Women's political activism in Montenegro", De Facto Consultancy, October 2021., link:<https://www.wfd.org/sites/default/files/2022-02/WFD-brosura-mne.pdf>

¹¹ Rayside D. "On the Fringe: Gays and Lesbians in Politics", Cornell University Press, 1998
REYNOLDS, ANDREW Representation and Rights: The Impact of LGBT Legislators in Comparative Perspective, American Political Science Association, 2013
<https://victoryinstitute.org/out-for-america-2023/> - Open data portal that presents an Overview of LGBTQ+ Elected Officials in the U.S.

LGBTI community in Montenegro, progress in the field of human rights of LGBTI persons, and a greater number of active LGBTI persons in political parties around the world, the visible political participation of LGBTI persons in the political life of Montenegro is completely absent. According to the available data, in Montenegro, we still do not have LGBTIQ+ persons engaged in politics, who are publicly endorsed.¹²

Housewives, speak more!

If they were politically active, women would mostly deal with the establishment of peace and justice (66.4%), education (64.8%), health care (63.0%), human rights (61.9%) and the economy (61.0%)¹³. Slightly more than half of the respondents would deal with gender equality¹⁴. A significant number of studies¹⁵ prove that female politicians more often advocate policies related to education, family, and children and are more inclined to the feminist and gender agenda. American studies conducted in the period between 1980 and 2000 showed that women more often put women's problems as a priority and more often propose laws that concern women. It is similar in Britain, where the analysis of the influence that members of Parliament had in Westminster from 1945 to 2014 showed the orientation of women towards women's problems, family policy, education, and care¹⁶. Research¹⁷ conducted by the OECD for years proves a clear connection between women's political participation and the development of the education and health sectors, while at the global level the percentage of women in decision-making positions directly affects the percentage of investment in social infrastructure¹⁸. The same study found that women effectively translate words into action. Namely, as Criado Peres states, data collected over decades prove that the presence of women in politics significantly affects which laws will be adopted¹⁹. According to the same model, parliamentarians with intersectional

¹² <https://prcentar.me/clanak/politika-participacija-lgbtq-osoba-u-crnoj-gori-na-niskom-nivou/2132>

¹³ Research of public opinion "Women's political activism in Montenegro", De Facto Consultancy, October 2021, link: <https://www.wfd.org/sites/default/files/2022-02/WFD-brosura-mne.pdf>

¹⁴ Same

¹⁵ Piscopo JM (2011) Rethinking descriptive representation: Rendering women in legislative debates. *Parliamentary Affairs* 64(3): 448–472. More on:

https://www.researchgate.net/publication/263536828_Rethinking_Descriptive_Representation_Rendering_Women_in_Legislative_Debates ili Swers ML (2005) Connecting descriptive and substantive representation: An analysis of sex differences in cosponsorship activity. *Legislative Studies Quarterly* 30(3): 407–433. <https://journals.sagepub.com/doi/10.1177/1532673X18776622>

¹⁶ More on: <http://www.historyandpolicy.org/policy-papers/papers/women-in-parliament-since-1945-have-they-changed-the-debate>

¹⁷ More on: <https://www.diva-portal.org/smash/get/diva2:200156/FULLTEXT01.pdf>

¹⁸ Krijado Peres, Karolin (2021). *Invisible: How Data Shapes the World for Men*, Laguna, Beograd. page 268.

¹⁹ Same.

features are more sensitive to issues concerning the elderly²⁰, PWDs, migrants²¹ and the LGBTIQ population²².

Given that anti-gender policies (especially those that attack sexual and reproductive rights, rights to privacy and family life, as well as the right to self-determination and personal and bodily autonomy) are increasingly at the center of political struggle (some recent examples are: an attempt to instrumentalize the Pride Parade²³ by the Public Service RTCG in order to justify the transmission of the enthronement of SPC Metropolitan Joaniki on the Parliamentary channel; the debate on the right to abortion on the Public Service²⁴, in which not only the opinion of the Serbian Orthodox Church and the views of its representative, priest Gojko Perovic, were respected, who advocated the ban on abortion under the guise of defending democracy; or the case when the current president and then Minister of Economy Jakov Milatović requested consultations from the Metropolitan of the Serbian Orthodox Church regarding the creation of a birth rate policy²⁵; while hate speech, especially from the address of the Parliament of Montenegro²⁶, is on all grounds has grown, especially targeting women, LGBTIQ people and people with disabilities, and is accompanied by a high degree of tolerance and reluctance to condemn such attitudes - reinforcing the violent atmosphere in which MPs refuse to apologize for what they have said²⁷), gender equality in political participation is gaining more and more importance, as well as the centering of communities affected by such policies in the space where decisions are made.

When it comes to the Montenegrin context, the work of the Women's Club²⁸, whose formation was helped by the Women's Rights Center, showed that a serious,

²⁰ Xydias C (2014) Women's rights in Germany: Generations and gender quotas. *Politics & Gender*, page 4–32.

²¹ Donovan B (2012) Intersectionality and the substantive representation of migrant interests in Germany. *German, Politics and Society*, page 23–44.

²² Bönisch LE (2021) What factors shape the substantive representation of lesbians, gays and bisexuals in parliament? Testing the impact of minority membership, political values and awareness. *Parliamentary Affairs*. Epub ahead of print 5 May. DOI: 10.1093/pa/gsab033.

²³ <https://www.facebook.com/Queer.Montenegro/photos/a.219068491579494/2092611680891823/>

²⁴ After half a century, the right to abortion in Montenegro is being questioned, *Free Europe*, May 17, 2022, available at: <https://www.slobodnaevropa.org/a/31855117.html>

²⁵ *Milatović introduced Metropolitan Joaniki to the Government's measures adopted with the aim of improving the birth rate*, *Vijesti*, March 25, 2022, Available at: <https://www.vijesti.me/vijesti/ekonomija/596810/milatovic-upoznao-mitropolita-joanikija-sa-mjerama-vlade-donijetim-u-cilju-unapredjenja-nataliteta>

²⁶ *Condemnations of new attacks by the Democratic Front on LGBTIQ in Montenegro*, *Radio Free Europe*, December 23, 2021, Available at: <https://www.slobodnaevropa.org/a/crna-gora-demokratski-front-lgbtq/31623211.html>

²⁷ Vučurović: Let me be removed from the position of the President of the Board, my convictions are more important than the position, *Portal Standard*, December 25, 2021, Available at: <https://www.standard.co.me/politika/vucurovic-neka-me-smijene-sa-mjesta-predsjednika-odbora-vaznija-su-mi-uvjerenja-od-funkcije/>

²⁸ More on: <https://www.skupstina.me/me/radna-tijela/zenski-klub>

democratic capacity for discussion exists among MPs from different, often ideologically and politically opposing parties. United around topics of common interest, the representatives of the Women's Club managed in a short period of time to raise important issues in the field of social policies and social protection (such as, for example, the adoption of the Law on Temporary Child Support), in the field of violence against women and domestic violence, violence and exploitation of children and the political participation of women²⁹. However, the process of feminist emancipation and a closer acquaintance with the gender agenda of female politicians is yet to come, so even today in the Montenegrin context, it happens that women on the public political scene prefer to deal with "serious", "big", "important topics" such as organized crime and corruption. because these topics measure political power and ensure the attention of male colleagues. Although it is certainly important to hear the voice of women on the mentioned topics as well as to ensure parity when it comes to important decisions - internal affairs, security, foreign policy, etc., at the same time it is necessary to address topics that are important for gender equality, and the presence a woman in politics really contributes to the promotion of women's issues and the gender agenda. At the same time, it is important to keep in mind that "important issues", such as security, are also issues concerning the safety of women and children. The issue of domestic violence, partner violence, human trafficking, sexual abuse, and any other gender-based violence are security issues. In an attempt to avoid the lightly characterized "women's issues" as marginal, even the electoral list that in the last parliamentary elections promoted itself as the list with the largest number of women omitted them from its election program (see the analysis of the election list program).

Be that as it may, the research presented, as well as long-term experience, teaches us that the lack of women and members of minority groups in decision-making positions means a diversion from key topics that burden Montenegrin society and are important for the quality of life of its citizens. These are primarily the topics of gender-based and family violence and the damage it causes to children, issues of social justice, the issue of unpaid work in the home and its contribution to the overall GDP; exclusion of persons with disabilities, lesbians, bisexual and transgender women from access to health care; discrimination of pregnant women during employment and at work, poor hospital conditions for women in labor and the elderly, etc. On the other hand, populist policies of encouraging the birth rate and restricting reproductive rights are strengthening; the poverty of every third child and single-parent families - mostly mothers with minor children - is ignored, there is excessive urbanization that is built for the market, but not for the people, while our schools are materially failing; and security is interpreted as an exclusively "male issue" and not a matter for everyone, especially women and vulnerable groups. Democracy implies the introduction of intersectionality in the area of decision-making.

²⁹More on: <https://www.skupstina.me/me/clanci/zenski-klub-skandalozno-krsenje-prava-manje-zastupljenog-pola-na-izbornim-listama>

The purpose of the publication we present is to provide useful advocacy material for policy and legislative changes aimed at removing obstacles to greater political participation of women and other marginalized groups. It contains the findings we reached by monitoring the extraordinary parliamentary elections in 2023, in the period from May 15 to September 30, 2023. We believe that these findings will create a solid base and a valuable source of data on the gender perspective of the elections, which will serve political actors in Montenegro to understand it better and, in accordance with the proposed recommendations - apply it.

We conducted the research as part of the project "Will there be women at the party?: gender perspective of the 2023 parliamentary elections", with the support of the National Democratic Institute (NDI).

2. Context for political participation of women and LGBTQ+ community in Montenegro

The issue of insufficient political participation of women, especially representatives of minorities and marginalized groups, is the subject of constant criticism by civil society and the international community, primarily the European Commission, the OSCE/ODIHR, the Venice Commission, and the UN Committee on the Elimination of Discrimination against Women (CEDAW), as well as their reports³⁰. The state's failure to effectively address these issues directly undermines the country's democracy and its commitment to international obligations. Montenegro is obligated to improve electoral legislation and align it with the Constitution through affirmative action. This obligation was undertaken by opening negotiations with the European Union. In the Progress Report of Montenegro by the European Commission, regarding the electoral reform process, the following is stated: "There has been no progress in terms of comprehensive reform of the electoral institutional and legal framework, nor in relation to the recommendations of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) following the observer mission in the parliamentary elections of 2020. The Parliamentary Committee for Comprehensive Electoral Reform was not operational

³⁰ The Third Periodic Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has been submitted in accordance with Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. More on link: <https://wapi.gov.me/download/9f773f9c-26f3-424c-a057-c048bec0605c?version=1.0>.

See also the Commission Staff Working Document Report on Montenegro 2022, which accompanies the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions 2022 on the EU Enlargement Policy., more on link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022SC0335>

from June to November 2021 and met only twice in 2022 before its mandate expired in July 2022."³¹

Despite being more educated, women make up approximately 60 percent of the unemployed³², and their presence in key decision-making is insufficient. Those who dare to engage in areas traditionally reserved for men in the public sphere often become targets of attacks and open sexist hate speech. Women's achievements are often only valued in the context of motherhood, while situations in which they suffer violence, are deprived of property, or face discrimination due to their gender are common. These social patterns not only encourage violence against women but also deepen the gender gap in employment, wages, and access to social care. Additionally, the lack of legislative and other measures to establish a balance between women's work and private life, as well as the absence of gender-focused approaches in education, make it difficult to improve their status.

After the introduction of the mandatory 30% quota for the "underrepresented gender" in the Law on Amendments to the Law on the Election of Councilors and Deputies in 2011, it has been minimally implemented even today, 12 years later. As expected at that time, such a quota system did not significantly impact women's participation in politics, even though the number of female deputies in the Assembly then increased slightly from 8.64% to 13.58%³³ (see also the table in chapter no. 10). A few years later, in 2014, following the advocacy of international organizations, the NGO Women's Rights Center (WRC) and supporting NGOs, a new set of amendments to the Law on the Election of Councilors and Deputies changed the quota system to the existing one. As a compromise solution, a combined criterion was introduced, which requires that among every four candidates on the list, there must be at least one candidate of the underrepresented gender (Article 39a)³⁴. Since then, the Women's Rights Center has continued to pressure decision-makers to further improve the system with solutions that ensure a minimum quota of 40% for the underrepresented gender and prescribe an obligation that, on the electoral lists, in every group of three candidates, one place belongs to a representative of the underrepresented gender, with accompanying sanctions to ensure the implementation of this norm. In an ideal scenario, the Women's Rights Center would demand an increase in the quota for the underrepresented gender to 50%. However, considering the limitations and the slow pace of institutional changes, as well as the new political challenges facing Montenegro, we believe that a realistic and acceptable solution is to ensure the

³¹ https://www.eeas.europa.eu/delegations/montenegro/klju%C4%8Dni-nalazi-izvje%C5%A1tja-o-crnoj-gori-za-2022_me?s=225

³² <https://www.monstat.org/uploads/files/publikacije/Zene%20i%20muskarci%20u%20CG%20web%2026.12%20FIN.pdf>

³³ Women's Rights Center, Parliamentary Elections 2020: Gender Perspective, more on link: <https://womensrightscenter.org/parlamentarni-izbori-2020-iz-rodne-perspektive/>

³⁴ Law on the Election of Deputies and Councilors, available at: https://dik.co.me/old_dik/regulativa/Zakoni/Zakon%20o%20izboru%20odbornika%20i%20poslanika.pdf

smooth implementation of the recommendation regarding a 40% representation of the underrepresented gender among decision-makers.

In 2017, female politicians from 16 political parties, both from the ruling and opposition parties, established the Women's Political Network (WPN)³⁵ with the aim of promoting gender equality in Montenegro. The demands they submitted to the Committee for Comprehensive Electoral Reform were related to amendments to the Law on the Election of Councilors and Deputies. Despite the promises of party leaders to support this request, the Draft Law on the Election of Councilors and Deputies in 2019 did not receive the necessary support and was therefore not adopted.³⁶

In addition to the fact that the existing legal provisions on quotas have exhausted their power to ensure greater women's political participation (see the analysis of the quota system below), what is particularly concerning is their continuous disregard by political parties. In October 2022, the Women's Rights Center reacted³⁷ to unacceptable shortcomings in the work of municipal electoral commissions, which had approved as many as 23 electoral lists for local elections that did not comply with the provisions of Article 39a of the Law on the Election of Councilors and Deputies. In the same article, the law stipulates that an electoral list that does not meet the prescribed requirements can be returned to the submitter for the purpose of rectifying the deficiencies. Otherwise, the electoral commission will reject the declaration of the electoral list. However, the law does not provide for any sanctions in cases where an electoral commission approves an irregular list (more details on this in the analysis of the regulatory framework). These consistent shortcomings indicate that this is not a technical error but a clear intention to prevent greater women's political participation, without which one cannot speak of a democratic society.

Furthermore, the vast majority of political entities do not adhere to their legal obligations regarding reporting on the financing of their women's organizations. In accordance with the provisions of the Law on the Financing of Political Entities and Election Campaigns³⁸, political entities have the right to a fixed percentage of funds

³⁵ The official Facebook profile of the Women's Political Network at the link.: <https://www.facebook.com/zenskapolitickamreza/>

³⁶ Iz Trećeg periodičnog izvještaja koji je Crna Gora dostavila u skladu sa članom 18. Konvencije, do 2021. godine, st. 112. Dokument se nalazi na linku: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2F30%2FMNE%2F3&Lang=en

³⁷ The Women's Rights Center has requested that the State Election Commission cease to play the role of a passive observer and more closely monitor the work of local electoral commissions in terms of complying with the provisions of the Law. The CŽP has also urged the state prosecutor's office to initiate proceedings to determine the responsibility of members of municipal electoral commissions in Kolašin, Plav, Rožaje, Bar, Bijelo Polje, Plužine, Danilovgrad, Žabljak, and Pljevlja, who approved such electoral lists. However, there has been no response from the authorities. You can read the full response at the link.: <https://womensrightscenter.org/reakcija-czp-na-proglasenje-nezakonitih-izbornih-lista/>

³⁸ Law on the Financing of Political Entities and Election Campaigns ("Official Gazette of Montenegro," No. 3/2020 and 38/2020), More on link:

specifically allocated for supporting the regular financing of women's organizations. This legal mechanism was introduced to promote gender equality and the political empowerment of women within parties. The lack of transparency in the spending of this money reinforces a network of structural barriers that distance women from their political careers and influential positions. A recent study showed that political entities received approximately 500,000 euros in public funds in 2020 for this purpose. Although the law stipulates that the disbursement of these funds is contingent on their dedicated use for strengthening women's party organizations, the study revealed that the vast majority of political parties did not report on how the funds were spent, and some did not even adopt statutes for their women's organizations. Despite continuously failing to meet the relevant legal requirements, the Ministry of Finance continued to make regular payments to these political parties. Such illegal and non-dedicated use of funds meant to promote gender equality is a practical example of the party leadership's attitude toward actual gender parity in their structures.

The oversight of the financing of political entities and election campaigns is carried out by the Agency for the Prevention of Corruption, established in accordance with a special law³⁹. In order to ensure the dedicated use of these funds, the law imposes an obligation on political entities to submit a special report on the expenditure of funds for financing women's organizations to the Agency for the Prevention of Corruption. The Agency compiles a report on the results of the control, provides it to the subject of the control, and publishes it on the Agency's website. The Agency is authorized to initiate proceedings based on its own knowledge or a report from an individual or legal entity to determine whether a violation of the law has occurred. The procedure for determining a violation of the Law on the Financing of Political Parties is initiated in accordance with the provisions of the Law on Administrative Procedure. Additionally, the State Audit Institution of Montenegro, in accordance with the Law on the Financing of Political Parties, is authorized to audit the annual financial reports of political parties and election campaigns (which include parties at both the central and regional levels). However, all of these authorities have failed to react in cases of the illegal use of funds for women's organizations within political parties.

The law explicitly states that these funds are "exclusively intended for financing women's organizations in political entities" and that they can "only be spent in accordance with the statute of that women's organization." To ensure that women's organizations do receive this money, it is transferred separately from the funds for regular operations directly to the accounts of women's organizations within political entities. Furthermore, to ensure the dedicated spending of these funds, the law requires political entities to submit a separate report on the method and purpose of expenditure of funds for financing women's organizations to the Ministry of Finance

https://www.paragraf.me/propisi-crnegore/zakon_o_finansiranju_politickih_subjekata_i_izbornih_kampanja.html

³⁹ The Law on the Prevention of Corruption ("Official Gazette of Montenegro," No. 53/20214 and 42/2017), link: https://www.paragraf.me/propisi-crnegore/zakon_o_sprjecavanju_korupcije.html

and the Agency for the Prevention of Corruption as part of the annual consolidated financial report for the previous year. According to the law, the Ministry is obliged to suspend the payment of these funds to a political entity that does not comply with the law in this regard.

The Agency for the Prevention of Corruption and the State Audit Institution have their own mechanisms for sanctioning political parties that do not comply with the provisions of the Law on the Financing of Political Parties, including initiating proceedings against them, which are also prescribed by law but are not used sufficiently.

The Law on the Government is another missed opportunity to increase women's participation in the executive branch of the state. Considering the specific political situation in Montenegro, the Women's Rights Center submitted a proposal for amendments to the Draft Law on the Government of Montenegro, which the Ministry of Public Administration published during the public consultation in September 2022.⁴⁰ The CŽP proposed the introduction of quotas for the underrepresented gender in the Law on the Government to ensure that the issue of women's political participation at the highest levels of decision-making is not subject to standard party calculations. The proposal was rejected with the explanation that increasing the representation of the underrepresented gender to 40%, as outlined in the National Gender Equality Strategy 2021-2025, is not mandatory but a long-term strategic goal and recommendation. We believe that such views cause long-term harm to fundamental developmental changes in society. We also believe that by reducing specific measures to the level of recommendations, those who are supposed to protect the values set by the Constitution and consistently enforce gender equality laws and anti-discrimination measures demonstrate a real lack of understanding of their obligations. The lack of political will has been discussed before.

In addition to the aforementioned barriers for women in general, there is a scarcity of research on political participation that includes questions about gender identity. A study from 2016 conducted by CEMI, the NGO Juventas, and Queer Montenegro assessed the attitudes towards the participation of the LGBT population among candidates for parliamentary positions. The results showed that 40% of respondents didn't know whether transgender identity is an illness, while nearly 80% of respondents had no opinion on whether a transgender person has the right to change their name and gender marker on personal documents without surgical intervention⁴¹. These specific data highlight the fact that lesbian and bisexual women are still rarely involved in gender equality policies implemented by political parties and decision-makers. Furthermore, such attitudes could negatively impact the enactment

⁴⁰ More on link: <https://www.gov.me/clanak/program-javne-rasprave-o-tekstu-nacrta-zakona-o-vladi>

⁴¹ My Rights Are Your Rights: Explore the Views of Parliamentary Candidates of Significance to the LGBT Population in Montenegro (2017). Queer Montenegro, NGO Juventas, Center for Monitoring and Research, Podgorica. Available at: <http://cemi.org.me/wp-content/uploads/2017/05/CCS-LGBT-Crna-Gora-2017-Final.pdf>

of a law on legal recognition of gender based on self-determination, which is yet to come.⁴²

Despite the fact that the National Gender Equality Strategy 2021-2025 includes issues related to transgender, gender-diverse, and intersex individuals for the first time, Montenegro still does not have a known LGBTIQ+ politician. It is encouraging to see the research conducted by the Center for Civic Education (CGO) in 2022, which showed that 10% of the public has a more positive opinion of an openly queer political figure, and 53% of them would not change their opinion about a political figure they supported if they came out as LGBTI. There is a trend of increasing support for political actors advocating for LGBT rights compared to 2016.⁴³

3. Methodology

In the preparation of this analysis, the following methods were used:

Qualitative Data Processing Method - Within the bibliographical data collection method, we relied on international and domestic studies related to the participation of women and marginalized groups in politics, as well as the socio-economic aspects of quota systems and their impact on gender equality. Primary data sources included expert articles, monographs, available research, conference proceedings, publications, etc. Within the normative method, we analyzed the legislative framework and fundamental normative solutions dealing with the electoral process and the political participation of women. To assess the effectiveness of the quota system from its introduction to the present, we also used a comparative method. Additionally, during the project's duration, we collected, consolidated, and qualitatively analyzed the electoral lists and election programs of political parties participating in the last parliamentary elections. Out of a total of 15 confirmed electoral lists, we collected 11 programs based on direct requests sent to the campaign headquarters of the parties. The remaining four programs⁴⁴ were neither publicly available nor did the parties respond to repeated inquiries from our researchers.

The qualitative approach to the programs was focused on identifying political priorities and approaches to gender equality, which ranged from more traditional,

⁴² The government is expected to adopt the law by the end of 2023, and it should enter parliamentary procedures in 2024.

⁴³ PUBLIC OPINION RESEARCH ON PERCEPTIONS TOWARDS LGBTIQ PERSONS (2022). Center for Civic Education, IPSOS. Available at: https://media.cgo-cce.org/2022/06/LGBTIQ-sloboda-bez-etiketa_Istrazivanje-javnog-mnjenja-F.pdf

⁴⁴ These are the election programs of the following lists: "People's Coalition 'United and Point'"; "Aleksa and Dritan: Count Courageously"; "For the Future of Montenegro - NSD-DNP-RP"; and the Albanian Alliance..

favoring heteronormative family and conservative values, to inclusive approaches recognizing the diverse needs and situations of various minority groups.

The consolidated election list and 11 election programs are included in the annex of this report, serving as a contribution to the longstanding efforts of the civil sector to document the programmatic aspects of elections and contribute to "political memory."⁴⁵ The annexed documents can also be used for verifying the results of this research and in further research efforts by interested parties.

Quantitative Data Collection Method - Within the quantitative enumeration, we determined the presence of women on electoral lists, including:

- The number of female candidates on electoral lists, the percentage of women in relation to men, and whether it complies with quotas.
- The number of women among the list leaders.
- The ranking of female candidates to ensure they have a fair chance to enter the Assembly, i.e., the percentage of women in the first 4 and the first 10 positions on the list.
- Regarding data availability (considering the principle of self-identification), the intersectionality of electoral lists was analyzed concerning the percentage of representation of Roma, LGBTQI population, and persons with disabilities.

For the purpose of this report, we developed a specific methodology for the quantitative analysis of electoral program content. The quantitative indicators were designed to provide a general assessment of the gender orientation of the programs in relation to:

- The number/percentage of mentions of the term "women."
- The number/percentage of mentions of the term "mothers."
- The number of mentions of "family/family/maternity."
- The number/percentage of mentions of the term "men/male."
- The number/percentage of mentions of the terms "transgender" or "LGBTQI persons."
- The number/percentage of mentions of the term "Roma, Ashkali, and Egyptians."
- The number/percentage of mentions of the term "persons with disabilities (PWD)."

⁴⁵ You can find more information on this topic in the publication "Parliamentary Elections in Montenegro: Election Programs of Parties and Coalitions in 2020," published by the Center for Civic Education and the Konrad Adenauer Foundation. For additional details, you can visit the following link: <https://media.cgo-cce.org/2020/12/Parlamentarni-izbori-u-Crnoj-Gori-izborni-programi-partija-i-koalicija-2020.pdf>

- The use of gender-disaggregated data.
- The use of gender-sensitive language.
- The number of mentions of "gender equality."
- The number/percentage of fully gender-oriented chapters (a multisectoral intersectional approach).
- The number of partially gender-oriented chapters (mention of gender equality within the chapter).
- Representation of a gender perspective in the election program (this value was obtained by adding the number of partially and fully gender-oriented chapters and was represented on a value scale: No gender perspective - Minimal (up to 30%), Moderate (31% - 64%), Adequate (65%-100%).

The percentage representation of key terms and words in sentences in relation to the total number of words in the program was expressed on a scale of 0-100%. In quantifying the use of gender-sensitive language and gender-disaggregated data, we introduced a value scale: No use - Minimal (if gender-sensitive language and gender-disaggregated data are used to some extent in the narrative) and - In full.

Considering that four out of 15 lists did not provide their programs for analysis, it appears that the parties' responsibility toward women and vulnerable groups is at an exceptionally low level. Consequently, there is still a long way to go before achieving a discrimination-free democratic society. The electoral lists that did not provide their programs and were not available on their official websites are as follows: People's Coalition – United and Period, Albanian Alliance, Aleksa and Dritan – Count Courageously, For the Future of Montenegro NSD-DNP-RP.

The research was conducted from May 15 to September 30, 2023. Below, the study presents the consolidated results by electoral lists and individual results by the programs of electoral lists that participated in the extraordinary parliamentary elections in Montenegro in July 2023, along with comparative insights, accompanied by conclusions and recommendations.

4. NORMATIVE FRAMEWORK – MECHANISMS FOR EQUAL PARTICIPATION

According to the Constitution of Montenegro, the right to vote is a fundamental right of every citizen of Montenegro who is 18 years of age or older and has resided in the country for at least two years. Elections are held in a single electoral unit, and the Parliament consists of 81 members elected directly through a secret ballot based on universal and equal suffrage.

The competent authority responsible for calling elections makes the decision to do so. Subsequently, the State Election Commission and municipal election commissions determine and announce the electoral calendar, including all deadlines stipulated by electoral legislation.

The mandate of the previous councilors or parliamentarians ends on the day the newly elected councilors or parliamentarians have their mandates confirmed. The confirmation of mandates takes place within 30 days from the day of the election, during which the competent election commission confirms the election results and announces the newly elected councilors or parliamentarians.⁴⁶

The quota system for underrepresented gender is defined by Article 39a of the Law on the Election of Councilors and Parliamentarians. In the context analysis of women's political participation, we described the conditional requirement for electoral lists. This requirement stipulates that an electoral list will not be proclaimed if it doesn't fulfill the minimum requirement of 30% candidates from the underrepresented gender, with an obligation that in every group of four candidates, at least one should be from the underrepresented gender. Additionally, Article 104 ensures that elected councilors/parliamentarians coming from the underrepresented gender can only be replaced by candidates of the same gender who are ranked next on the electoral lists.

The insufficiency of existing solutions in this law was highlighted by the local elections held in October 2022. These elections revealed all the weaknesses of the existing protection mechanisms in case of quota non-compliance. Although quotas are a legal obligation, the law does not specify any sanctions for non-compliance. The case of local elections demonstrates that without appropriate sanctions, there's no guarantee that parties and municipal election commissions, which proclaimed such lists, will not continue this negative practice.

⁴⁶The Constitution of Montenegro, available at the following link:: <https://www.paragraf.me/propisi-crnegore/ustav-crne-gore.html>

The Law on the Election of Members of Parliament and Councillors, available at the following link:: https://www.paragraf.me/propisi-crnegore/zakon_o_izboru_odbornika_i_poslanika.html

In this specific case, it remains an open question whether the State Election Commission had an obligation to react *ex officio*, considering Article 33 of this law, which prescribes that the State Election Commission will take over the responsibilities of the municipal election commission if the latter fails to fulfill its obligations. As the State Election Commission considers itself not competent to annul the decision of the municipal election commission regarding the proclamation of electoral lists that do not meet all legal requirements, it raises questions about whose responsibility it is. The same applies to any decisions by the State Election Commission that may be characterized by a similar oversight. Even if the oversight is pointed out in a timely manner, and the election commission (local or state) takes no action to rectify the deficiencies, the next competent authority is the Administrative Court (when it is being proven that the decision is not in accordance with the law) or the Constitutional Court (the decision restricts the right of women to be elected, which is additionally protected by affirmative action in Article 79 of the Constitution, as specified in the Law on the Election of Councilors and Parliamentarians).

Formal guarantees in this regard are provided by Article 107 of the Law, which grants the right to every voter, candidate, or submitter of an electoral list to file a complaint with the relevant election commission for the violation of the right to vote or the right of every citizen to vote and be elected (also provided for in Article 45 of the Constitution). However, even if such an initiative is initiated and considered by the Administrative or Constitutional Court, the chances of making a decision before the election are extremely low due to the short time frame between the list's announcement and the election date. It raises the question of whether these courts would even make a decision or simply conclude that deciding on this matter after the election is irrelevant, given that the violation of quotas would not be considered grounds for nullifying the election results.

The State Election Commission

After analyzing the regulations that govern the electoral process in Montenegro, the transparency of the State Election Commission (DIK) emerged as another important issue in our research. In practice, individual election lists submitted by parties and coalitions are not published in the form they were submitted.⁴⁷ Providing public access to the content of the submitted lists is essential because it ensures transparency in the process and offers the opportunity to identify any irregularities, including compliance with quotas, and monitor the quality of the DIK's work in terms

⁴⁷ Regardless of sending multiple requests to the State Election Commission (DIK), we were unable to obtain the submitted election lists. In parallel, DIK conducted an analysis of the compliance of the lists with the regulations, including the quotas, without providing access to the conducted analyses. The electoral lists only became available at the time of the announcement of the Consolidated Electoral List, which was published on the DIK website, after all mechanisms for identifying irregularities were exhausted. DIK's explanation for rejecting our request was related to the protection of personal data of candidates, despite the fact that the lists could have been published with the protection of personal data that are not relevant for verifying compliance with quotas in the initially submitted lists.

of verifying the compliance of lists with the legally prescribed conditions and rectifying any identified irregularities. On the other hand, the damage caused by non-transparency in terms of timely publication of candidates from electoral lists can be irreversible. The public does not have official information about the content of electoral lists until they are confirmed and subsequently published in the form of a consolidated electoral list, which must occur at least 15 days before the election day. In accordance with the Law on the Election of Ombudsmen and Deputies, the electoral list for the election of deputies is submitted to the State Election Commission no earlier than 20 days from the day of calling the elections and no later than 25 days before the day determined for the elections (Article 46). The State Election Commission publicly publishes the consolidated electoral list for the election of deputies no later than 15 days before the day determined for the elections (Article 49) ⁴⁸. Taking into account the time required for analysis, the space for timely public or third-party reactions, such as women's NGOs, to any omissions is extremely limited. Therefore, the time from the deadline for publishing confirmed electoral lists to the elections allows for a minimum of 15 days for initiating actions and for timely corrections by the DIK or the political entity. In a hypothetical situation where the DIK fails to react, there is not enough time left for appeals to other competent institutions (Administrative Court/Constitutional Court), and the risk of participating in electoral lists that have been confirmed contrary to the law is high (as was the case in the local elections in 2022) and without consequences. Fortunately, the State Election Commission diligently controlled the application of quotas during these elections and, in accordance with the law, warned political entities of their obligation to rectify the shortcomings on electoral lists.

"Sex" must be "sex" and "gender"

The Law on Gender Equality, in Article 2⁴⁹, defines gender equality as follows: "Gender equality implies equal participation of women and men, as well as persons with different gender identities in all areas of the public and private sectors, equal status, and equal opportunities to enjoy all rights and freedoms and use personal knowledge and abilities for the development of society, as well as to enjoy equal benefits from the results of work." In Article 7 of the same law, a clear distinction is made in the definitions of the terms "sex" and "gender."

Gender is the socially established role of women and men in public and private life that has developed based on the biological difference between the sexes.

Sex represents the biological characteristic by which human beings are differentiated into males and females.

⁴⁸ Law on the Election of Deputies and Councillors, https://dik.co.me/old_dik/regulativa/Zakoni/Zakon%20o%20izboru%20odbornika%20i%20poslanika.pdf

⁴⁹ The Law on Gender Equality, available at the link: <https://www.gov.me/dokumenta/81018a45-4270-4b3b-82a4-02434240860d>

The same law, in Article 10, clearly obliges the Assembly and the Government to promote and apply the principle of gender equality within their competences, particularly the principle of gender-balanced representation during elections and appointments to specific positions, the formation of working bodies, and determining the composition of official delegations.

Currently, a bill on legal recognition of gender based on self-identification is being drafted, with its adoption expected by the end of 2023. This law will regulate the legal recognition of gender identity based on self-determination, following the best practices of Western European countries and respecting EU standards. Implementing this measure will complete the normative framework for the protection of the human rights of LGBTI persons in Montenegro⁵⁰. Once the law is adopted, it will be necessary to align electoral legislation with it to enable full political participation of persons with different gender identities.

Through the National Strategy for Gender Equality 2021-2025, Measure 3.1 aims to empower women and persons with different gender and sexual identities to participate in political decision-making.

The solutions we expect in the upcoming comprehensive reform of electoral legislation must take into account all the obstacles mentioned and, by individually addressing them, minimize the potential for future structural exclusion of women and persons with different gender identities, especially when they come from marginalized groups, from the Montenegrin political scene.

5. RESULTS OF THE RESEARCH

1. Electoral lists – Males count

Before the extraordinary parliamentary elections in 2023, the State Election Commission confirmed 15 out of a total of 17 submitted electoral lists⁵¹. Before the official declaration of the Aggregate Electoral List (for which the deadline is at least 15 days before the date set for the elections⁵²), the State Election Commission returned three lists for revision to rectify deficiencies related to the violation of quotas for the

⁵⁰ Ministry for Human and Minority Rights, Strategy for Improving the Quality of Life of LGBTI Persons in Montenegro 2019-2023, available at the link: <https://wapi.gov.me/download-preview/b78cc299-7d34-4338-af1e-e6effc866986?version=1.0>

⁵¹ The decision on rejection is available at the following link.: <https://dik.co.me/rjesenja-o-odbijanju-proglasenja-izbornih-lista/>

⁵² Article 49 of the Law on the Election of Councilors and Deputies, (Official Gazette of Montenegro, No. 16/2000 - consolidated text, 9/2001, 41/2002, 46/2002, ... and 109/2020 - decision of the Constitutional Court).

underrepresented gender⁵³. The rejection of the declaration of two lists was not due to the violation of gender quotas, but because of the lack of the required number of valid signatures of support for the electoral list. Out of a total of 1113 candidates on 15 electoral lists, 397, or 35.67%, were women.⁵⁴

The data from the table on page 28 clearly show that most of the electoral lists (ten out of fifteen) only meet the minimum requirements regarding the application of quotas for the underrepresented gender.

It's important to remember that our previous research⁵⁵ showed that even a higher percentage of women on electoral lists does not result in a higher percentage of women in the Parliament. The number of women elected depends on the ranking of women on the electoral lists – the more women are placed in the top positions, the higher the likelihood of their election. Conversely, when women are ranked lower, the probability of them securing mandates is lower, especially for small parties that cannot secure more than three mandates. The electoral lists⁵⁶ predicted by regular pre-election polls to win the most mandates predominantly rank women lower in each group of four candidates, or they only apply the legal minimum when it comes to quotas. These practices result in fewer women in parliamentary seats and, consequently, in decision-making positions.

In 2023, out of fifteen declared lists, fourteen were led by men, and women were ranked in third or fourth place on these lists. Only one list was led by a woman, and this list had the highest percentage of female candidates, at 59%, compared to 41% male candidates, followed by the lists of minority parties. There is a trend of increasing the percentage of women on the lists of minority parties, but they are ranked lower and have a very low probability of winning a parliamentary mandate.

In the previous parliamentary elections in 2020, out of 11 electoral lists with 778 candidates for 81 seats in the Parliament, there were 511 men and 267 women⁵⁷. If we compare the trends with the previous parliamentary elections, the overall percentage of women on the Aggregate Electoral List remained unchanged (in the parliamentary elections of 2020, it was 34.44%), which is a direct consequence of the obligation of parties and coalitions to respect the minimum prescribed quotas. On the other hand, the ranking order of women in lower positions in a group of four candidates on electoral lists contributed to the continuation of the trend of decreasing the number of women in the initial composition of the Parliament, which will be discussed in more

⁵³ Conclusions for rectifying the deficiencies of the electoral lists can be found at the following link: <https://dik.co.me/zakljucci-za-otklanjanje-nedostataka-izbornih-lista/>

⁵⁴ Statement on preliminary parliamentary findings and conclusions by the International Election Observation Mission for Montenegro – Early Parliamentary Elections, June 11, 2023. The report can be found at the following link: <https://www.osce.org/files/f/documents/2/3/545968.pdf>

⁵⁵ The research on the following link: <https://womensrightscenter.org/parlamentarni-izbori-2020-iz-rodne-perspektive/>

⁵⁶ The research on political public opinion conducted by the NGO CEDEM in May 2023 can be found at the following link.: <https://www.cedem.me/istrazivanje/objavljeni-rezultati-istrazivanja-politickog-javnog-mnjenja-2/> kao i

⁵⁷ CGO's research at the link: <https://media.cgo-ccc.org/2020/12/Parlamentarni-izbori-u-Crnoj-Gori-izborni-programi-partija-i-koalicija-2020.pdf>

detail in the section of this report that comments on the election result. As we have seen, compared to the parliamentary elections in 2020, this number has decreased by one seat, and compared to the elections in 2016, by two seats. Therefore, from 2016, when the combined quota was first applied in line with legislative changes in 2014, until the latest extraordinary parliamentary elections, we have witnessed a negative trend of decreasing the number of female parliamentarians in the initial composition of the Parliament of Montenegro. This shows that political parties still uphold a formalistic approach to gender equality and the political participation of women, meaning they only aim to fulfill the legal requirements for confirming their own electoral lists.

It is clear that without the introduction of additional legal mechanisms, or the strengthening of guarantees for their implementation, the quota system as we know it cannot ensure an increase in the parliamentary representation of women. Although the number of female members of parliament has increased in previous parliamentary terms, it was a direct consequence of resignations that parliamentarians submit after being elected to the executive branch, often due to their election to leadership and ministerial positions. In these cases, women ranked immediately after the candidate who resigned⁵⁸ would fill the vacant parliamentary seat. In such situations, women next in line on the electoral list receive parliamentary mandates. It would be encouraging to intervene in the existing solutions in such a way that vacancies left by male candidates on the electoral list are obligatorily filled by the next ranked representative of the less represented gender.

To avoid parliamentary seats being allocated as an afterthought, when the best pieces of the cake have already been taken, a new quota system must aim for a minimum of 30% women in the initial composition of the Parliament. Only by introducing an obligation that among every three candidates, at least one must be a woman, instead of the current obligation of "one in four," can we approach this European average. The repeated recommendations of the CEDAW Committee oblige us to do so (see in the Normative Framework section). In parallel with this, the guaranteed percentage of women on electoral lists must be a minimum of 40%. However, it must be emphasized that this is a minimum because participatory democracy requires gender parity and intersectionality.

Following is a tabular representation of the ranking of women on the electoral lists of political parties and coalitions.

⁵⁸ As a result, vacant parliamentary seats are sometimes filled by women, which subsequently increases their percentage in the Parliament. Thus, the highest number of women ever recorded in parliamentary seats was at the end of the previous parliamentary term in 2019 when there were 24 female MPs, accounting for 29.6%.

Declared electoral lists	Total Candidates	Number of Women on the List	Percentage of Women on the List	Every Fourth Candidate of the Underrepresented Gender	Number of Women in the Top 10 Spots	Number of Women in the Top 4 Spots	Gender of the List Leader
The Bosniak Party - It's clear!- mr Ervin Ibrahimović“	81	33	40,7%	YES	2/20%	3 rd spot	M
HGI – On the right side of the world	71	29	40,8%	YES	7/70%	3 rd spot 4 th spot	M
"Justice for all" - Vladimir Leposavić, Ph.D	55	17	30,9%	YES	2/20%	3 rd spot	M
SNP – DEMOS – FOR YOU	81	26	32,1%	YES	4/40%	3 rd spot 4 th spot	M
"THE PEOPLE'S COALITION - UNITED AND PERIOD"	81	25	30,9%	YES	3/30%	4 th spot	M
ALBANIAN ALLIANCE - SHQIPTARE ALLIANCE Forca, Democratic Alliance, Democratic Alliance of Montenegro and civil group "Pokret Tuzi"	67	21	31,3%	YES	2/20%	4 th spot	M
Reversal. For a secure Montenegro - Srđan Perić"	54	17	31,4%	YES	3/30%	3 rd spot	M
Movement for change - 'Montenegro	81	30	37%	YES	4/40%	3 rd spot	M

first' - Nebojša Medojević - Reforms to save the country							
YES. WE CAN. FOR CITIZEN MONTENEG RO	77	32	41%	YES	3/30%	4 th spot	F
"TOGETHER ! For the future that belongs to you - Danijel Živković (DPS, SD, DUA, LP)"	81	32	39,5%	YES	2/20%	4 th spot	M
EUROPE NOW - MILOJKO SPAJIĆ	81	28	34,6%	YES	2/20%	3 rd spot	M
SDP-FOR OUR HOUSE	81	26	32,1%	YES	2/20%	4 th spot	M
"ALEKSA AND DRITAN - COURAGE counts!"	81	25	30.9%	YES	2/20%	4 th spot	M
"For the future of Montenegro " NSD-DNP- RP	81	26	32%	YES	2/20%	3 rd spot	M
Albanian Forum - Nik Gjeloshaj "BESA for European Developmen t" / Forumi shqiptar – Nik Gjeloshaj „BESA për Zhvillim Evropian	60	18	30%	YES	2/20%	4 th spot	M

It is evident that without the existence of quotas for the underrepresented gender, the percentage of women on electoral lists would be even lower. This highlights the need to strengthen party and legal mechanisms for increased political participation of women. It is especially important to find ways to ensure the representation of women from marginalized groups, including Romani women, women with disabilities, LGBTQ+ women, and others whose voices are inadequately heard in the public and political arena.

2. Elective programs – Long journey to Europe

The analysis clearly indicates a concerning lack of political will, or courage, to place gender equality issues at the forefront of electoral programs. This means another missed opportunity for the needs of women and vulnerable groups to be recognized by those who should represent them.

Based on the electoral programs of the parties participating in the 2023 early parliamentary elections in Montenegro, it seems that only heterosexual men live in the country. Therefore, we can assume what future policies will look like and for whom they will be made. Without the use of gender-disaggregated data and with few measures related to empowering women, LGBTQ+ individuals, persons with disabilities, Romani women, and other marginalized groups, the majority of electoral programs appear discouraging, declarative, and do not contribute to Montenegro's European path.

Parts of the programs concerning poverty, discrimination, education, culture, science, sports, media, urban planning, transport, agriculture, green economies, finance, tourism take into account only one perspective, failing to use the available data that would allow them to address the specifics on which it depends whether the programs will respond to the needs of the entire population.

Our analysis shows that out of 11 programs, only one electoral program minimally consults gender analyses. This raises the question of for whom the parties are creating policies if they are not informed about the specific needs of women, especially those belonging to vulnerable groups. Gender equality is minimally addressed in nine electoral programs, while two programs do not include this topic at all. Gender equality is mostly recognized through the lens of gender-based violence, which is also inadequately addressed. Only one electoral program (SDP-For our house) equally communicates with both citizens and uses gender-sensitive language consistently.

Targeted measures for achieving gender equality support stereotypical patriarchal gender roles and are predominantly part of social policies. They are minimally present in the rule of law and human rights sector, economic policies (through the development of women's entrepreneurship), and only sporadically in the fields of culture, health, and sports. Only one program TOGETHER! For the future that belongs to you - Danijel Živković (DPS, SD, DUA, LP), directly addresses the rights of LGBTQ+ individuals, persons with disabilities, and the Romani, Ashkali, and Egyptian

(RAE) community (within the chapter on social justice) Seven out of the 11 analyzed programs include one sentence covering the rights of the LGBTQ+, persons with disabilities, and RAE communities in a general and non-specific manner, without concrete measures. None of the programs recognize the priorities of marginalized communities or women from these communities, despite feminist organizations advocating for these groups' key priorities. The programs of the parties representing minority nations contain openly heteronormative interpretations of family and human rights, or they are implicit. This is not surprising, considering that these parties were the only ones to vote against the adoption of the Law on Life Partnership of Persons of the Same Sex in 2020. This applies to the following electoral lists: Albanian Forum - Nik Gjelošhaj "BESA for European Development" / Forumi shqiptar – Nik Gjelošhaj „BESA për Zhvillim Evropian," HGI – On the right side of the world, and "Justice for all" - Vladimir Leposavić, Ph.D.

The program analysis reveals narratives that (mis)use the concept of tradition, either treating family in a discriminatory, exclusionary, and heteronormative manner or explicitly linking traditional values with the nation and state. Thus, it would be more appropriate to consider this retrograde policy than preserving the heritage to which the parties refer, given the tradition of the struggle for social justice in our region in which women have played a crucial role.

Last but not least, the analysis of the programs of electoral lists shows a fundamental misunderstanding of gender equality, as well as a formalistic approach to it. An intersectional approach that includes women and individuals with different gender identities from marginalized groups is almost always absent, as is the courage to even mention certain groups (e.g., LGBTQ+ individuals). This situation is yet another indicator of a political culture that consistently instrumentalizes women and individuals with different gender identities, as well as all marginalized groups, to achieve political goals, rather than promoting equality and democracy.

Tabular Overview of the Analysis of Election Programs

Representation of Gender Perspective in Election Programs for the 2023 Parliamentary Elections				
ELECTION LIST	Representation of Gender Perspective in the Election Program	Intersectionality (Representation of PWD, RAE, LGBTIQ+ Communities)	Use of Gender-Disaggregated Data	Use of Gender-Sensitive Language
The Bosniak Party - It's clear! - mr Ervin Ibrahimović	16.7%	0.07% - Refers only to PWD, while other communities are not mentioned in the program	Minimal!	No use
HGI – On the right side of the world	0%	0.1% - Only one reference to PWD, while other communities are invisible in the program	No use	Minimal
"Justice for all" - Vladimir Leposavić, Ph.D	33%	0.08% - Refers to PWD and sexual minorities	No use	No use
SNP – DEMOS – FOR YOU	0%	No intersectionality	No use	No use
"THE PEOPLE'S COALITION - UNITED AND PERIOD"	Did not provide a program	Did not provide a program	Did not provide a program	Did not provide a program
ALBANIAN ALLIANCE - SHQIPTARE ALLIANCE Forca, Democratic Alliance, Democratic Alliance of Montenegro and civil group "Pokret Tuzi"	Did not provide a program	Did not provide a program	Did not provide a program	Did not provide a program
Reversal. For a secure Montenegro - Srđan Perić	15%	0.03% - Refers to PWD and sexual orientation only	No use	Minimal

Movement for change - 'Montenegro first' - Nebojša Medojević - Reforms to save the country	17.5%	0.03% - Solely refers to PWD	No use	Minimal
YES. WE CAN. FOR CITIZEN MONTENEGRO	4.2%	0.02% - Solely mentions RAE	No use	No use even though one of their goals is Gender Equality: Promotion and use of gender-sensitive language
"TOGETHER! For the future that belongs to you - Danijel Živković (DPS, SD, DUA, LP)"	37.5%	0.09% - Refers to RAE, PWD, and LGBTIQ community	No use	Minimal
EUROPE NOW - MILOJKO SPAJIĆ	17.7%	0.04% - Refers to RAE and PWD	No use	No use
SDP-FOR OUR HOUSE	22%	No intersectionality	No use	Yes!
"ALEKSA AND DRITAN - COURAGE counts!"	Did not provide a program	Did not provide a program	Did not provide a program	Did not provide a program
"For the future of Montenegro" NSD-DNP-RP	Did not provide a program	Did not provide a program	Did not provide a program	Did not provide a program
Albanian Forum - Nik Gjelošhaj "BESA for European Development" / Forumi shqiptar – Nik Gjelošhaj „BESA për Zhvillim Evropian	16.7%	0.03% - Solely refers to PWD through the use of an outdated and discriminatory term "persons with special needs"	No use	No use

The individual gender analyses of the election programs

Below are the individual gender analyses of the election programs, each starting with a general comment based on the indicators developed for this project (see methodology). Programs are presented in the order established on the consolidated election list. The length of the programs varies depending on the election list, with some programs consisting of only two pages and others containing up to fifty pages. Therefore, the scope of our analyses is also influenced by the length of the programs.

1. The Bosniak Party - It's clear!– mr Ervin Ibrahimović

Election program available at the following link:
<https://www.bscg.me/izbori-2023/izborni-program-jasno-je-bosnjacka-stranka-mr-ervin-ibrahimovic>

General assessment: The program consists of twenty-four chapters, one of which is fully dedicated to gender equality, while three partially include a gender perspective. Gender analyses mostly do not support program measures, even in the chapter related to gender equality. The program did not encompass all relevant factors and did not provide a fundamental understanding of gender dynamics and their impact on Montenegrin society. The challenges faced by women and members of other marginalized communities are not sufficiently considered in the proposed solutions. Therefore, the value we obtained indicates that this program minimally includes a gender perspective.

In the chapter addressing the strengthening of democratic institutions, freedom, and security for all citizens, the issue of gender-based violence and the necessity of justice reform in that context are directly addressed. It is encouraging that the program calls for respecting the law and European case law and highlights a human rights-based approach.

The chapter on social policy also directly addresses the need for improving the situation of women and children who are victims of violence by proposing the construction of regional shelters and financial compensation for those who have experienced violence. Furthermore, the Bosniak party commits in the program to propose policies that lead to wage parity between men and women. While this type of support aimed at vulnerable groups is commendable, this chapter does not recognize the different positions of women and men regarding the phenomenon of poverty, nor does it provide fully effective solutions to overcome the risks of poverty or articulate the gender component of this issue. The assumptions presented in this chapter are not based on gender-disaggregated data, which would provide a more comprehensive picture and reveal the complexity of the poverty issue.

Additionally, the Bosniak party addresses the issue of reconciling parenthood with work, which can be interpreted as focusing on recognizing and achieving a balance between private and professional life. However, it is not entirely clear in which direction the proposed measures intend to develop, and it is not possible to conclude whether this recognizes the specific needs of one gender or another or some other

gender identities. It is essential to consider that the chapter on family care does not integrate LGBTIQ+ community issues in any way, nor does it recognize the specificity of communities formed through the Law on Life Partnership of Persons of the Same Sex, indirectly excluding LGBTIQ+ individuals from measures related to "solving the housing issue of young married couples." In other words, the use of the terms "family" and "married couples," which, according to the Constitution and the Family Law, exclusively refer to the union of a man and a woman, and subsequently to the community of parents and children, implies that these measures do not apply to same-sex partners, as their communities are not recognized by these regulations. Selective granting of rights is a form of discrimination, especially when it comes to social benefits. Excluding groups or individuals from social benefits and social welfare policies based on certain criteria is a fundamental form of discrimination.

The Bosniak party dedicates an entire chapter of the program to gender equality. Various issues relevant to gender equality are treated here, from advocating for increased representation of women in political positions, forming a Women's Forum, increasing benefits for mothers, to combating discrimination. Nevertheless, the measures proposed are mostly applicable to heterosexual female members of the Bosniak community. However, a more detailed analysis concludes that the relevant data were not fully consulted even within this chapter, and the proposed measures lack concretization.

What is innovative in this program is its recognition of the importance of supporting the non-governmental sector and civil initiatives. This measure is particularly commendable as it demonstrates commitment and support for organizations and individuals working to bring about positive changes in society.

In the section on strengthening media pluralism, the program highlights the need for the legal prosecution and punishment of all forms of intolerance, insults, or hatred, toward anyone, through various media, electronic, written, printed, portals, or social networks.

Economic measures are described through a series of chapters, in which female entrepreneurship is mentioned only once. However, a positive development is the separate chapter dedicated to caring for people with disabilities and providing support to socially disadvantaged population groups. It envisages the creation of special active measures, through the Employment Agency, to prepare unemployed individuals and people with disabilities for labor market integration, subsidizing new jobs, and developing entrepreneurial initiatives.

2. HGI – On the Right Side of the World

The election program was not available to the general public.

General assessment: *The program consists of eight chapters, none of which specifically address gender equality and intersectionality issues. Intersectionality is touched upon in the context of the position of persons with disabilities in sports. Women are mentioned in one sentence discussing the need to ensure accessible healthcare. A significant part of the program (a whole chapter) is dedicated to the*

protection and preservation of the culture, tradition, and identity of the Croatian people, which are inseparable from the Catholic identity. Gender-sensitive language is used in one sentence only, whereas the program does not contain gender-disaggregated data at all.

Since it contains no chapter that may be considered gender-sensitive, in part or in whole, this program **lacks a gender perspective**.

3. "JUSTICE FOR ALL!" – VLADIMIR LEPOSAVIĆ, PhD

The election program was not available to the general public.

General assessment: *The program consists of three chapters. The program does not recognize gender equality and intersectionality as separate concepts. Women and sexual/gender minorities are addressed through Priority I (Rule of Law - A Prerequisite for the Security and Progress of All) in the context of introducing measures for violence prevention. Due to the fact, we find that the gender perspective of the program is present only at a minimum level. Gender-sensitive language is not used at all, while only the minimum amount of gender-disaggregated data is included.*

Although the political mission of the election program named **"Establishing the rule of law system and building a state truly governed by law,"** should rely on gender analyses and focus on building a society of gender equality as one of the foundations of the rule of law and a legal state, the program totally lacks such elements.

The intention to resolve issues through a broader social consensus and by involving citizens, including minority groups, in a direct decision-making process, although generally seen as commendable, is still not clearly defined. Therefore it remains unclear whether the intention is that the issues concerning minority groups should be addressed through referendums by the general community, which can be risky when it comes to the issues concerning LGBTIQ+ persons, but also women (especially when taking into account that these issues are increasingly instrumentalized by various political structures for the purpose of gaining political and other capital). The program highlights the importance of *respect for the right to choose and the right to diversity*, as well as *personal autonomy and the free will of each individual*, though without further elaboration, and it is therefore not possible to conclude whether the interpretation of these concepts is inclusive in its nature. The meaning of the following statement appearing within the segment on culture and education remains unclear: "Cultural and educational policies should promote and integrate the best traditional values of our society using already proven, successful modern practices and achievements." Considering the fact that Montenegro does not have in place an adequate educational system that could effectively address the issues related to gender, sex and sexuality, and does not adequately tackle these

topics either on an intersectional or horizontal level, and since the "traditional attitudes" are not favorable towards women and LGBTIQ+ individuals, it is questionable how this list plans to promote a balance between traditional and modern values through culture and education, and how it perceives these values. When addressing minorities and vulnerable groups, the entire program primarily emphasizes national and religious groups. In this regard, the program can be considered as contradictory because it is not entirely clear how it perceives the concept of the civic state, given that it also mentions nations as "the constitutive culture of Montenegro." (*"We will fight any form of discrimination against members of national and religious minorities, with the intention of institutionally and in every other way affirming the position that national and religious minorities represent indigenous and authentic communities, and as such, they are not only full-fledged members of the society but are also constitutive cultures of Montenegro".*) Given that the civic concept of the state is inseparable from the affirmation of gender equality, we believe that this dilemma is worth mentioning in the given analysis.

4. SNP - DEMOS – FOR YOU.

The election program was not available to the general public.

The election program consists of two chapters. The program does not address the concepts of gender equality and intersectionality. LGBTIQ+ people, as well as persons with disabilities and the Roma, Ashkali, and Egyptian communities (RAE), are not mentioned as well. The program places a strong emphasis on family and pro-natalist policies, through the introduction of one-time cash incentives to many children families but also proposals to extend maternity leave for the second and third child. In this regard, the program is based on a predominantly conservative approach, centering family, specifically a heteronormative family with children, in all of its future policies, without a systemic consideration of the impact that such policies might have. The program does not employ gender-sensitive language, and gender-disaggregated data are not used as well.

This is also **the second program that does not integrate a gender perspective.**

5. "НАРОДНА КОАЛИЦИЈА - СЛОЖНО И ТАЧКА" ("PEOPLE'S COALITION – UNITED AND THAT'S ON PERIOD)- (Dejan Vukšić – Christian Democratic Movement (Demohrišćanski pokret); Marko Milačić – Real Montenegro (Prava Crna Gora); Vladislav Dajković – Free Montenegro (Slobodna Crna Gora); Dragica Perović – Democratic Serbian Party (Demokratska srpska stranka); dr Novica Stanić – Movement for Pljevlja (Pokret za Pljevlja))

Despite multiple requests, the election list did not provide its program, and it was not made available through any public source.

6. THE ALBANIAN ALLIANCE – ALEANCA SHQIPTARE

Despite multiple requests, the election list did not provide its program, and it was not made available through any public source.

7. A Turnaround for a Safe Montenegro (Preokret za sigurnu Crnu Goru) – Srđan Perić

The election program is available at the following link: <https://preokret.me/program>

General assessment: *The program consists of twenty chapters, though none of them fully addresses gender equality issues. Gender equality is partially addressed in two chapters, the one related to human rights, sports, and social policies. Gender-segregated data are not mentioned in the context of program information, and gender-sensitive language is not used.*

Throughout the entire program, gender equality is mentioned only once, in the chapter on **Human Rights**. In this chapter, gender equality is defined as a priority. The same chapter emphasizes the necessity of effectively using each right that the Constitution guarantees to all communities and individuals, irrespective of their political, religious, national, sexual, or other orientation or affiliation. However, it is worth noting that the Constitution does not explicitly mention sexual orientation and gender identity and therefore does not directly address the human rights of LGBTIQ+ people, which are thus regulated by specific laws. Additionally, the Constitution contains discriminatory provisions defining marriage as a union between a man and a woman, and it is therefore alarming that the program limits the level of respect for human rights by including references to the Constitution of Montenegro. In other words, allowing for the use of rights guaranteed by the Constitution is not sufficient by itself; it is necessary to invoke both observance and improvement of the overall legal framework. Furthermore, women are mentioned in the chapter on Sports, where the development of women's recreational sports and educating women about the preventive (health) aspects of sports are recognized as one of the priorities.

The chapter on **Social Policy and Employees' Rights** underlines the need for a more significant representation of women in decision-making positions. Additionally, one of the active measures it recommends for improving the social benefits system is the full operating capacity of the Alimony Fund. However, intersectionality is not addressed by the program.

Having regard to the above, this program **meets the minimum recommended criteria for integrating a gender perspective.**

8. Pokret za promjene - PRVO CRNA GORA - Nebojša Medojević - Reforme za spas zemlje (Movement for changes – MONETENEGRO COMES FIRST - Nebojša Medojević – Reforms for rescue of the country)

The election program is available at the following link:

<https://promjene.org/wp-content/uploads/2023/05/Program-PRVO-CG-PzP.pdf>

General assessment: *The program consists of seventeen chapters, one of which, chapter (XV), is exclusively dedicated to the Policy towards Women. Two chapters concerning social policy and culture integrate a gender perspective at a minimum level, which is why they may be classified as partially gender-sensitive. Other chapters (systematized by specific sectors) lack an intersectional, gender perspective. The context of the analysis does not include gender-disaggregated data, and the lack of such data in specific sectors is not even addressed through tailor-made measures. The gender-sensitive language is minimally included, though only in the chapter on women's policies. The program completely lacks measures adapted to the LGBTIQ+ community as well as the Roma, Ashkali, and Egyptian (RAE) communities. People with disabilities are recognized through social and gender policies. In consequence, the gender sensitivity of the election program may be classified as minimal.*

In Chapter III, titled "**Direct Democracy**", the emphasis is placed on the **citizen**, though without gender-sensitive language being used and with a missed opportunity for explaining from a gender perspective, the significance of establishing functional democracy through the enactment of the Law on Parliament and the Law on the Government of Montenegro. As for direct democracy, and since gender analysis, which would ensure implementation of this measure, is also not included, there is a risk that it could entail the practice of referendum decision-making on gender equality and human rights issues, which could potentially limit these rights. In addition, the measure involving the introduction of open lists has not undergone gender analysis, which is deemed necessary. This is because, in practice, open lists can often have adverse effects on both women and vulnerable groups.

The same narrative style continues in Chapter XI – **Society of Knowledge – Education and Science**, which provides an overview of issues at all levels of education but does not use available official data on the exclusion of women from STEM fields, non-gendered school curricula, and the lack of gender equality programs. The results of available research conducted at Montenegrin universities on internal gender equality policies and protection against violence and sexual harassment were also not taken into account⁵⁹. Although the chapter briefly addresses the problem of the increasing peer violence (without analyzing the groups affected by violence), it addresses this issue through a single proposed measure. The measure does not address the root causes of the problem but primarily suggests the methods for

⁵⁹ Further information on the UNIGEM project available at: <https://www.ucg.ac.me/pf/unigem>

controlling behavior, primarily through the vague "proactive measures" aimed at "combating peer violence to an acceptable level" by introducing the presence of police officers in school yards and at Montenegrin universities. Not only do these measures lack gender sensitivity, but they also contradict fundamental principles of human rights, as well as feminist principles of non-violent action and the promotion of a non-violent culture, requiring that a greater emphasis be placed on prevention rather than on control and punishment. No data are addressing the LGBTIQ+ people and the barriers they face in the course of their education, even though such data are available to the public. This chapter addresses the issue of strengthening kindergarten capacities, which indirectly tackles the issue of reducing unpaid household labor, predominantly performed by women, though the availability of kindergartens is solely linked to the context of socially disadvantaged parents.

Chapter XII - ***Sustainable Health System*** uses the data on employees in this sector and offers general measures, among which **there are no** measures concerning women's reproductive and mental health, accessibility of healthcare for people with disabilities, primarily women, screening for chronic diseases that predominantly affect and cause death in women, the lack of necessary hormone therapy for transgender women, addressing the issue of discrimination against LBQ women in accessing the in vitro fertilization, and the like. The chapter highlights that "vulnerable patient groups" do not receive satisfactory healthcare services, though it is not specified which groups are primarily affected by this situation. Women's health is the subject of one measure within Chapter XV, Policy Toward Women, which is specifically related to mobile clinics for women in rural areas.

Chapter XIII – ***Culture for All***, in addition to reviewing the state of culture, addressing the deprofessionalization of cultural workers and the lack of incentives for cultural professionals, also provides insights into the hate speech appearing in the media, though without a gender perspective and an analysis of the participation of women and the LGBTQ+ community in culture. On the other hand, gender equality is taken into account within the measure aimed at promoting cultural diversity, including multiculturalism and cultural expressions of different social groups and minority members, but without specifying which particular groups the measure pertains to. Hate speech is recognized as a problematic phenomenon, and such an attitude can be viewed as commendable.

Statistics in the field of social protection (Chapter XIV - ***State of Social Justice***) are not gender-disaggregated and do not offer a gender perspective on poverty, which includes energy poverty as well. Special attention is given to families and their material security. It is emphasized that: "Families must be systematically supported, and services they need must be further developed." The chapter does not address non-heteronormative families. One of the measures envisages support for non-institutional forms of social protection for vulnerable groups - community kitchens, **women's safe**

houses, shelters for the homeless, and daycare centers, which is why this chapter may be considered as partially gender mainstreamed. The term "persons with developmental disabilities" is mentioned for the first time, specifically in the context of strengthening foster care services, though this term is stigmatizing and pathologizing in its meaning and is no longer used by human rights advocates for persons with disabilities. Protective social welfare measures for vulnerable groups are also mentioned, though it is not specified which particular communities are being discussed.

9. YES. WE CAN DO IT FOR A CIVIL MONTENEGRO! (DA. MI MOŽEMO ZA GRAĐANSKU CRNU GORU!)

The election program was not available to the general public.

Considering the fact that this is the only election list led by a woman and it includes 59% of female candidates, instead of offering a concise general evaluation, a detailed analysis is being provided below:

After a thorough analysis of the program, it becomes clear that this is not a "women's list," although the proportional representation of women at 59% on the election list and the direct promotion of this fact in the pre-election campaign might initially suggest otherwise.

The manner in which the male/female representatives of the list are narratively presented at the very beginning of the program, as "*political scientists, doctors, sociologists, lawyers, professors, and other open-minded and well-intentioned citizens*" calls for a reconsideration of the name of this movement "**Group of Citizens WE CAN!**" – which does not imply a group of female citizens. This **absolute** gender insensitivity of the language used, especially when compared to the declared goal of gender-sensitive language policy, which is "*promoting gender-sensitive language*," not only demonstrates inconsistency in the program logic but, unfortunately, a profound miscomprehension of the feminist agenda.

The issues related to gender equality, with minimal reference to the various identities affected by gender-based discrimination, make up less than 5% of the total program, mainly concentrated in Chapter 17 - ***Improvement of Women's Position***, and the opportunity to hear the "voice of women" in other sectors covered are therefore missed. Out of **21** chapters, we have come to the point where gender equality, almost totally lacking an intersectional perspective, is represented at a level of about 14%, including **two** partially gender-mainstreamed chapters in which the need for the development of women's entrepreneurship is mentioned in one sentence (Chapter 15: ***Development of Entrepreneurship and Small and Medium-sized Enterprises***) and the need is recognized for improving the position of "sister-technicians" (***in Chapter 21: Healthcare***).

When it comes to intersectionality, this is one of the programs (along with e.g. HGI or SNP-Demos) that do not even recognize the needs of persons with disabilities, let alone the RAE or LGBTIQ+ population. Hints of intersectionality could perhaps be found only in the part where "special importance is attached to the rights of older women, members of national minorities, and **vulnerable groups**," however, such statements remain too general in meaning, and due to the (un)sensitivity of the entire program, it cannot be claimed with certainty that they relate to LGBTIQ+ individuals. Roma (but not Romani women) are mentioned only in the introductory part of the presentation of the movement's membership, where it is stated that among other nationalities, it comprises also Romani people.

The Citizens' Movement "WE CAN" is interested in strong institutions not characterized by nepotistic employment (Chapter 1: **Strong institutions, a strong state**) and efficient public administration (Chapter 13: **Public administration reform**), but it does not seem to be concerned with the entire spectrum of discriminatory practices that women, LGBTIQ+ individuals, or persons with disabilities face in this sector, and which can hinder their professional development or even their access to public services (both physical access and the access to employment, when it comes to persons with disabilities, for example). They are interested in public policies (Chapter 2: **Coordination of public policies**), but the issue of their systemic lack of gender mainstreaming in these policies appears to be someone else's concern. They are particularly aware of the need for more efficient work in the process of European integration, especially in the areas covered by Chapters 23 and 24. However, in Chapter 3, European Integration there is no mention of various topics that are significant and directly related to gender equality and human rights, which include the lack of judges and prosecutors specialized to handle cases of sexual abuse, trafficking, or gender-based violence; the participation of women in peacekeeping operations, especially in addressing war crimes in the region; the illegal diversion of funds allocated exclusively to women's organizations in political parties; and a range of fundamental rights aimed at prohibiting discrimination, violence, hate crimes, improved access to justice, hate speech that particularly affects women and LGBTIQ+ individuals, and the irresponsible behavior of relevant institutions when it comes to enabling the implementation of the Law on Registered Partnership for same-sex couples. Furthermore, it is essential to address the inability of transgender individuals to have their gender identity legally recognized without undergoing medical interventions that involve sterilization. Instead, the progress in Chapters 23 and 24 for EU accession will be measured, as mentioned, by resolving "*issues related to corruption, organized crime, as well as addressing open conflicts and numerous misunderstandings with neighboring countries.*"

The analysis maintains a similar tone: when discussing the economic aspect (Chapter 4 **Macroeconomic parameters of development**), does not mention the care economy (even though the chapter on improving the position of women emphasizes the need for a greater recognition of unpaid domestic work); when it

comes to ecology and urban planning (Chapter 5: *Ecology and sustainable development*), there is no mention of the chronic exclusion of the gender perspective from urban planning or the importance of eco-feminism for green transition. Additionally, it does not address the burden borne mainly by women and vulnerable communities due to environmental degradation, climate change, and the depletion of natural resources. Women are not mentioned in chapters related to tourism (Chapter 6: **Tourism**), agriculture (Chapter 7: **Agriculture**), digital transition (Chapter 8: **Industry**), energy (Chapter 9: **Energy**), information technology (Chapter 10: **Information and Communication Technology - ICT**), culture (Chapter 11: **Creative Industries and Digital Transformation**), human resources (Chapter 12: **Social Capital - People are our strength**), or social protection (Chapter 16: **Improving the social and child protection system**), and this absence of gender perspective extends until the very end of the program.

Without gender-disaggregated data or gender-sensitive language, and with a gender orientation rating of less than 15%, this program ultimately includes a GENDER PERSPECTIVE AT A MINIMUM LEVEL.

10. ZAJEDNO! Za budućnost koja ti pripada (TOGETHER! For a future that belongs to you) - Danijel Živković (DPS, SD, DUA, LP)

The election program was not available to the general public.

General assessment: *The program consists of eight chapters, none of which is exclusively dedicated to gender policies. Gender equality is partially addressed in **three** chapters concerning economic, social, and sports policies. In the field of social policy, LGBTIQ+, persons with disabilities (PWD), and RAE communities are addressed (though quite briefly and formally). Intersectionality is mentioned in the context of the healthcare sector but it only relates to the PWD and RAE population. The program is mostly based on gender-disaggregated data, while gender-sensitive language is used minimally and inconsistently. However, due to the somewhat horizontal inclusion of a gender perspective, this program is moderately gender-mainstreamed. The program includes three chapters that are partially gender-mainstreamed. A more detailed analysis of how gender equality issues are treated is provided below.*

Chapter 1: **Montenegro - EU Member State!** deals with Montenegro's European perspective as an opportunity for further economic growth and prosperity in the country. However, it lacks an understanding of how EU membership can contribute to gender equality. While the importance of civil society participation is recognized, there is no mention of the marginalization of women's and LGBTIQ+ NGOs in the negotiation process. When analyzing Chapters 23 and 24, the program does not take into account the legal framework's inconsistencies regarding the full implementation of LGBTIQ+ rights, especially in the context of the Law on Life Partnership of Persons of the Same Sex.

Chapter 2: **Economic Growth, New Jobs, Better Standard** partially addresses programs for the development of women's entrepreneurship. However, it has missed the opportunity to highlight the position of women in agriculture in the northern part of the country or to emphasize the challenges they face in the context of the informal economy, as these are the topics mentioned in the chapter. LGBTIQ+ individuals are not recognized as participants in the economy, so there are no measures addressing LGBTIQ+ workers or discrimination in the labor market, not even in the context of developing queer tourism, which is usually the only economic sector where LGBTIQ+ individuals are mentioned. However, the program addresses the employment of vulnerable groups through the development of social entrepreneurship in collaboration with civil society organizations, though without specifying the groups this refers to. This is also the first partially gender-mainstreamed chapter.

Chapter 3: **A Socially Just Society** includes an intersectional perspective and provides an overview of measures related to persons with disabilities (although disabled women are not specifically recognized), the RAE population with a specific focus on RAE women and older individuals, and the LGBTIQ+ population. It is commendable that attention is given to the adoption of a new Strategy for improving the quality of life of LGBTIQ+ individuals. However, there is no mention of the importance of adopting a key law for the transgender community, which is currently in the drafting phase - *the Law on Legal Recognition of Gender Based on Self-Identification*. A comprehensive overview of the **implementation** of the Law on Life Partnership of Persons of the Same Sex is completely missing, and this law, due to the non-adoption of amendments to the law and bylaws, cannot be implemented in practice, so in consequence the same-sex partners, although allowed to enter into a partnership, cannot access the rights granted by the law. A specific paragraph is dedicated to issues of violence, including violence against women. In this regard, plans are being made to establish shelters for women victims of violence in cities that provide these services, as well as to criminalize femicide and psychological violence. Chapter 3 is the second gender-mainstreamed chapter.

Chapter 4, **Quality Healthcare Available to All**, contains a series of general statements without specific recognition of the issues that women and LGBTIQ+ individuals face in the domain of healthcare, even in terms of particularly vulnerable groups. This is especially significant when considering the inadequacy of healthcare in the field of sexual and reproductive health (lack of contraceptives, menstrual hygiene products, etc.), as well as the long-standing systemic issue of a shortage of hormone therapy for trans women and all other women in need. One of the measures focuses on addressing the needs of people with disabilities or the RAE population, and the need to improve accessibility and availability of the healthcare system for these groups.

Chapter 5, **Knowledge Society for the 21st Century**, has missed an opportunity to provide a gender perspective on the challenges women face, particularly in the education sector. This includes aspects related to preschool education, the teaching staff in primary and secondary schools, and women who represent a significant portion of those completing higher education. The lack of women in certain professions (STEM) is also not addressed. The chapter does not mention the improvement of the educational curriculum in terms of gender equality issues, including the human rights of LGBTIQ+ individuals, which is of particular importance given that research indicates that young people have the greatest resistance to these topics. The chapter especially emphasizes the work on inclusivity in education but, to the exclusion of all else, it mentions raising awareness of the needs of children with disabilities and developmental difficulties in the learning and communication process, which also represents the use of stigmatizing and pathologizing terms that human rights organizations advocating for people with disabilities repeatedly warn of.⁶⁰

Chapter 6, **Culture and Sport**, discusses the unfavorable financial situation of the women's handball club "Budućnost.", which is why we included it in the overall count of gender-mainstreamed chapters.

11. EUROPE NOW (EVROPA SAD) – MILOJKO SPAJIĆ

The election program is available at: <https://evropasad.com/nasa-rjesenja/>

General Assessment: *The program consists of seventeen chapters, three of which are partially gender-mainstreamed. The chapters are designed to provide proposals for general measures without prior analysis of the issues that would be supported by available data, ideally broken down by gender. Throughout the program, generic masculine terms are used as universal labels for "all citizens," without any gender-sensitive language. In terms of inclusivity, the needs of people with disabilities ("safer public spaces") and the RAE population ("we will increase efforts to integrate the RAE population into society") are recognized, though without direct recognition of the needs of the LGBTIQ+ community.*

Indirect implications on the position of the LGBTIQ+ community in society could be inferred from certain statements such as "Montenegro must become (...) a fairer and more inclusive society," "we will ensure better accessibility of all levels of healthcare," advocacy for "freedom and eradication of all forms of discrimination based on any personal characteristic," "respect for diversity," and "for a state in which everyone lives freely and is treated equally, based on respect for different identities, by creating an environment which is conducive to their nurturing and manifestation, with special attention to vulnerable groups." However, these are only general statements and do not convey a specific attitude toward the groups being analyzed

⁶⁰ <https://umhcg.com/novosti-me/reagovanje-umhcg-politicari-u-kontinuitetu-vrijedaju-osobe-s-invaliditetom/>

Topics related to gender equality policies are split into three chapters:

In Chapter 7, "**A Solidarity Society for a Dignified Life**," it is mentioned that efforts will be made to "ensure that services are opened for the accommodation and support of victims of violence," and actions will be taken for "an alimony fund to be established " (although it was already established last year).

The family policies have a prominent place in this section, and they read as follows:

"We will firmly support and further improve positive measures in the field of social policy, such as the right to child allowance, free textbooks, social vouchers to help individuals and families in need, financial compensation for newborns, additional financial support to exercising the right to assisted reproductive technologies, etc." Non-heteronormative families are not addressed, and it cannot be concluded whether they will be fighting discrimination against LBQ women in accessing assisted reproduction.

Chapter 8, "**All Rights for Everyone**," contains a general but inclusive dimension as the basis for policies to protect human rights and prohibit discrimination by stating that it is necessary to advocate for the consistent application of rights guaranteed by international treaties and conventions. Such statements must be indirectly related to the gender equality policies that are intersectional and, among other things, must address the issues of importance for transgender individuals and the LGBTIQ+ community in general.

Chapter 14 "**A Healthy Individual is a Guarantee for the Future**" - In the field of health, "women during pregnancy, childbirth, and the postpartum period" are recognized among vulnerable groups. However, the specific health needs of transgender individuals are not addressed.

Measures for family growth and natality are encouraged in the following manner:

"By improving the living standard, providing complete and quality perinatal and neonatal healthcare, offering additional support for exercising the right to use methods in the field of assisted reproductive technologies, and implementing social programs to support single parents and vulnerable families, as well as child social welfare programs".

Similarly to other programs, **no gender intersectional perspective is integrated** into the Euro-Atlantic integration, science, education, culture, digital transformation, sustainable development, agricultural policies, justice, economy, tourism, media, youth policies, finance, and economics

12. SDP – FOR OUR HOME (ZA NAŠU KUĆU)

The election program was not available to the general public.

General assessment: *Out of the nine chapters in total, only two (Chapter 6 - **For Our Home - For Strong Health and Education** and Chapter 9 - **For Our Home**) address the issues relevant to gender equality, though without using an intersectional approach. There are no gender-disaggregated data. None of the chapters addresses persons with disabilities, the LGBTIQ+ community, or the Roma, Ashkali, and Egyptian (RAE) community. This is the only program that consistently uses gender-sensitive language. In conclusion, the **program integrates a gender perspective at a minimum level.***

*In Chapter 6 - **For Our Home - For Strong Health and Education**, the party advocates for providing free kindergartens and extended stay in all schools up to the 4th grade, which is indeed a gender-related measure that reduces unpaid domestic work. This is the second election program that addresses **the period of poverty**. Period poverty encompasses a lack of access to education on menstrual hygiene and reproductive health, restricted access to menstrual products, insufficient hygiene conditions, and limited access to water, healthcare, and pain relief medications. This is one of the less-recognized public health issues that affects women worldwide.*

***Chapter 9 - For Our Home** - this chapter is structured more like a conclusion, which summarizes the program ideas: We will fight against various forms of unacceptable social behavior, in particular **against all types of violence, misogyny, and sexism**. However, homophobia and transphobia are not mentioned.*

***The program intended for people living in rented accommodation – Let's find a place to live** addresses specific measures to support young married couples. Unfortunately, young same-sex partners are not included in this measure, nor are young unmarried partners.*

13. ALEKSA AND DRITAN – COURAGE is what matters! (ALEKSA I DRITAN - HRABRO se broji!)

Despite multiple requests, the election list did not provide its program, and it was not made available through any public source.

14. FOR THE FUTURE OF MONTENEGRO (NEW SERBIAN DEMOCRACY, DEMOCRATIC PEOPLE'S PARTY OF MONTENEGRO, WORKERS' PARTY) -ЗА БУДУЋНОСТ ЦРНЕ ГОРЕ (НОВА СРПСКА ДЕМОКРАТИЈА, ДЕМОКРАТСКА НАРОДНА ПАРТИЈА ЦРНЕ ГОРЕ, РАДНИЧКА ПАРТИЈА)

Despite multiple requests, the election list did not provide its program, and it was not made available through any public source.

15. Albanian forum- Nik Gjelloshaj "BESA for European development " Forumi shqiptar - Nik Gjelloshaj "BESA për Zhvillim Evropian"

The election program was not available to the general public.

General assessment: *The program consists of six chapters, with only **one** of them being partially gender-mainstreamed. Gender policies are categorized under the rule of law and the protection of human rights, though they are not addressed under the social policy sector and other chapters. In the field of social policy, persons with disabilities are the only category identified as vulnerable, though by using the outdated and discriminatory term "persons with special needs." The program lacks gender-disaggregated statistics and does not employ gender-sensitive language. The insensitivity in the language is particularly noticeable in the concluding part of the program, where the election list is presented, by using the male gender for all the candidates' occupations, even though some of the candidates are "successful women of our community". Given the percentage of gender responsiveness, the program rating is: a **minimum level** of gender equality mainstreaming.*

This is one of the programs which places a special emphasis on family and family values. The way it perceives family is, on one hand, directly discriminatory because it recognizes marriage exclusively as a union between a man and a woman. This is the only program that openly interprets the family in a heteronormative manner. On the other hand, the first reference to gender equality appears in the section advocating for the traditional family and marriage between a man and a woman as the basis for a functional society. It promotes "equal rights for both genders" and the need to create opportunities in which work and family life are in harmony.

The list promotes tradition and conservatism as a philosophical orientation but categorically rejects "any form of radicalism, chauvinism, or ideas promising utopian changes as an alternative to the mentioned values." It is therefore concerning that it equates radicalism, chauvinism, and utopian ideas as an alternative to the heteronormative view of the family. Nationalism - or more specifically "Albanianism" with a secular connotation, is positioned as the national value orientation.

In the 3rd chapter, **Freedom, Rule of Law, and Human Rights**, there is a specific subsection titled "**Women's Rights**." Gender equality and women's rights are recognized as values "based on human dignity and modern principles of our civilization." Increasing women's equal participation in political, economic, social life, etc., **based on meritocracy**, will be promoted. The closing part of the sentence leaves room for doubts about the trust in the justification of affirmative action and provides space for alternative interpretations. Thus, this sentence can be interpreted to mean that women will be affirmed, though **based on their merits**. Although it is directly related to the health of society, and having in mind the values and attitudes promoted through the program (traditionalism, conservatism, liberalism, nationalism), the

impression is that women's emancipation is selectively understood, only to the extent required for promotional purposes.

In this chapter, it is important to pay attention to the text under the subtitle: '**Dignity and Human Rights**,' in which it is stated as follows: 'We believe that each person, regardless of their race, ethnic, religious, or **gender affiliation** is entitled to respect, dignity, and human rights because every human life is sacred.' The following text is relevant as well:

"By recognizing this anthropological aspect of a human being, created **in the image of God**, we protect not only their life and dignity but also the concept of freedom itself. Given that this humanistic concept places the individual at the very center, with the state acting as their mere servant, we, as AF, will defend these values, we will promote laws and fundamental human rights, especially for our people, minorities, and human rights in general; for equality in rights and dignity, regardless of ethnic, linguistic, **or gender differences**."

The analysis of these chapters reveals that the party only makes declarative statements in support of gender equality and human rights, as long as these advocacies do not threaten their concept of tradition and traditional (patriarchal heteronormative) values, which are clearly explained through their perception of the nation, family, and tradition.

Chapter 4, "**General Good: Economy and Environment**," provides an overview of social policy, with people with special needs being recognized as vulnerable categories (using a stigmatizing and pathologizing term), as well as the lower social class or other social cases. This chapter is not gender mainstreamed. The terminology used to address people with special needs in this context is problematic, stigmatizing and discriminatory because it does not refer to any particular "special needs" of this group, but rather to the requirement to create an environment that will adapt to the needs that are normal and natural for all people. Taking into consideration the emphasis being placed on the influence of civil society and non-governmental organizations, it's not clear why the program did not adopt the appropriate terminology that human rights organizations advocating for people with disabilities have been insisting on for many years. The novelty here is that this list also has a **green** agenda. The list emphasizes that nature and the environment are not only local and national but also human assets. AF plans to raise awareness of ecology and the environment through educational institutions and civil society. They also promise to take protective, punitive, and preventive measures against environmental abuse or pollution.

3. Election results – Who represents us? - Exclusion of women

Election results: Who represents us – Exclusion of women

After the parliamentary elections in Montenegro, held on 11 June 2023⁶¹, **only 17 women entered the Parliament of Montenegro, out of a total of 81 MPs, meaning that women occupy 20.98% of the seats.**

The table below shows the number and percentage of seats won by women in the recent parliamentary elections.

SEATS WON BY WOMEN IN 2023 PARLIAMENTARY ELECTIONS			
Election list that won parliamentary seats⁶²	NUMBER OF SEATS	NUMBER OF WOMEN MPs	PERCENTAGE OF WOMEN MPs
BS	6	1	16,6%
HGI	1	0	0%
SNP-DEMOS	2	0	0%
ALBANSKA ALIJANSA	1	0	0%
DPS-SD-DUA-LP	21	5	23,8%
Evropa sad	24	6	25%
DEMOKRATE-URA	11	2	18,18%
NOVA-DNP-RADNIČKA PARTIJA	13	3	23,07%
ALBANSKI FORUM	2	0	0%
Total	81	17	20,98%

This is also **the lowest percentage of women in the Parliament since the introduction of the combined quota system in 2016**, which stipulates that in a group of four candidates on an electoral list, one must be a candidate of the underrepresented gender, and the candidates of the underrepresented gender must constitute a minimum of 30% of the total number of candidates on the electoral list.

For the sake of precision, **compared to 2020** when the initial composition of the Parliament included 18 women (22%), after the latest parliamentary elections in the Montenegrin Parliament, **there is one less female parliamentarian and two fewer compared to the 2016 elections** when 19 women were elected (23%). This was also the highest number of women MPs ever elected to the Parliament of Montenegro.

⁶¹ The final results of the parliamentary elections were determined by the State Election Commission at its session held on 17 July 2023.

⁶² Information about the number and percentage of women who have won parliamentary seats is provided for each of the electoral lists, according to the order of the electoral lists determined by the State Election Commission.

SEATS WON BY WOMEN IN 2020 PARLIAMENTARY ELECTIONS			
Election list that won parliamentary seats	NUMBER OF SEATS	NUMBER OF WOMEN MPs	PERCENTAGE OF WOMEN MPs
SD	3	0	0%
BS	3	1	33%
SDP	2	1	50%
A coalition led by URA "In Black and White"	4	1	25%
Albanian coalition "Unanimously"	1	0	0%
DPS/LP	30	7	23%
The coalition "For the Future of Montenegro" led by DF	27	6	22%
Albanian coalition "Albanian list"	1	0	0%
The coalition "Peace is our Nation" led by the Democrats	10	2	20%
Total	81	18⁶³	22%

The table has been taken from a research conducted by the NGO Center for Women's Rights, titled "Parliamentary Elections from a Gender Perspective in 2020" ⁶⁴.

In other words, since 2016, **when the combined electoral quota for underrepresented gender was first applied** following legislative amendments in 2014, the results achieved by these quotas in the last three electoral cycles **have actually shown a continuous decrease in the number of women MPs in the initial composition of the Parliament of Montenegro.**

The composition of the Assembly will change as parliamentarians elected as high-ranking candidates on the electoral list assume roles in the executive branch or resign due to role incompatibility. Nevertheless, similar to previous parliamentary terms, the initial percentages of women in parliamentary seats are unlikely to change significantly.

⁶⁴ The research available at: <https://womensrightscenter.org/parlamentarni-izbori-2020-iz-rodne-perspektive/>

The table below presents data regarding the representation of women in all the Parliament compositions since Montenegro gained its independence, highlighting the limited impact of existing gender quotas for underrepresented genders and a declining trend in female MPs from 2016 to the present day."

Election year	Gender quota	Number of women MPs	Percentage of women MPs
2006	Not used	7 out of 81	8.64%
2009	Not used	7 out of 81	8.64%
2012	The electoral quota from 2011, introducing the requirement that women must constitute at least 30% of candidates on electoral lists, is applied for the first time	11 out of 81	13.58%
2016	The 2014 electoral quota, which mandates that one in four candidates on the lists and a minimum of 30% of candidates on electoral lists must be women, is being applied for the first time.	19 out of 81	23.45%
2020	The 2014 electoral quota, which mandates that one in four candidates on the lists and a minimum of 30% of candidates on electoral lists must be women, is being applied for the second time.	18 out of 81	22.22%
2023	The 2014 electoral quota, which mandates that one in four candidates on the lists and a minimum of 30% of candidates on electoral lists must be women, is being applied for the third time.	17 out of 81	20.98%

The table indicates that since the introduction of quotas in 2011, their impact over the ten years has been rather limited.

Despite the existence of electoral quotas for the underrepresented gender, the low number of women in the Parliament comes as a direct result of a formalistic approach to gender equality and women's political participation. This is evident by the fact that political parties only strive to meet the legal minimum required for verification of their electoral lists, as discussed earlier in this report.

Even though the actual impact of the existing quota system is unsatisfactory, it is nevertheless confirmed throughout the election cycles that the number of women in

the Parliament would be even lower if there were no quotas for the underrepresented gender.

Considering the limited effectiveness of the existing quotas and the chronic lack of political will of the parties to contribute to the political empowerment of women, it is necessary to introduce additional mechanisms to ensure the achievement of a higher number of women in the Parliament of Montenegro.

Namely, to bring the number of women MPs closer to the European average of 30% women in the initial composition of the Parliament – which is the absolute minimum considering that participatory democracy requires gender parity and intersectionality, and to which we are also obliged by the repeated recommendations of the CEDAW Committee – it is necessary to amend the existing quota system for the underrepresented gender.

As we have been appealing for many years, **it is necessary to increase the quotas for the underrepresented gender and ensure that, instead of the current 1 in 4, at least 1 in 3 candidates on parliamentary lists come from the underrepresented gender.** Furthermore, it is necessary to **ensure the legal requirement that a minimum of 40% of candidates on electoral lists be representatives of the underrepresented gender, instead of the current 30%.** Finally, the past failures in the application of electoral quotas for the underrepresented gender, as discussed earlier in the text, indicate that **additional mechanisms must be put in place to guarantee compliance with the law** in this regard.

In addition to this, it is necessary **to consider other legal possibilities that would guarantee a higher percentage of women in the Parliament.** Given the fact that most of the members of the executive leadership in Montenegro come from the ranks of male parliamentarians in the initial composition of the Parliament, another way to increase the number of women in parliamentary seats could be to appoint women to these vacant parliamentary positions as a rule, and not, as is currently the case, based on the order of candidates on the electoral list.

In this regard, it would be encouraging **to legislate an obligation that the seats vacated due to resignations of the candidates who have replaced their parliamentary seats with leadership positions in the executive branch be filled through the appointment of the next highest-ranked representatives of the underrepresented gender.**

In parallel with this, we point out to the obligation for a continuous strengthening of the party and legal mechanisms that would ensure greater political participation of women. In this sense, special **efforts should be exerted to find modalities that would ensure the representation of women from marginalized groups, including**

Romani women, women with disabilities, LGBTQ women, and others whose voices are not being adequately heard in the public and political arena.

In the next section, we will briefly discuss the participation of women in the ongoing government formation negotiations.

Negotiations on the formation of the new government: (Mis)treatment of women?

The renowned Associate Justice of the Supreme Court of the United States, Ruth Bader Ginsburg, is well-known, among other things, for her famous statement that "women belong in all places where decisions are being made." It is of crucial importance that both men and women are equally involved in the decision-making processes that concern the entire public and the same principle applies to political negotiations on forming the new government.

The ongoing post-election political processes indicate that so far women have been largely excluded from the discussions about forming a new government.

While the level of women's participation in the informal discussions immediately following the elections is difficult to assess due to the non-transparent nature of this phase of the post-election political process, which took place behind closed doors, the problem of their insufficient involvement becomes clear in the subsequent phases of the process, which the public had a closer look at.

In this regard, **it is particularly concerning that an extremely small number of women participated in the formal phases of post-election political negotiations**, both in the phase of official broad consultations that the representatives of parliamentary parties had with the President and the phase of formal negotiations that political entities held with the Prime Minister-designate regarding the composition of the government.

Consultations between the President of the country and representatives of all parliamentary political parties were held during the period from July 31 to August 9, at the President's initiative. Eight parliamentary political entities participated in the consultation process. **Out of the total number of party officials who attended the consultations with the President, 34 were men, and only two representatives were women⁶⁵ (5.55%).**

⁶⁵ One of the women who attended the consultations was a representative of the citizens' association *Alternativa Crna Gora*, i.e. as a representative of this political entity on the joint electoral list led by *Evropa sad* movement, while the other woman was a member of the URA delegation.

In their separate meetings with the President, specific political parties were represented exclusively by their leaders, while others participated in the consultations with multi-member party delegations. Common attendance of consultations with the President by political party leaders suggests that women were excluded from the consultation process since none of the parties in the current parliamentary term had a woman at the helm. However, this does not mean that there was no possibility for political parties to choose to include women –this could have contributed to women's political empowerment in post-election processes, but regrettably, most parties did not take this step.

Only two women⁶⁶ participated in the official negotiations between parliamentary parties regarding the composition of the future government with the Prime Minister-designate. Each of these women attended different meetings with different political entities, **as members of the delegation led by the Prime Minister-designate.**

The Prime Minister-designate held negotiations with representatives from nearly all parliamentary parties, excluding two⁶⁷. **None of the political parties that engaged in these negotiations included women among their representatives.**

In other words, it is evident from the mere presence of party representatives at the official consultations with the President and their participation in the official negotiations between parliamentary entities regarding the government composition with the Prime Minister-designate, that **all the decision-making power within the parties is concentrated in the hands of men**, while the **involvement of women in the recent post-election political processes by political parties has been primarily symbolic.**

An analysis of media coverage regarding the consultations of parliamentary parties with the President and the negotiations of political entities with the Prime Minister-designate reveals another disheartening fact, which is that the majority of the media did not report on the participation of women in these processes, even when they were present. Specifically, the process was characterized by **the absence of any mention of female participants, both in name and imagery.**

The media coverage of the consultations with the President included videos and photos of all negotiation participants by delegations, including the two women who were present, although their names were rarely mentioned, unlike the names of political leaders who led the delegation and the names of some other previously known political officials.

⁶⁶ Both women are representatives of the parliamentary list “Europe Now” (Evropa sad).

⁶⁷ The Prime Minister designate did not invite representatives of the DPS and URA to take part in the negotiation process, invoking ideological differences as a justification for the decision.

The analysis of media coverage from the negotiations of political entities with the Prime Minister offered even more discouraging findings. The majority of the photographs from these negotiations were taken in a way that women who attended these meetings are not visible in the frames published. Also, even if the faces of the women were recognizable in some of the photos published on the portals, they were usually positioned lower in the text and rarely at the beginning of the article, and their names were rarely mentioned in the text itself.

Although the media missed the opportunity to significantly improve the quality of gender-sensitive reporting by recognizing and including a gender perspective in post-election political processes, the primary issue is that the public did not perceive female political representatives as influential figures in the political decision-making for the future government.

At the time of finalizing this report (25 September 2023), a new government has not yet been voted in, and a new parliamentary leadership has not been elected, nor have the parliamentary working bodies been formed, which prevents the analysis of women's representation in decision-making structures in the executive and legislative branches.

In the upcoming period, it is of utmost importance to break the trend of marginalization and exclusion of women from the subsequent phases of post-election political processes and ensure their more equal representation in decision-making structures, which entails gender balance in both the parliamentary leadership and the future government.

In this regard, it is important to start from the very beginning, that is, to ensure that in the process of further political negotiations, they have a place at the table.

Given the fact that women constitute the majority of the electorate in Montenegro, they are entitled to half of the seats at all decision-making levels in the state.

Less than half is not democracy!

Considering the institutional limitations and the gradual pace of change, but also facing new political challenges in Montenegro, it is realistic and acceptable to aim for a quota of 40% for the underrepresented gender among decision-makers instead of the ideal 50%.

This adjustment is proposed to facilitate the smooth implementation of the recommendation.

(Mis)treatment of women: A Brief Overview of the Montenegrin Political Reality from a Feminist Perspective

Marginalization of women in post-election political processes seems to have been costly for political party leaders.

Although their opportunities to sit at the negotiating table during post-election discussions on the formation of the future government were significantly limited if not entirely denied, a certain number of female MPs decided to publicly voice their disagreements with the decisions of the political entities they belong to.

While all eyes were on the party leaders expected to reach a political agreement, when it seemed that the government formation had already been decided, women spoke out.

After a political entity, whose representative won a parliamentary mandate on the *Evropa sad* electoral list, which the Prime Minister belongs to as well, publicly withdrew its support for the agreement reached, due to disagreements regarding the composition of the coalition that would form the new government, this MP was asked to conform to this decision. When the female MP publicly refused to do so, expressing support for the agreement reached between the Prime Minister and potential post-election coalition partners on government formation, she faced significant public pressure and was asked to return her mandate to the political entity she represented.

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At almost the same time, two MPs from the political entity led by the Prime Minister refused to align with the decision on the composition of the new government. One of them publicly announced her withdrawal of support through a statement given to the media. In this case, as well, the MPs were exposed to public pressure and the calls to adhere to the decision of the political entity they represent. Otherwise, they were asked to relinquish their parliamentary positions in favor of the party they represent.⁶⁹

The public pressure placed on all three female MPs to return their parliamentary mandates, along with negative and misogynistic comments in the public domain, is inappropriate. This is noted even from the perspective of the constitutional principle that ensures the independence of the parliamentary function from the political entity or electoral list through which the female MP obtained her mandate. The principle is supported by Article 85 of the Constitution of Montenegro, which emphasizes that MPs make decisions and vote based on their own convictions.

⁶⁸ Exercising her constitutional right to retain her parliamentary mandate (see in the text below), the parliamentarian has subsequently resigned from the membership of that political entity.

⁶⁹ On 20 September, the media reported that the PES would initiate the procedure for their exclusion from the party: <https://www.dan.co.me/vijesti/politika/evropa-sad-iskljucuje-cincur-i-pejovic-iz-partije-5198701>

The expectation of unquestioning obedience to party decisions, especially in cases where MPs were not adequately involved in decision-making processes, undermines their constitutional right to make decisions and vote based on their own convictions. This applies to all MPs in the Parliament of Montenegro. For female representatives of the underrepresented gender, this pressure poses a significant risk of denying their right to publicly and freely express their political stance, thus undermining their presence in parliamentary seats.

Leaving aside the qualitative component of the "rebel" MPs' views, whose diametrically opposing views are just a testimony to the fact that women are not a homogenous voting body, there are three main messages that can be drawn from the recent epilogue of the post-election political process.

First, when allowed to win a parliamentary mandate, which is undoubtedly ensured only through the application of gender quotas, albeit with limited success, women are indeed interested in engaging in politics.

Second, the lack of attention from political parties to the inclusive approach in decision-making processes, including equal representation of men and women in these processes at both intra-party and inter-party levels, can come at a high cost, including the fate of the future government itself. Therefore, it is necessary to change the patterns of party functioning in Montenegro in this regard as soon as possible.

Finally, in parallel with further work on improving legal solutions and party mechanisms to ensure equal participation of women in decision-making processes, it is essential to commit to and continuously work on building and improving a political culture where the public space is a safe place for women to freely engage in politics, without fear of various forms of pressure, and exposure to ad hominem negative and misogynistic comments. -

Considering the above, we strongly urge political entities to involve both men and women on equal terms, through a genuinely inclusive approach to decision-making in the upcoming political processes.

6. RECOMMENDATIONS

For the Parliament of Montenegro:

- Initiate amendments to electoral legislation to align it with the recommendations of the European Commission and the CEDAW Committee. The Parliament should amend the electoral law to prescribe a minimum 40% quota, as well as the requirement that one in three candidates on an electoral list must be a person of the less represented sex/gender;
- Consider other legal options to guarantee a higher percentage of women in the Parliament;
- Enact clear and effective sanctions mechanisms in the event of non-compliance with legally prescribed quotas as part of the jurisdiction structure for addressing irregularities in declared electoral lists, both in local and parliamentary elections;
- To legislate an obligation that the seats vacated due to resignations of the candidates who have replaced their parliamentary seats with leadership positions in the executive branch be filled through the appointment of the next highest-ranked representatives of the underrepresented gender;
- Article 39a of the Law on the Election of Councilors and Deputies to be aligned with the Gender Equality Law to make it recognize the rights of individuals with diverse gender identities to participate in politics;
- To include in the Law on the Election of Councilors and Deputies an obligation for the State Election Commission to timely publish party, coalition, and independent lists in the form they were submitted, and define which personal data can be published during this process;
- To include in the Law on the Election of Councilors and Deputies an obligation for municipal election commissions to timely publish party, coalition, and independent lists in the form they were submitted and define which personal data can be published during this process. This recommendation applies to local elections.
- To prescribe the obligation for the State Election Commission to initiate ex officio proceedings to determine responsibility in the case of illegal declaration of electoral lists by municipal election commissions.
- Amend the Law on Financing of Political Subjects and Election Campaigns to strengthen the supervisory role of the Agency for the Prevention of Corruption and the State Audit Institution in cases of illegal expenditure of funds allocated to women's organizations within political parties.
- To establish an obligation for the State Election Commission to initiate proceedings on its own accord (ex officio) to determine responsibility in cases where municipal election commissions make illegal declarations regarding electoral lists.

- To amend the Law on Financing Political Entities and Election Campaigns so as to strengthen the supervisory role of the Agency for the Prevention of Corruption and the State Audit Institution in cases of illegal expenditure of funds allocated to women's organizations within political parties.

For the State Election Commission:

- Amend the Instructions on the manner of publicizing electoral lists, content, format, and the manner of displaying the summary electoral list to specify the procedure for a timely publication of electoral lists and the follow-up steps.
- Include the principle of transparency in the Code of Ethics for electoral management bodies as one of the principles that all members of the electoral management bodies must adhere to.

For the Agency for Prevention of Corruption, the State Audit Institution, and the Ministry of Finance:

- Institutions responsible for controlling the spending of funds allocated for financing political entities, including the Ministry of Finance, the Agency for the Prevention of Corruption, and the State Audit Institution, should make use of all available mechanisms for monitoring the expenditure of funds allocated to political parties from the budget to finance women's organizations, to ensure improved transparency and to penalize any misappropriation of these funds, by law.

For political parties and the Government of Montenegro:

- To raise awareness about the systemic, structural, and cultural barriers that women, LGBTQI community members, people with disabilities, Roma, and other marginalized groups face in achieving greater political representation and participation.
- To promote the political participation of women, especially those from marginalized groups, while preventing manipulation (tokenism) and the marginalization of their political activities by limiting them to the issues related to "women," "LGBTIQ+," "people with disabilities," and other identity-related topics.
- To exert systemic efforts to make gender equality an essential multidisciplinary intersectional issue, and thus change its current dominant treatment as a 'women's issue'.
- Political parties should use the allocated funds purposefully and provide regular reports on how the financial resources intended for women's organizations are being utilized to promote women's political participation.
- Political parties, coalitions, and independent lists participating in elections should build a culture of transparency and provide their election programs for

public scrutiny. This would enable better voter awareness of the goals and work of future representatives. In addition to the Prime Minister-designate's obligation to consider gender equality when proposing the composition of the government, it would be important to establish a legal obligation that in the final proposal of government members, there are no less than 40% representatives of the underrepresented gender. If the structure allows for only one vice-president position, the Law on the Government should stipulate that a candidate from the underrepresented gender is proposed for this position. Furthermore, the law should include a provision specifying the duty of the head of state to reject any proposal for the government formation that does not comply with the quotas for the underrepresented gender. The law should also include a provision ensuring that any changes in the government's structure must be made while respecting the principle of gender equality and adhering to the specified quotas for the underrepresented gender.

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BASIC INFORMATION ABOUT THE ORGANIZATIONS

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.

Association Spektra is a feminist non-governmental organization led by transgender and gender-diverse individuals. Through an intersectional approach, it has been contributing to the strengthening of gender equality, respect for human rights, and democratic values for six years.

ABOUT THE PROJECT

The goal of the 'Gender Perspective of the 2023 Parliamentary Elections' project is to enhance the gender perspective in the 2023 parliamentary elections in Montenegro. The project was implemented with the support of the National Democratic Institute. In line with the mentioned goal, the Center for Women's Rights and the Association Spektra, as partner organizations, closely monitored the adherence of political entities to the provisions of the Election Law which guarantees a minimum quota for the underrepresented gender on electoral lists, but also the quality of the work of the State Election Commission in terms of carrying out its oversight function in this regard. Throughout the project, partner organizations monitored the confirmed electoral lists to determine whether they fully met these criteria. Spektra and WRC also provided an analysis of the extent of gender mainstreaming in the electoral programs, considering an intersectional perspective, and addressing LGBTIQ+ issues in particular, which is of vital significance given the societal re-traditionalization and Montenegro's political landscape. All the conclusions are summarized in this analysis, which contains recommendations for changing policies and legislation to address pressing gender equality issues. The project aims to raise awareness among political entities about the importance of integrating gender equality principles into their election programs and future public policies. Additionally, the findings will serve as a foundation and valuable source of gender perspective election data for any future research on this topic.

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