



Mr. Martin Schulz
President of the European Parliament

PE - COURRIER EP - ENTRÉE
13. 11. 2013
N° 11223

Dear Mr. Schulz,

Montenegro is currently deciding on the future of women's participation in political life of the country. The ongoing reform of the election legislation – carried out by the parliamentary working group for building confidence in the electoral process – is an important chance to change things for the better by improving the legislative framework in a way to ensure more gender balanced representation in the Parliament.

As a follow up to the Venice Commission recommendations concerning the need to improve parliamentary representation of women, Montenegro amended the Law on election of municipal councilors and MPs to introduce a formal requirement for each electoral list to contain at least 30% of female candidates in order to be verified by the election commission. However – as we had the chance to witness in the 2012 parliamentary elections – this provision failed to ensure 30% of women in the parliament also because, being at the bottom of the list, female candidates never had any real chance of getting a seat in the Parliament. As a result – despite the fact that they make the majority of the electorate – women in Montenegro ended up having only 16% of the seats in the parliament. Similar situation is also at the local level, where women make only 14% of municipal assembly councilors.

It has now been thirteen years since the idea to introduce quotas for women first started to be considered as a means of affirmative action aimed at supporting political empowerment of Montenegrin women. However, progress in this area remains very limited. This was also confirmed in the 2013 Progress Report, which recognized the aforementioned shortcomings of current legal solutions, thus underlining the need to improve women's political representation.

The parliamentary working group for building confidence in the election legislation has launched a comprehensive reform of the election legislation, which is *inter alia* supposed to treat the issue of political representation of women. The Women's Rights Centre prepared formal recommendations to the working group on how to improve the legislative framework with a view to ensure that women will hold at least 30% of seats in the parliament. Our proposal was supported by 17 very high-profile NGOs, including NGO representatives at the working group for building confidence in the election process. A similar initiative was also launched by the Ombudsman who also made a recommendation to the working group to take necessary measures with a view of ensuring better political representation of women. We also attended meetings of the working group dedicated to these issues, and presented our recommendations for achieving greater parliamentary representation of women.

However, the current level of political support to introduce measures of affirmative action which would result in substantial increase of the number of women in the



parliament is still limited. At the working group, our proposal received open support from only a few of the working group members, while others showed either ambivalence or open reserves towards the initiative. The reason we fear that this initiative may fall on deaf ears is also due to the fact that all similar hitherto initiatives never received sufficient support from the decision makers.

The end of the work of the working group is coming to an end and it remains to be seen if they will propose any changes to the election legislation which may contribute to ensuring the 30% of women in the parliament, i.e. the target that was aimed to be met when the 30% requirement was introduced for the electoral lists. Their legislative proposals are then expected to reach the plenary by the end of November, or in early December.

The Women's Rights Centre strongly feels that the issue of political representation of women deserves full attention of the Parliament and its relevant working bodies, but also of the competent EU institutions which may be interested in supporting greater political participation of women in this candidate country.

We would also like to inform you that we have already approached representatives of the EU Delegation in Podgorica, who also promised to follow up on this issue. Should you be interested in discussing these matters in more detail, I would be happy to meet up at your convenience.

I am very much looking forward to your response.

Sincerely yours,

Maja Raičević

Executive Director of NGO Center for Women's Rights Centre

Address: Ul. Bokeška 20
81000 Podgorica
Montenegro

Tel: +382 20 66 41 93

E-mail: maja.raicevic@t-com.me or
women.mne@gmail.com

JOINT PRESS RELEASE OF MONTENEGRIN NON-GOVERNMENTAL ORGANIZATIONS

**PROPOSAL FOR AMENDMENT OF APPLICABLE LAW ON ELECTION OF COUNCELLORS
AND MEMBERS OF THE PARLIAMENT**

Podgorica, 10.10.2013.

We inform the public that the NGOs Women's Rights Center, Anima, Association of Paraplegics - Podgorica, Centre for Civic Education, Center for Democracy and Human Rights, Center for Development of Non-Governmental Organizations, Center for Monitoring and Research, Center for Roma Initiatives, Children's Rights Center, Civic Alliance, European Movement in Montenegro, Human Rights Action, Institute Alternative, Institute for Social Inclusion, Juventas, Rule of Law, SOS Hotline - Nikšić, and Women's Safe House will refer the proposal for amendment of the acts of the applicable Law on Election of Councillors and Members of the Parliament to the President of the Montenegrin Parliament, Working Group for Building Confidence in the Election Process, presidents of the parliamentary political parties and the members of the Parliament, for the purpose of providing higher level of involvement of women in political life of Montenegro.

Therefore, we welcome the Protector's of Human Rights and Freedoms initiative for adopting the Law on changes and amendments of the Law on Election of Councillors and Members of the Parliament, as well as the amendments proposed for the same purpose by NP, Pozitivna Crna Gora and the Center for Monitoring (CEMI), because they address the same changes of the existing law that we advocate for.

We remind that in September 2011, the members of the Parliament of Montenegro adopted the Law on Changes and Amendments of the Law on Election of Councillors and Members of the Parliament, intentionally avoiding the adoption of the proposed amendment that was the only one to truly guarantee the essential change in the level of involvement of women in the work of Montenegrin Parliament and local authorities. This amendment provided for a requirement that the candidate lists included no less than 1/3 of the nominees of the less represented gender; that at least one individual from the under-represented gender is included among every three candidates on the electoral list, starting from the first to the third, from the fourth to the sixth and so on.

Failure to adopt the above-mentioned solution clearly demonstrated the lack of political will for achieving equality that Montenegro officially stands for, despite the fact that this proposition was jointly formulated and submitted to the President of the Parliament in May 2011, by the representatives of all parties in the Montenegrin Parliament, representatives

of international and non-governmental organizations and the experts from the fields of women's rights and electoral legislation.

Today, two years later, once again we address the need to change the Law on Election of Councillors and Members of the Parliament as its results after the last elections were discouraging.

Although women comprise more than half of Montenegrin population and constitute the majority of the voters, the percentage of their involvement in representative bodies and in decision-making is among the lowest in Europe – only 16 % of members of the Montenegrin Parliament are women. There is an evident political tendency of completely avoiding inclusion of women in some parliamentary committees (the Constitutional Committee, the Committee for Security and Defense Committee on Economy, Finance and Budget Committee and the Anti-Corruption Commission to Monitor and Control the Privatization Process); the President and the Vice-President of the Parliament are men; there are only three women in the Government of Montenegro; there is only one female president of the municipality of twenty-one municipalities in Montenegro, and there are only 14% women councilors.

Therefore we urge the President of the Montenegrin Parliament, the representatives of the Working Group for Building Confidence in the Election Process, the MPs of all political parties to demonstrate full political competence and responsibility for their official statements on gender equality and support the proposed amendment. This obligation also arises from the Constitution of Montenegro, the Law on Gender Equality, a number of binding national documents such as the Action Plan for Chapter 23 (measure 3.6.2.11 i 3.6.2.12), the Action Plan for Acquiring Gender Equality 2013-2017 (measure 7.1.1.), as well as from numerous international conventions that commit Montenegro to maintain the gender equality policies.

We demand from the President of the Parliament, as the declared socio-democrat and as the chairman of the Parliamentary Assembly of the OSCE to support the amendments, especially since they enable the implementation of recommendations of the OSCE/ODIHR and the Council of Europe on the greater participation of women in political life, the European Parliament Resolution on status of Women in the Western Balkans (4 April 2013) and the binding recommendations of the UN CEDAW Committee (November 2011) that demand from the State of Montenegro to change the electoral law "to ensure that in each group of three candidates, at least one candidate is a woman on political parties' electoral lists" by the end of 2013.

Sincerely,

Women's Rights Center

Maja Raičević

ANIMA, Kotor

Ljupka Kovačević

Centre for Civic Education

Daliborka Uljarević

Center for Democracy and Human Rights

Nenad Koprivica

Center for Development of Non-Governmental Organizations

Ana Novaković

The Center for Monitoring and Research

Zlatko Vujović

Center for Roma Initiatives

Fana Delija

Children's Rights Center

Rajka Perović

Civic Alliance

Edina Hasanaga Čobaj

European Movement in Montenegro

Momčilo Radulović

Human Rights Action

Tea Gorjanc Prelević

Institute Alternative

Stevo Muk

Institute for Social Inclusion

Andrija Đukanović

Juventas

Ivana Vujović

Paraplegic Association - Podgorica

Dejan Bašanović

Rule of Law

Tanja Jovović

SOS Hotline - Nikšić

Nataša Međedović

Women's Safe House

Ljiljana Raičević

Proposed amendment as follows:

**PROPOSAL FOR AMENDMENT OF APPLICABLE LAW ON ELECTION OF COUNCILLORS AND
MEMBERS OF THE PARLIAMENT**

Article 39a is amended as follows:

The submitter of the electoral list shall nominate no less than 1/3 of the individuals belonging to the under-represented gender.

At least one individual from the under-represented gender is included among every three candidates on the candidate list, starting from the first to the third, from the fourth to the sixth and so on.

If the candidate list fails to meet the requirements referred to in paragraphs 1 and 2 of this Article, shall be considered to contain flaws preventing it to be declared a candidate list, and the submitter of the list shall be invited to remove the flaws of the list, in accordance with this Law.

The submitter of the candidate list that fails to remove the flaws referred to in paragraph 3 of this Article shall be denied the declaration of the candidate list by the election commission in accordance with this Law.

Article 96 is amended as follows:

Mandates obtained by the candidate list are given to the candidates according to the candidate list order.

Not less than 1/3 of mandates are assigned to persons of underrepresented sex.

In Article 104, after paragraph 2, two new paragraphs are added that state:

Notwithstanding paragraph 2 of this Article, if the mandate of the candidate belonging to the under-represented gender terminates, the first following candidate belonging to the under-represented gender will be chosen instead.

If there are no more candidates of the less represented gender on the list from which the councilor or an MP was elected, the candidate who is next in the list order will be selected.

The existing paragraphs 3, 4, 5 and 6 become paragraphs 5, 6, 7 and 8.

From: Maja Raicevic <maja.raicevic@t-com.me>
Sent: 11 November 2013 16:46
To: SCHULZ Martin, President
Cc: WINKLER Markus; DIRRIG Edouard
Subject: Political participation of women in Montenegro - A letter from Women's Rights Centre
Attachments: Letter from Women's Rights Centre, Montenegro.doc; NGO Proposal for Amendment of Applicable Law on Election of Councillors and Members of the Parliament - October 10 2013.docx

Dear Mr. Schulz,

Enclosed is the letter from NGO Women's Rights Centre from Montenegro related to women's participation in political life of the country and the ongoing reform of the election legislation as well as our formal recommendations to the parliamentary working group on how to improve the legislative framework with a view to ensure that women will hold at least 30% of seats in the parliament.

We would like to ask for your support to our initiative.

Sincerely,

Maja Raicevic, executive director



WOMEN'S RIGHTS CENTER

Bokeska 20
81000 Podgorica
MONTENEGRO
T/F: +382 20 66 41.93
maja.raicevic@t-com.me
women.mne@gmail.com