



Montenegro



The reality on the grounds remains very difficult as demonstrated by various cases of hateful expressions and attacks, however, the authorities continued to make progress towards greater LGBTI equality. Montenegrin authorities condemned violence and: (i) joined the Council of Europe's LGBT project; (ii) established a working group to prepare a national strategy against homophobia; (iii) supported the Ombudsman's proposal for the introduction of registered partnership law for same-sex partners; and (iv) amended the national *Healthcare law* to provide gender reassignment treatment for trans people, in large part paid by the State.

Access to goods and services

- Juventas published guidelines for medical workers, psychologists and legal practitioners on how to improve the quality of services provided by those professionals to LGBT people. In addition, a number of trainings and other awareness raising sessions were organised by Juventas for those targeted professional groups in order to improve access and quality of services provided to LGBT people.
- The Director of Montenegro Tourist Association, in a meeting with LGBT Forum Progress, stated that LGBT guests in their hotels are treated as equal to all other guests and agreed that, given the high level of homophobia and transphobia in the country, positive steps should be taken to show that guests, regardless of their sexual orientation, gender identity and other characteristics are welcome and safe in their hotels.

Bias motivated speech

- In April, LGBT Forum Progress filed a complaint about a person who sent a threatening message to the leader of the organisation stating “You faggots, you deserve to be beaten, tortured, tied down naked and burned to death.” The comments were made on Facebook. He also described LGBT people as “miserable, livestock [that is] staining the earth”. The author of the threat was brought to justice. The court found him guilty under the law against discrimination and ordered him to pay a fine of €700.
- In June, a rainbow flag was set on fire in front of the Ombudsman’s office. The person(s) behind the act remain unknown. After the incident the owners of the building refused to put up a new flag for safety reasons. The government condemned the torching of the flag. “Incidents such as this one certainly do not represent the majority view or the government’s position as regards the LGBT persons” the Prime Minister’s statement read.
- In July, an openly gay human rights defender visited his home town of Nikšić, where he faced a series of homophobic comments from the public while giving an interview to a television channel. Several dozen people called him a ‘faggot’ and used other derogatory terms. Despite the name-calling, no violence occurred.

- LGBT Forum Progress have submitted around 100 reports to the police of discrimination on the grounds of sexual orientation or gender identity. Half of these cases were being investigated by the police.

Bias motivated violence

- In May, the assailant who verbally and physically attacked and threatened to kill the leader of the LGBT Forum Progress was sentenced to two years probation, and in the case that he does not obey the Court decision in any aspect, he will face the punishment of three months in prison.
- In September, the director of a video production promoting LGBTI rights, as well as one of the actors and a journalist, were beaten by a group of football fans in Podgorica. The victims were on their way home from a concert, when a group of *Varvari* (Barbarians) attacked them. The group had already acted aggressively towards the victims earlier in the evening, using derogatory language. The government condemned the attack. The alleged perpetrators have been identified and arrested, and a court case was subsequently opened.
- In total, ILGA-Europe collected information on as many as 26 hate crimes perpetrated in 2012, including numerous cases of clear threats of violence. LGBTI activists were often the targets of such threats. Other incidents include physical attacks. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR’s annual hate crime report, to be published in November 2013.

Education

- The Ministry of Education and Sports published an article, based on research data from Juventas, dealing with the problem of homophobia in the Montenegrin society. The article, written by the senior advisor in the Ministry of Education and Sports and published in *Prosvjetni rad* magazine for culture, education and science professionals in Montenegro, points out the negative impact of homophobia and highlights the importance of building a society free of prejudice

towards LGBT people. She further emphasised the important role of education professionals in awareness raising actions.

Enlargement

- In June, the European Council decided that Montenegro had made sufficient progress to comply with the EU membership criteria and started membership negotiations in the areas of (i) judiciary and fundamental rights; and (ii) justice, freedom and security.
- In October, the European Commission issued the *2012 Progress Report on Montenegro* where it acknowledged that “the government [of Montenegro] showed greater openness to promoting and defending LGBT rights and has taken concrete steps to this end” at the same time highlighting that LGBT people, particularly LGBT activists, continue to suffer discrimination. It further noted that the addressing of cases related to sexual orientation and gender identity discrimination remains slow. The European Parliament had earlier stated that the level of ensuring the rights of LGBT people in the country will still need to be improved.

Equality and non-discrimination

- In July, the LGBT Forum Progress filed a complaint to the Ombudsman, concerning 19 Montenegrin mayors, on the basis of discriminatory attitudes towards the LGBT community. Progress stated that the mayors refused to communicate and cooperate with the LGBT community concerning the work of a temporary shelter for LGBT persons who are in conflict with their families because of their sexual orientation or gender identity. The Ombudsman had not issued a response by the end of the year.
- Following last year’s commitment, the Government of Montenegro established a working group to prepare a *Strategy for improving quality of life of LGBT persons*. It is planned that the strategy will be adopted in early 2013.
- Montenegro has become one of the beneficiary countries of the Council of Europe’s regional project *Combating discrimination based on sexual orientation and gender identity*.

Family

- In May, the Ombudsman sent an initiative of a *Partnership Bill* concerning same-sex couples to the Parliament. The Ombudsman’s position was that the adoption of the proposed law would comply with the practice of the European Court of Human Rights, and diminish discrimination against Montenegrin citizens due to their sexual orientation and gender identity. An expert group, set up by the government in 2011 to prepare an analysis of legal regulations concerning the rights of LGBT people, also supported the bill, but it had not been tabled in Parliament by the end of the year.

Freedom of assembly

- Preparations were made for the Pride Parade in 2013. The organising committee of the Pride includes the Ombudsman and a member of the Council of Civil Control of Police. The organisers have requested and are waiting for a government official to be appointed as a member of the Committee.

Freedom of expression

- To mark the International *Day Against Homophobia and Transphobia* (IDAHO), Juventas organised a poster campaign, *Every day is a day of fight against homophobia and transphobia. Live your life.*, challenging the societal prejudice against LGBTI people.

Health

- In March, the *National Healthcare Law* was amended to provide gender reassignment treatment for transgender individuals. Earlier gender reassignment procedures were not covered by the universal healthcare system. The amendment ensures that the government covers 80% of the gender reassignment procedure costs, including hormonal therapy and reassignment surgery.

Public opinion

- Research conducted by Juventas in 32 high schools around the country showed high levels of disapproval towards LGBT people. The survey found that 46% of students interviewed think that homosexuality is a

disease and 45.9% of students do not agree with the claim that homosexuals have the right to express their sexual orientation.

- Juventas' research amongst police officers and medical personnel showed that 51% of police officers and 48.1% of medical workers think that homosexuality is a disease, 68.6% of police officers and 59.7% of medical workers think that homosexuality is not natural and 66.7% of police officers and 48.1% of medical workers would feel they had failed as parents upon finding out that their child is gay. A survey by LGBT Forum Progress and Center for Civic Education in 2012 showed a certain decrease in the level of homophobia among the general public over the previous two years. While in 2010, 68.5% of the respondents believed that homosexuality is a disease, in 2012, 59.9% were of that opinion. The survey also showed a decrease in public support of violence. Nonetheless, in the 2012 survey, 11% of respondents justified violent behaviour directed towards LGBT people.

Member organisations of ILGA-Europe

Juventas
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LGBT Forum Progress
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