

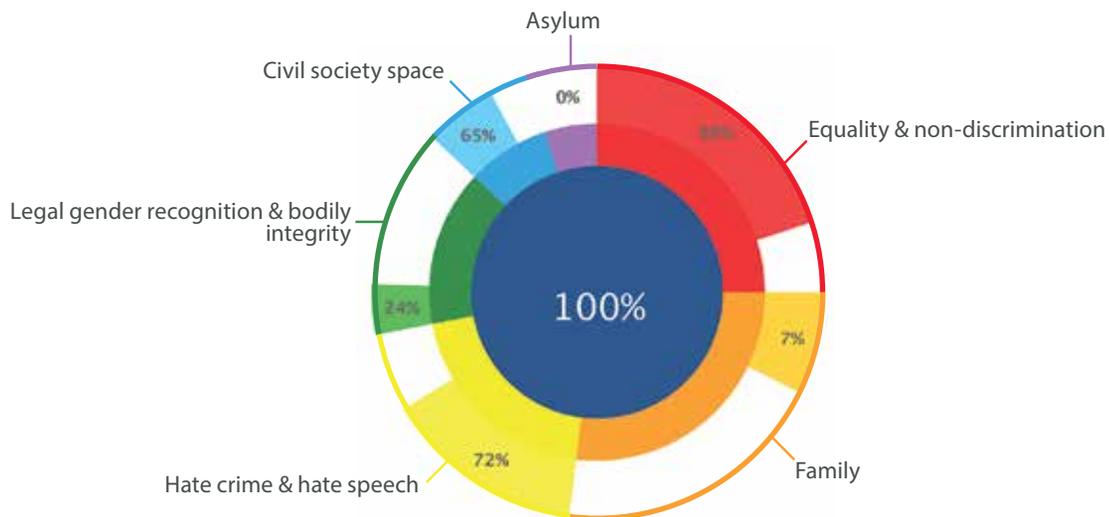
Montenegro



2016 was another busy year for LGBTI NGOs and activists in Montenegro, faced with a mix of successes and ongoing challenges. Activists continued to provide expertise and training, including the first-ever workshop on LGBTI equality for pre-school staff. In an encouraging move, a new network for LBTQ women was set up. It was NGO persistence that kept the legal challenges against the triple ban imposed on 2015 Niksic LGBTI marches alive in 2016. A complaint lodged by LGBTI activists also resulted in the first positive case taken against the Serbian Orthodox Church for hate speech directed at LGBTI people. While Montenegro continued to attempt to be a regional leader in terms of the promotion of the rights of LGBTI people, the work of activists did not proceed completely unhindered. NGO offices, activists themselves and their allies were the victims of attacks during the year, as public opinion continues to lag behind legislative developments. The practically non-existent legal protection for rainbow families, trans or intersex people was addressed during 2016. Even where laws and policies do exist, the actual implementation can leave a lot to be desired, according to an annual summary from the European Commission.

For more information on developments in 2016, visit www.rainbow-europe.org where you can read the full country chapter.

Legal and policy situation in **Montenegro** as of 31 December 2016



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Explicitly including SOGISC (sexual orientation, gender identity, sex characteristics) in an equality action plan, accompanied by specific measures of progress.
- ➔ Including express mentions of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in policies designed to tackle hate speech.
- ➔ Adopting legal measures to recognise and protect same-sex couples, such as civil unions or registered partnership.

Bias-motivated speech

- A priest of the Serbian Orthodox Church in Montenegro was ordered by the Ombudsman to publicly apologise for repeated hate speech against the LGBTI community. On 13 May, the Montenegrin Ombudsman set a 15-day deadline for the apology for comments made by Jovan Plamenac during Orthodox New Year celebrations. LGBTIQ NGO Queer Montenegro had submitted the complaint which led to the first ever positively resolved proceedings against the Serbian Orthodox Church in Montenegro in relation to violations of the rights of LGBTI people. Plamenac's subsequent open letter criticised the case against him, referring to the complaint as a 'coup' by NGOs and the media.

Bias-motivated violence

- In January, activist Stevan Milivojevic was attacked (verbally and physically) by two unknown men near Podgorica's train station. Milivojevic reported the incident to police immediately; it was his belief that he was targeted because of his human rights advocacy work and his sexual orientation (see also **Human rights defenders**). A formal investigation followed but no arrests were carried out as police could not identify the perpetrators. The case was unsolved at the end of 2016.
- A group of young people threw stones at the SOGI – Social and Community Centre in Podgorica in June. The NGO said that it would not seek to press charges (as the preparators were minors) and told the police it would have a conversation with the children and their parents on diversity and social acceptance of LGBTI people.
- An LGBTI ally was physically assaulted and his family members were threatened by three men. On 24 September, the victim was kicked in the ribs and suffered severe head injuries due to his perceived sexual orientation. The perpetrators also threatened the safety of his sisters if the authorities were involved. The incident was reported to the police and LGBTI NGOs called on the police and courts to take action against hate-motivated incidents.

Education

- The first-ever workshop dedicated to the human rights of LGBTI people at a pre-school in the country took place in June. NGOs LGBT Forum Progress and the SOGI – Social and Community Centre ran the interactive training workshop for 102 teachers and staff from 12 units of the 'Djina Vrbica' public pre-school.
- NGO LGBT Forum Progress and the University of Montenegro's Student Parliament reached an agreement on a plan of joint activities following a meeting on 28 November. Both groups discussed the LGBTI-phobia that exists within the education system and the need for LGBTIQ students to feel secure at the university. Plans for cooperation in 2017 included the organisation of the first anti-discrimination panel discussions at the Faculty of Philosophy in Niksic (organised by the Student Council of the Faculty of Philosophy and NGO LGBT Forum Progress). It is anticipated that this would be followed by public events at the University of Montenegro.

Enlargement

- Montenegro formally applied to join the European Union in 2008 and negotiations have been ongoing since 2012. In its annual enlargement package reviewing progress made towards EU accession, published in November, the European Commission was concerned that the implementation of existing overall human rights legislation remained "weak". The report did state that authorities displayed an "overall openness" to promoting LGBTI people's rights, but that Ministry of Human Rights and Minorities staff did not have enough staff and that existing action plans were not accompanied by a budget allocation. The Commission also called for improvements in access to healthcare for LGBTI people.

Equality and non-discrimination

- In February, the government announced the Council for Protection against Discrimination was being abolished. Vice-President Dusko Markovic stated that if the Council continued, it would create an overlap of work as a legal framework had already been established and much of the

Council's jurisdiction had been moved to the Council for the Rule of Law.

Family

- NGOs Juventas and Queer Montenegro composed draft registered partnership legislation which was publicly presented at the end of 2016. The subsequent parliamentary procedure, as well as associated advocacy and campaign efforts, will begin in 2017.

Foreign policy

- On 13 July, during the Montevideo Global LGBTI Human Rights Conference, Montenegro, together with 30 other states, joined the Equal Rights Coalition, a coalition committed to work towards equal rights and the eradication of discrimination and violence against LGBTI people. Montenegro also joined the Global Equality Fund in July.

Freedom of assembly

- Following the triple ban imposed on the 2015 Pride Walks planned in Niksic, NGOs Hiperion and LGBT Forum Progress initiated a case against the Ministry of the Interior in October 2015. The first hearing in the case took place before the Administrative Court in May and a decision was expected to be made publicly available within one month. The Administrative Court upheld the police decision to ban the March, as did the Supreme Court in a decision issued in September. On 30 November, NGO Human Rights Action submitted a complaint to the Constitutional Court (on behalf of NGOs Hiperion and LGBT Forum Progress), arguing that the Supreme Court's verdict violated the right to freedom of assembly and anti-discrimination principles. The case was ongoing at the end of the year.

- On 17 December, the Montenegro Pride Rally took place in Podgorica for the fourth year. An estimated 230 people participated in the Pride Walk. Minister of Culture Janko Ljumovic (Democratic Party of Socialists, DPS; social-democratic) and Minister for Human and Minority Rights Mehmet Zenka (Democratic Union of the

Albanians, DUA) attended the Walk; Minister Zenka also gave a speech to participants. The event passed off peacefully and organisers reported an increased police presence compared to previous years.

Freedom of association

- KvirA – a new activist group of LGBTQ women – was formed in August. The independent activist group aims to improve the position of women in society, with particular emphasis on LBT women. The group had 120 members by the end of 2016.

Human rights defenders

Stevan Milivojevic stepped down from his role as executive director of NGO LGBT Forum Progress and completely withdrew from all activism during 2016, due to personal reasons. Milivojevic was one of the few publicly out gay men in the country.

Participation in public, cultural and political life

- In June, the SOGI – Social and Community Centre in Podgorica closed its doors. Organisers initially planned the closure to be temporary but due to the expiration of funding, the LGBTI space had not reopened by the end of 2016.

Public opinion

- The results of *'Perceptions of the LGBT community'*, a study conducted by LGBT NGO Juventas, were published in December. The survey questioned 816 adults in September and was implemented with the support of LGBTIQ NGO Queer Montenegro and the Institute for Legal Studies. Three-quarters of those surveyed said that LGBT people should not have the right to marry and should not be able to adopt. 60% believed that LGBT rights are respected in Montenegro and 13% showed partial or full support for Pride events in the country. A majority of those surveyed believed that Pride events were organised in order to 'provoke' the majority of the population.