

ILGA-Europe's submission to the European Commission's 2012 Progress Report on Montenegro

Brussels, May 11, 2012

Political criteria

Human rights and the protection of minorities	
Freedom of assembly and association	<p>Freedom of assembly and association is guaranteed by the Constitution.</p> <p>In May 2011, LGBT Forum Progress planned the country's first Pride Parade in Podgorica. However, after violent attacks during IDAHO earlier in May, the organisers suspended the parade. The organisation highlighted that the parade was not simply cancelled because of the violence, but also because of the lack of political support.</p>
Hate crime	<p>There is no hate crime legislation in Montenegro. The Criminal Code of Montenegro does not contain provisions that expressly enable the bias motives of the offenders to be taken into account by the courts as an aggravating circumstance when sentencing.</p> <p>During 2011, LGBT organisations have documented at least 30 cases of discrimination and violence against LGBT people. However, many crimes against LGBTI people remain unreported due to lack of trust in law enforcement authorities. The below cases illustrate it.</p> <p>During the IDAHO concert in May 2011, unidentified people threw a tear gas petard into the crowd of 600 people who were members of the LGBT community, friends and supporters. Police investigation of this case yielded no results so far. After the concert, 2 people from the LGBT community were attacked by five assailants in the centre of Podgorica who shouted 'You came here to spread the disease!', 'Fags!' while beating the victims. According to the victims, the police officers refused to allow them to report the attack and file criminal charges, telling them it could be done the next day. The attitude and the behavior of the mentioned police officers created mistrust in the victims who then reported the case to the LGBT organisation.</p>

	<p>In August 2011, 2 incidents of bias motivated violence took place against 2 lesbians and 1 trans woman. In the first case, lesbian couple from Serbia- while on holidays in Herceg Novi in Montenegro- was attacked by a group of men who saw them showing signs of affection towards each other. In another case, a trans woman was beaten up by three young men in the south of Montenegro. Victims suffered multiple injuries but in both cases they neither reported the incidents to police, nor sought medical help for fear of victimisation.</p> <p>However, there has been a positive development in 2012. In May 2012, the assailant who verbally and physically attacked and threatened to kill the leader of the LGBT Forum Progress was sentenced to 3 months in prison and 2 years of probation. This is the first case in Montenegro with positive judgment on crime against a member of LGBTI community.</p>
<p>Equality and non-discrimination</p>	<p>Comprehensive anti-discrimination law was adopted in July 2010. The law provides protection from sexual orientation and gender identity discrimination amongst others.</p> <p>In September 2011, the Montenegrin Government hosted an international conference on the human rights of LGBT people. The conference was called 'Toward Europe, Toward Equality' and aimed (i) to create a forum of understanding of the importance of Pride Parades for the LGBT community, including how such Parades could be successfully organised in Montenegro; (ii) to provide training on the rights of LGBT people and LGBT sensitivity to judges, prosecutors and law enforcement officials; and (iii) to create public awareness and dialogue about LGBT issues. The conference was boycotted by 26 local civil society organisations-including LGBT Forum Progress and Juventas- due to the inadequate 'relation of the Government towards domestic civil society and the lack of track record in improvement of the situation of LGBT population.' The boycotting organisations have made a number of recommendations and recommitted themselves to working with the government if certain terms were met.</p> <p>In October 2011, a meeting took place between Vice president of the Government of Montenegro and representatives of NGOs. During this meeting it was agreed that a working group would be established at governmental level to prepare a programme and <i>Action Plan on the fight against homophobia</i> based on the <i>draft National Action Plan against homophobia</i></p>

	<p>created by a coalition of LGBT activists, NGOs, governmental organisations and media representatives. In addition, two expert groups are also formed to deal with the analysis of the legal framework from the perspective of compliance with international standards and human rights judicial practice, followed by an analysis of the presence of human rights of LGBT people in school text books.</p> <p>Another positive development during the reporting period has been the amendments introduced by the state- in March 2012- to the national healthcare law allowing health care insurance to cover 80% of the three-step gender reassignment procedure. This a big step forward towards ensuring the rights of trans people and their access to health care.</p>
<p>Public Opinion</p>	<p>The survey by LGBT organisations in 2012 shows some decrease in level of homophobia in general public over the last 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 decrease in public support of violence. Still, 11% of respondents justified violent behavior directed towards LGBT people in 2012 survey.</p> <p>A poll conducted by the Centre for Democracy and Human Rights (CEDEM), in cooperation with the Montenegro Ministry of Minorities, found high levels of disapproval of homosexuality. Over half of Montenegrins reported they would not want a gay person to be their neighbour, and many stated that homosexuals face discrimination in employment. The poll also revealed biases against certain ethnic groups, such as Roma and ethnic Albanians, as well as against women.¹</p>

¹ <http://www.balkaninsight.com/en/article/new-poll-addresses-discrimination-in-montenegro>