

*- Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity to the 77th General Assembly on peace, security, sexual orientation and gender identity – information provided by Montenegro -*

Montenegro did not face with any kind of conflict-related sexual and gender-based violence committed by different armed actors (State and non-State actors) in situations of conflict.

The Government of Montenegro is fully committed to protect and improve the rights and freedoms of LGBTI persons, support an inclusive and diverse society based on the equity and equality. We are fully devoted to the eradication of all forms of discrimination and violence based on sexual orientation or gender identity, in accordance with our long-standing goals on the national agenda and our international obligations.

Montenegro has achieved significant results in protecting the rights of LGBTI persons in the previous period. As a significant step towards equality in our society in this area, the Parliament of Montenegro has adopted the Law on Life Partnership of Persons of the Same-Sex in July 2020. This law is the result of efforts of the Government and NGOs that worked together to draft its text. It regulates subsistence between partners, property relations, grants those in a same-sex civil partnership the right to social security and health cover based on their partner and regulates family visits to hospitals or jails.

We are fully devoted to improve normative framework, strengthen capacity of institutions applying anti-discrimination legislation, and increase awareness on international standards regarding LGBTI persons and their rights. The Government of Montenegro has adopted the Strategy for improving the quality of life of LGBTI persons for 2019-2023, which includes coordinated efforts of the Government with civil society organizations, and multi-sectoral approach in providing institutional, political and other support for the protection of human rights of LGBTI persons. This comprehensive document contains concrete measures and activities in different domains – education, health, culture, security.

We have organized the workshops and trainings in order to raise awareness, sensitize and improve the capacity and knowledge of members of the police, judges, prosecutors, as well as representatives of local governments to work with LGBTI persons, as well as to improve the knowledge of judges and prosecutors to prosecute hate crimes towards LGBTI persons, strengthen capacities of the centers for social work to be able to provide assistance to LGBTI persons, as well as programmes and training sessions for increasing teacher competences in the field of anti-discrimination (including LGBTI issues). We have amended the Criminal Code for sentencing for a hate crime (CC, Article 42a paragraph 1). Homophobic violence appears both verbal and physical; as such, it is subject to both criminal prosecution and misdemeanor prosecution. In this

way, it is possible to punish the perpetrator of any crime if it is motivated by prejudice based on race, religion, nationality or ethnicity, disability, gender, sexual orientation or gender identity of another person and these circumstances will be considered aggravating by the court.

With the aim to improve the capacities of the Police, we have organized trainings for police officers for sensitive treatment of LGBTI persons in order to recognize homophobia and to gain trust of the victim, the trainings in an advanced way: for efficient and effective application of the normative framework for the protection of the human rights of LGBTI persons, for prosecuting hate crimes against LGBTI people and to combat hate speech on the Internet. Police officers who have successfully completed training for trainers to prosecute hate crimes against LGBTI people would hold trainings for colleagues in the Montenegrin Police and police officers in the region. In other to further explain the procedures in the Police for the cases of violence against LGBTI persons the Montenegrin Police developed Recommendations and Guidelines to LGBTI Persons in Case of Physical violence due to Presumed Sexual or Gender Identity.

Additionally, since 2011, media campaigns on prohibition of discrimination included special segment dedicated to LGBTI persons are conducted.

In addition to the above, special emphasis has been placed on increasing the trust between the police and the LGBTI community through cooperation within the Police Directorate-LGBTI Community Trust Team. This form of cooperation enables intensive exchange of information between the stakeholders on cases of violence and discrimination against LGBTI persons, cooperation in undertaking joint educational activities and the development of publications and handbook for the work of police officers with LGBTI persons. The Trust Team had a special role in the preparation and monitoring of the Pride Parade, with the aim to ensure the safety of all its participants. Additionally, we have a developed network of LGBTI contact police officers in all Centers and Police Security Departments, who are trained in sensitive handling and communication with LGBTI persons. Some of these officers had the opportunity to gain specific practical education on the protection of LGBTI rights in EU and US countries during study visits.

It is important to highlight the cooperation with NGOs in this field, the significance of their knowledge and support. Government constantly funded projects with a focus on priority issues: prejudices against LGBTI persons in Montenegrin society and viewing them stereotypically; insufficient information of LGBTI persons, the public and practitioners about human rights and the prohibition of discrimination against LGBTI persons; very few procedures for protection against violence and discrimination against LGBTI persons.