



SITUATION ANALYSIS REGARDING HUMAN RIGHTS OF
LGBTIQ PERSONS IN MONTENEGRO DURING 2016

LGBT FORUM PROGRESS – ANNUAL REPORT

PODGORICA
MARCH 2017



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Introduction

During carrying out its daily work and implementing the strategic and project activities for 2016, LGBT Forum Progress has been actively monitoring the overall situation concerning human rights of LGBTIQ persons. This monitoring process included taking notes of all the positive and negative examples of practice and work, all the examples of violence and hate speech related to LGBTIQ persons, public representation and advocating of LGBTIQ topics, and finally the concrete changes in social climate and the overall understanding and acceptance of persons that are sex, gender, romantic and/or sexual minorities in Montenegro.

After the year of 2016 had come to its end, all the data were unified and a detail analysis of the acquired material was done. Based on the aforementioned analysis, 10 key points were isolated, listed as follows.

1. Strategy for Improving Quality of Life of LGBT Persons in Montenegro (2013 – 2018)

Even though the Government of Montenegro has obliged by this Strategy, under 10 specific chapters, to improve the quality of life of LGBTIQ persons in Montenegro in a systemic and systematic manner, serious neglect of those obligations was noted during 2016; as well as the overall unconcern of the system to continue working with and for LGBTIQ persons. After the initial adoption of antidiscrimination legislature and establishing of a suitable institutional framework for implementation of the Strategy, very few things had been done in order to make tangible social changes, which was the primary function of this document. In 2016, the Government terminated the Council for the Protection Against Discrimination, by which the possibilities of NGOs and CSOs were effectively gravely diminished. The door that remained open were the one of the Office of the Protector of Human Rights and Freedoms, Ministry of Interior, and the Ministry of Human and Minority Rights of Montenegro.

Furthermore, in Chapter 2, which deals with concrete legal framework, only the formal part of adopting laws and amendments was done (all except for the Law on Registered Partnership, which will be drafted during 2017). The education of state and other officials and representatives has not been conducted adequately, nor it was completed. There is a vast number of omissions, which were evident during 2016. The NGOs/CSOs were appointed to facilitate the education, without creating the framework and standards which ought to be complied when facilitating it. This led to partial education and incomplete knowledge of the officials who attended the educational events.

The work on Chapter 3 hasn't started in 2016. Apart from the section dealing with creating elective subjects in elementary and high schools, which was done at the beginning of the implementation of the Strategy, the will of the Government and competent ministries for approaching the education reform which will lead to inclusion, understanding and acceptance of diversity hasn't been noted (in this particular case of sex, gender, romantic and/or sexual minorities). Again, NGOs/CSOs have conducted activities that provided partial education.



More specifically, LGBT Forum Progress has organised a [workshop](#) for kindergarten teachers from public preschool “Djina Vrbica” in Podgorica, upon their own initiative. Even though this is an extraordinary example and good practice, the problem lies in the fact that the competent Ministry didn’t initiate these actions, but the institution wanting to educate its employees.

During 2016, some backward steps were taken regarding the implementation of Chapter 4. As this chapter deals with culture, security and social acceptance, it is expected that it must be woven into all the levels of implementation of the Strategy. The first success indicator, which is creating a functional and financed LGBT Shelter, which was achieved during 2014 and 2015, is now again an unsolved issue and a problem for the LGBTIQ community. The Ministry of Labour and Social Welfare has declined to finance the LGBT Shelter programme for the year of 2016/17, and has also failed to take into consideration or reply to all of the letters and reactions of LGBT Forum Progress. Neither of the rest of the indicators were met, or they have been fulfilled partially. During 2016, there was some mention of social acceptance, family and family values, to which the IV Montenegro Pride unsuccessfully tried to point and start a dialogue within the society.

Chapter 5 again has been addressed partially, primarily due to the self-determining and unconnected work of NGOs/CSOs, without coherent and comprehensive end results. All in all, what was done at the beginning in the context of this chapter remained as such, and there was no significant betterment of the situation.

Very few things were done regarding Chapter 6, at least in terms of activities and goals that were set by the Strategy. There was a grand total of one handbook published, whose topic was partially dealing with LGBTIQ persons within the health care.

There were constant ups and downs noted on the work on Chapter 7. As it strictly deals with media, we have to mention the fact that the media still uses LGBTIQ topics in order to sell more newspapers, in order to acquire more clicks and likes, and in order to create sensationalistic stories, which are factually incorrect and have nothing to do with the real situation. Certain media and certain reporters demonstrated a constant level of professionalism and objectivity, whilst most them can be described as populist in their essence.

No work has been done on Chapter 8 in 2016, and there are no indicators that there will be any in the near future.

LGBT Forum Progress took an initiative regarding implementation of Chapter 9, at a certain period, in cooperation with the Institute for LGBT Tourism; and a pilot research has been done on the development potential of LGBTIQ tourism in Montenegro. The publication containing results of that research has been prepared, and the Ministry of Sustainable Development and Tourism has indicated that they are willing to print it at their expense, with a single condition - that all of the negative facts and examples be removed from the text of the publications. This pilot research is directly connected to many success indicators in this chapter.

The biggest part of Chapter 10 has been realised, and it is apparent that some work is being done regarding this chapter every year, primarily because of the engagement of the Ministry of Foreign Affairs and Montenegrin consular offices and embassies around the world, whose



office representatives are zealously acquiring information, talking to the LGBTIQ organisations and individuals, and in a certain way promoting Montenegro.

A general comment regarding the Strategy is that there was one step made forward and two steps made backward during the year of 2016, and that in fact the Government hasn't fulfilled a big part of its commitments, and that it has just transferred those duties to the NGO/C sector, which, again, works at its discretion and without any structure or meaning. LGBT Forum Progress is so far not pleased with the implementation of the Strategy, and urges the Government to finally realize and accept that it is high time to protect all of its citizens equally, LGBTIQ persons included.

2. Cases of physical and psychological violence, violence committed out of hatred and hate speech

During 2016, there have been two public attacks - one on Stevan Milivojevic, (at that time) Executive director of LGBT Forum Progress, and the other one on a teenager J.M.

In the case of Stevan Milivojevic, the attack, which happened in broad daylight, was obviously motivated by hatred and homophobia, since he is a gay person and (former) human rights activist. The attack happened in January 2016. The case was reported to the police and charges were made against "unknown individuals". Police investigated the case, with no success. The identity of the attackers has not been determined till this day, and the case is currently ongoing, without the potential of being closed successfully.

The attack on J.M., a minor, occurred under the presumption that he is a LGBTIQ person, which he wasn't; but he is a big ally and support to the community. He was attacked by his peers, also in broad daylight, and the motive was again hatred and homophobia. The case was successfully processed by the competent authorities.

In addition to this, over 50 persons who targeted LGBTIQ persons were reported to the police because of hate speech and violence on the internet. Out of those reported cases, at the moment only two misdemeanor proceedings are ongoing. This is the example of continual good practice of LGBT Forum Progress, which was shown to be very good and efficient when it comes to making the public aware that their comments and threats to LGBTIQ persons are not acceptable and that they will be processed in compliance to the law.

At last, altogether 14 persons approached LGBT Forum Progress with [reports of cases of violence](#) in which they were the victims (psychological, physical, economical, peer-violence, etc.). Unfortunately, none of the victims felt free to report their situation to any of the competent authorities, because of the fear of being outed, because of the possibility they would experience further violence and discrimination, because of the possibility they would lose the roof over their heads, or that the institutions cannot or do not want to help. This indicated a high level of mistrust which is still present towards (State) institutions, but also the general situation in society, which is very unfavorable for someone that is a member of the LGBTIQ.



3. The case of “Niksic Pride”

In May 2016, [the first hearing](#) before the Administrative court of Montenegro was held, regarding the case of forbidding the Academic Pride Walk in Niksic – “Niksic Pride“. On that occasion, the points of view of the organisers (NGOs LGBT Forum Progress and Hiperion) were repeated, outlining that what occurred there was the most serious violation of basic human rights, and their indefinite unconstitutional suspension. The findings and opinions of the Council for Civic Control of Police Work and the Protector of Human Rights and Freedoms in Montenegro were repeated, complementing the mentioned NGOs point of view (represented by NGO Human Rights Action HRA).

After the negative decision of the Administrative court, NGO HRA has, in the name of NGOs LGBT Forum Progress and Hiperion, submitted the case to the Supreme Court of Montenegro. This court has, in September 2016, confirmed the decision of the Ministry of Interior regarding forbidding the gathering, as well as the previous verdict of the Administrative Court, and in that way continuing the violation of human rights and equality of LGBTIQ persons before the law.

As a response to the verdict of the Supreme Court, which was described as additionally discriminatory, the NGO HRA has filed a [Constitutional Complaint](#) to the Constitutional Court in November, on the verdict of the Supreme Court. We are now waiting for an estimation of constitutionality of the aforementioned verdict and the termination of the proceedings.

4. Student Parliament of the University of Montenegro

In November, a [meeting](#) was held between the President of LGBT Forum Progress and the management of Student Parliament of the University of Montenegro (SPUCG) led by the President of that organization Sara Arianna Serhatlic. Marko Popovic, the Student representative of the Faculty of Philosophy, against whom charges have been filed because of hate speech targeting the LGBTIQ community in 2015, also attended the meeting.

LGBT Forum Progress and SPUCG talked during the meeting about the deeply rooted homophobia, transphobia and biphobia in Montenegrin educational system and the consequences of hate speech, which in no case should come from student representatives. It was emphasised that there is a vast number of LGBTIQ persons who are also students at Montenegrin faculties and that those persons must be guaranteed the right to safety, safe life without fear, as well as the basic motivational conditions under which they can fulfil their academic ambitions.

At this meeting, the cornerstone of cooperation between Progress and SPUCG for 2017 were laid.

5. SOGI Center (LGBTIQ Social and Community Center)

In June 2016, upon the cessation of the international support funds, and upon the disinterest of the institutions if the system to continue financing of this service, SOGI Center was closed. Even though this was planned as an interim solution, until the new sources of funding were



found and until the sustainability was established, the Center had to be permanently closed. This is a grave loss for the Montenegrin LGBTIQ community, to whom this space was the only safe haven of this kind within the borders of the country, and in which they used to receive all the necessary services (psychosocial, social, educational, cultural, etc.). Even though there were some promises made by the Capital City management office and the mayor Stijepovic himself that the Capital City will provide the space for SOGI Center free of charge, this promise was not fulfilled.

6. Montenegro Pride

On December 17, the IV Montenegro Pride took place, preceded by the Pride Week, and under the slogan “Support – Family Value”. Entire Pride went without any incidents, and with minor police presence.

What we ought to point out are all the shortcomings of Pride, and define why it has been, year after year, a complete failure and a completely meaningless event.

First, even though the turnout was fairly good, only about 25 LGBTIQ persons from Montenegro attended the event. If the activists and volunteers are not counted, that number drops to about 7 to 10 LGBTIQ persons who voluntarily and without fear came to Montenegro Pride. On the other hand, if looking at the number of members of the political and diplomatic corps, employees of different embassies and ministries, it is seen that they made up nearly half of the attendees. The other half were regional and international activists for human rights of LGBTIQ persons.

This clearly shows that Pride failed in its primary function – to gather, willingly and without fear, domestic LGBTIQ community, their families and allies (not diplomats and politicians), in order for them to clearly express their insurgency against the systemic oppression; as well as to show that they are proud of who they are, that they are not ashamed of themselves, and that they want to be accepted by the society and the system as people. Four years in a row, not even one Montenegro Pride has managed to accomplish that. Even opposite, there is a tendency of watering-down the messages, silencing the voice of the LGBTIQ persons, and serving the political agendas and different donors.

Furthermore, the very organisation of the Pride takes into consideration only the needs of that part of the community with which the organisers have everyday contacts, without the will or desire to ask the “common people” from the community what is it that they need and what kind of representation do they want. We repeat and emphasise – Pride is, in its core and essence, a protest – a peaceful, democratic, and colourful protest – but a protest by all standards. That is not the case in Montenegro.

The attempt to bring in the family and family values is to be commended, but did not have almost any effect. Several videos were made, and no essential social change has not happened. There was no thought of change, only of donors. LGBT Forum Progress has formally been a part of Pride Organisational board, but was in absolute minority in terms of views and attitudes.



Decisions on Pride are made even without the Board, behind closed door. That is an unhealthy practice, and the one not in the interest of the LGBTIQ community.

7. The occurrence of sex workers; STIs and STDs

It has been suggested to some activists of LGBT Forum Progress, anonymously and by modern means of communication, that there is an increase in the number of persons who are providers of sexual services (primarily to the persons of the same sex) during the summer months, throughout the country. The individuals who reacted were also concerned about the increased possibility of spreading of STIs and STDs at the places commonly visited by LGBTIQ persons (such as beaches and parks), because the use of condoms and other means of protection is not common amongst some LGBTIQ persons. The risk is even greater if the persons involved are sex workers. LGBT Forum Progress has, at that time, directed a request to the Institute for Public Health of Montenegro to send a mobile unit for HIV/AIDS testing and distribution of means of protection to some of those locations. Our request was not respected by the Institute, so we believe that the issue of spreading of STIs and STDs, in the 21st century, will become even more pressing; and that sex workers will continue to be under grave risk and extremely susceptible to violence and STIs and STDs. We are aware that this is a “grey area”, but the reaction of the State is needed, and the eventual decriminalisation of prostitution, in order to adequately protect, support, and help those persons who are sex workers.

8. Discrimination, intolerance, and violence within the LGBTIQ community itself

We are pointing out to a high level of discrimination between certain groups (“letters”) within the LGBTIQ itself. Gay men can consider lesbians and trans women less worthy because they are women, and discriminate them on those grounds. Bisexual persons suffer discrimination from multiple sides, because the community itself is “forcing” them to “choose” who they “like more”.

Additionally, intolerance is ever-present, as well as uneven public representation and advocacy. The largest number of activists are gay men, who are primarily representing the gay community. That leads to contempt of other groups and their alienation from the rest of the community. Religious and political choices of all are not equally respected. Trans persons are still seen as “sick”, even among the very community, which frequently rejects them. There is a certain level of hatred, lack of understanding and fear towards intersex persons. Queer individuals are seen as someone who is “less normal” than L, G, B, or T persons, as someone who does not know what they are, who does not know their identity, and so on. In short, they are not being recognised for what they are. And finally, some cases of violence between LGBTIQ persons were registered. It is not uncommon that the discontent of belonging in one group results in aggression towards persons from other groups (“letters”).



The practice of LGBT Forum Progress, in this domain, has always been to acknowledge all groups equally, to give everyone enough space, care, and respect, and to try to solve specific problems that they have. Unfortunately, that is not the practice of all NGOs/CSOs.

9. Institutional blockage

During 2016, a significant number of cases was recorded of governmental and other institutions denying cooperation or support to LGBT Forum Progress, due to the lack of interest, homo/bi/transphobia, or other reasons known to them. Although there are those who are always open for cooperation, other examples show that there are also those who do not accept and do not want to accept. The case of the Ministry of Labour and Social Welfare, which has, for months, avoided contact with Progress is one of those examples. Other example is a marketing agency that did not want to have “any connection to us”, despite us presenting as potential clients of that agency. Then there is the inability of the Centres for Social Work to perform their primary activities. And finally, the rejection of the entire educational system (on all levels) to conduct a quality and adequate reform and modernisation.

10. Social climate

Overall, the attitude of society towards LGBTIQ persons has not significantly changed during 2016. Researches conducted during the year (some more and some less credible) have shown that the level of social unacceptance of homosexuality is still very high – 80 to 90 percent. These numbers are additionally supported by daily numerous comments on the Internet, on the account of LGBTIQ persons, the way we are being treated by the State, and the inability of the current “leaders of the movement” to do anything about this. In 2016, we have not heard any concrete suggestions or solutions, but rather demagogy and beautification of reality. This is further fuelled by the false reporting of some NGOs/CSOs about the reality of life, problems, and needs in Montenegro, in the context of LGBTIQ persons. We welcome the report of the European Union on Montenegro for 2016, because it has, after quite some time, shown the reality in Montenegro. Also, we must note that a great pressure had to be applied on the international community from the side of Montenegrin NGOs/CSOs to stop integrating untruths in the report.

Conclusion

We conclude the report in the spirit of hope that all that was mentioned above will be acknowledged and recognised, and that those who need will hear about these problems, and take steps in order to solve them. We emphasise that it is the responsibility of the State to fulfil the duties it has took upon itself, or at least maximally help the NGOs/CSOs that are trying hard to do their job, fulfil those duties, and help LGBTIQ persons in Montenegro. We must not forget that the struggle for one group within the society is the struggle for the society as a whole.