
**Study on Homophobia, Transphobia and Discrimination on
Grounds of Sexual Orientation and Gender Identity**

Sociological Report: Montenegro

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A. Executive summary

1. The general attitude towards LGBT persons in Montenegro is, by key stakeholders, labelled as conservative, patriarchal, negative, and as characterised by a practice of "don't ask, don't tell." The majority of the population considers homosexuality an illness. However, there are also signs of increased public debate and visibility.
2. There are no reports on bans on LGBT events or organisations. However, it is noted that, due to the risk of encountering hostile reactions, LGBT persons largely try to pass unnoticed and meetings are largely organised in private. At the time of writing there was no LGBT NGO registered as such in Montenegro. However, there are some NGOs that focus on LGBT rights and LGBT persons in their work - most notably Juventas, but also the Center for Antidiscrimination "EQUISTA" and Human Rights Action,
3. There are no reported incidents of restriction of freedom of speech of LGBT persons or NGOs. On the other hand LGBT is often used negatively in public discourse, for example, to label opponents as gay to discredit them, without legal consequences.
4. There are no representative studies on hate crime against LGBT persons, but there is anecdotal evidence of hate crimes against LGBT persons in Podgorica, and that victims of hate crime do not report the incidents to the police. There are also accounts of police abuse or neglect.
5. There is no legal recognition of same-sex partnerships in Montenegro. Only 16 per cent of the population believe that same-sex couples should have the right to marry, while 21 per cent are of the opinion that same-sex couples should be allowed to register their partnership.
6. There is no official collection of data on incidents of violence in schools in general including on those targeting kids who are homosexual or transgender. There is anecdotal evidence of extensive bullying of pupils not conforming to traditional notions of gender. There is no mentioning of LGBT in the curricula.
7. There are no official data on discrimination in employment, but anecdotal evidence of discrimination against LGBT persons, lack of visibility, and of the fact that victims of discrimination do not want to report.
8. LGBT persons, practices and identities seem not to be sufficiently recognised, understood and respected by health care professionals in Montenegro. This means that proper health care is often not provided. It also means that working with sexual health, such as HIV/AIDS-prevention, is difficult, even though the Ministry of Health is aware of, and actively working with, the issue. There are no possibilities for gender reassignment treatment in Montenegro.
9. There are several incidents of the media facilitating anti-LGBT discourse, and the media is perceived to be generally negative. However, there are also recent exceptions such as a series of articles against homophobia in the daily newspaper Vijesti and reactions in other media against negative public statements.

A.1. Data Collection

10. Data have been collected for this report through:

11. A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in Montenegro.
12. Data collection through interviews in Montenegro held in Podgorica 5 - 7 May 2010 with:
13. Authorities:
 - Ministry of Human and Minority Rights
 - Ministry of Health
14. NGOs:
 - Juventas
 - Antidiscrimination Center EQUISTA
 - National Human Rights Structures:
 - The Ombudsman's Office
15. National Human Rights Structure:
 - The Ombudsman's Office

B. Findings

B.1. Public opinion and attitudes towards LGBT persons

16. When asked about the public opinion and general attitudes towards LGBT persons the representatives of the organisations and institutions interviewed in Montenegro stated that the country is "conservative"¹, "patriarchal",² "negative" and characterised by a practice of "don't ask, don't tell."³ However, all persons interviewed also expressed the view that there are developments pointing in the direction of increased openness and acceptance with recent public debates and media coverage as an indicator of this.
17. A public opinion poll from 2009 gives valuable insight into the public opinion and attitudes towards homosexual persons.⁴ The following quotes and findings are from that representative survey.
18. "71% of adult citizens of Montenegro consider homosexuality as an illness, and every second citizen agrees that homosexuality is very dangerous for society and that the state institutions should work to suppress it. Also, 67% of citizens believe the church to be rightfully against homosexuality." (p.4)
19. On the other hand, the opinion poll showed a "high percentage of agreement with the statement 'everyone has the right to one's sexual orientation unless endangering others' (89%), the majority stated that homosexuals are like everyone else (60%) and a minority would stop voting for a political party that would start talking about rights of homosexuals (38%)" (p.4).
20. "Citizens are intolerant towards homosexual orientation being expressed in public: 75% believe that homosexuals should not express their sexual identity in public with gay parades, and 59% think that even gay bars and restaurants should not exist." (p.4)
21. "71% believe that homosexuals are not endangered in Montenegro and that there is no need to assist them in protection of their rights." (p.4)
22. The survey shows that the lowest level of acceptance of homosexual persons is expressed by senior citizens, over 60, retired, and also by the less educated, with low income, from rural areas, and from the Eastern region of the country. The highest level of acceptance is expressed by young people (aged 18-29), students, persons with higher education and/or income, especially from the Boka Bay coastal region.
23. In 2009, Šučko Baković, the then future Ombudsman criticised the Minister of Human And Minority Rights, Ferhat Dinoša, who in public statements called the LGBT population "bad news" for Montenegro, and deemed it as insulting to put national and sexual minorities on equal footing. Baković said that all public officials should be committed to protection of constitutionally guaranteed rights of minorities and individuals in general. "No one in this country should be unhappy because of the fact that minorities exist", said Baković, announcing that his office will deal with this case as soon as he has taken oath in front of

1 Meeting with the Ministry of Human and Minority Rights, 5 May 2010.

2 Meeting with the Ministry of Health, 7 May 2010.

3 Meeting with Juventas, 6 May 2010.

4 Human Rights Action, *Homophobia in Montenegro*. October 2009. The survey was performed by the agency Ipsos Strategic Marketing.

the Parliament, thus formally becoming the new Ombudsman. Juventas, an NGO also working with LGBT, rights had not at the time of the field visit any experience with the new Ombudsman.⁵ However, representatives from the Ombudsman's Office expressed the will to work with sexual orientation and gender identity as part of the implementation of the newly adopted Anti-Discrimination Act.⁶ The representative from the Ministry of Human and Minority Rights met in Podgorica also expressed the will of the Ministry to work on these issues following the adoption of the Anti-Discrimination Act.⁷

24. The public anti-LGBT statements of the Minister for Human and Minority Rights (who remained in office) was highlighted by representatives of all the organisations and institutions interviewed during the field visit in Podgorica. Not least was it emphasised that the somewhat ironic consequence of the statements was that they triggered an otherwise non-existing debate about homophobia, transphobia and LGBT rights, and that both public representatives as well as several civil society organisations criticised the statements and for the first time publicly defended human rights of LGBT persons.⁸
25. Groups of right-wing hooligan groups are reported to be very aggressively anti-LGBT and representatives of the Orthodox Church have also voiced highly anti-LGBT public statements.⁹
26. A prominent incident is indicative of the fact that LGBT terms are used negatively in public discourse without legal consequences (at least prior to the adoption of the Anti-Discrimination Act).¹⁰ In October 2009 the sons of the mayor of Podgorica did a campaign against an editor of a local paper (Vijesti) - the campaign involved billboards of the editor indicating that he was gay in order to discredit him. No legal actions were taken, and the mayor confirmed that his sons had done it without regretting or excusing the actions. However, the result of the smear campaign was that the newspaper published a series of articles in practice being the first anti-homophobia campaign in Montenegrin media.
27. According to NGOs interviewed, the public labelling of opponents as gay as a way of discrediting them is not unusual in Montenegro.¹¹

Freedom of assembly and association

28. There are no LGBT NGOs as such in Montenegro. The only organisation that had been working strictly in this field is *Free Rainbow*, which stopped working in 2008. However, there are some NGOs that focus on LGBT persons in their work - most notably Juventas, Human Rights Action, and also the Center for Antidiscrimination "EQUISTA", and there is an emerging awareness and focus on LGBT issues in civil society organisations.¹²
29. There are no reports on bans on LGBT events or organisations. However, it is noted that, due to the risk of encountering hostile reactions, LGBT persons largely try to pass unnoticed and that meetings are largely organised in private.¹³
30. A recent public action against homophobia in Montenegro was the distribution of flyers in Podgorica by the organisation Juventas on the International Day Against Homophobia and

5 Meeting with Juventas, 6 May 2010.

6 Meeting with the Ombudsman's Office, 7 May 2010.

7 Meeting with the Ministry of Human and Minority Rights, 5 May 2010.

8 All meetings, see Data collection.

9 Meetings with Juventas, 6 May 2010, and EQUISTA, 7 May 2010.

10 Meeting with Juventas, 6 May 2010.

11 Meetings with EQUISTA, 5 May 2010, and Juventas, 6 May 2010.

12 Ibid.

13 Lazarevic N., *Montenegro's Gay Community Stays Hidden to Survive*, BalkanInsight.com, 19 October 2009, www.balkaninsight.com/en/main/analysis/22983, accessed 28 December 2009.

Transphobia (IDAHO) in May 2009. The activists were met with homophobic reactions and threats and decided to call off a planned afternoon session.¹⁴

31. For the first time, an international conference on the protection of the rights of LGBT persons was held in Montenegro, Podgorica, in October 2009. This academic conference was organised by the German Academic Exchange Service (DAAD) Alumni Club Montenegro in partnership with Leipzig University – Department of European, Public International and Public Law, Germany; Lund University – Department of Sociology of Law, Sweden; MUCLA School of Law – The Williams Institute, United States; European Commission on Sexual Orientation Law (ECSOL) and International Lesbian Gay Bisexual Trans and Intersex Law Association (ILGLaw) and the University of Montenegro, Faculty of Political Science.

B.2. Freedom of expression

32. There are no reported incidents of restriction of freedom of speech of LGBT persons or NGOs.

B.3. Hate crime - hate speech

33. There are no representative studies on hate crime against LGBT persons, but there is anecdotal evidence of hate crimes against LGBT persons in Podgorica.¹⁵ An article published by BalkanInsight.com¹⁶ describes two such cases of violent attacks - one of them even with police officers as the perpetrators. The attack involving the police officers was confirmed by a human rights researcher who is also a member of the Council for Civil Control of Police who received confirmation of the two male victims' story from police sources.
34. Both cases illustrate what may be a general problem in such cases: the cases were not brought to court, let alone reported to the police as homophobic hate crimes. This is partly due to lack of trust in the police authorities, and partly due to the fact that victims did not want to disclose their sexual orientation or the reasons for the attacks in case the incidents were brought to trial. This leads the author of the article to the conclusion that the existing "statistical data do not reflect the actual level of homophobia in the country."
35. The observation above is also backed by Juventas and EQUISTA.¹⁷ Juventas also reports of cases of harassment in a park in Podgorica used as a cruising ground. The harassment was systematically carried out by a group of persons who regarded the victims as easy targets for the purpose of robbing their money. The group stopped their activities when one of them was arrested for other reasons.¹⁸
36. There is also anecdotal evidence of violence against women who have a masculine gender expression.¹⁹
37. The results of an anonymous questionnaire²⁰ answered by 30 homosexual persons in Podgorica confirm the picture outlined above:

14 Lazarevic N., *Montenegro's Gay Community Stays Hidden to Survive*, BalkanInsight.com, 19 October 2009, www.balkaninsight.com/en/main/analysis/22983, accessed 28 December 2009.

15 Meeting with Juventas, 6 May 2010.

16 Lazarevic N., *Montenegro's Gay Community Stays Hidden to Survive*, BalkanInsight.com, 19 October 2009, www.balkaninsight.com/en/main/analysis/22983, accessed 28 December 2009.

17 Meetings with EQUISTA, 5 May 2010, and Juventas, 6 May 2010.

18 Meeting with Juventas, 6 May 2010.

19 Ibid.

38. The majority of the respondents (18) state to have survived some sort of violent attack in public - not a single case was reported due to fear of outing. About half of the respondents have either experienced or heard of maltreatment by the police.
39. Juventas report that they have knowledge of several cases of blackmail, but the victims did not want to report the cases.²¹
40. The only reported case of organised violence happened in November 2004 when the fans of the Montenegrin soccer club Budućnost threw stones at Atila Kovač, a prominent gay rights activist from Serbia, in front of the state TV just before he was to appear as a guest on its show. Mr. Kovač was surrounded by heavy police forces and that is why he was not seriously injured. Nevertheless, no one was ever processed and punished for this attack, although several persons were taken to questioning.²²
41. The Ministry for Human and Minority Rights have requested any official data on relevant cases regarding hate crime from the Ministry of Justice - but no data were available.²³
42. The Orthodox Church in Montenegro strongly opposes LGBT rights. During the debate on the Antidiscrimination Act, a church representative stated "people who are gay should be burned the same way like trees that are not producing new trees".²⁴
43. On hate speech - see chapter on *Media*.

B.4. Family issues

44. There is no legal recognition of same-sex partnerships in Montenegro. According to a public opinion poll,²⁵ this is in accordance with the general opinion:
45. Only 16 per cent of the population believe that homosexual persons should have the right to marry, while 21 per cent are of the opinion that homosexual persons should be allowed to register their partnership.
46. Only 12 per cent agree that homosexual persons should be allowed to adopt children. Students are significantly more favourable with 24 per cent agreeing that homosexual persons should be allowed to adopt children.
47. Among the homosexual respondents to an anonymous questionnaire²⁶ in Podgorica, a little more than half stated that their families knew of their sexual orientation - in the majority of those cases, the families accepted it.
48. Juventas also report of abuse of LGBT persons by family members as domestic violence which most often remains hidden.²⁷

20 Human Rights Action, *Results of anonymous questionnaire - 30 homosexual persons*, Podgorica, 2009.

21 Meeting with Juventas, 6 May 2010.

22 „Varvari dočekali Atilu“, Newspaper Pobjeda, 20 November 2004.

23 Meeting with the Ministry for Human and Minority Rights, 5 May 2010.

24 Meeting with Juventas, 6 May 2010

25 Human Rights Action, *Homophobia in Montenegro*. October 2009. The survey was performed by the agency Ipsos Strategic Marketing.

26 Human Rights Action, *Results of anonymous questionnaire - 30 homosexual persons*, Podgorica, 2009.

27 Meeting with Juventas, 6 May 2010.

B.5. Asylum and refugee issues

49. There are no reports of cases where LGBT persons have applied for asylum in Montenegro due to persecution on the grounds of sexual orientation or gender identity.
50. Social security, social care and insurance
51. There are no data on discrimination in the access to social security, social care and insurance, but the fact there is no cohabitation right for unmarried couples means that same-sex couples do not have access to partnership benefits.²⁸

B.6. Education

52. In an anonymous questionnaire²⁹ answered by 30 homosexual persons in Podgorica, several respondents state to have experienced offensive behaviour from teachers and professors.
53. Otherwise there are little data on discrimination in the area of education. Juventas reported that there is no mention of LGBT issues or representation of LGBT persons in the curricula, and that there is extensive bullying of pupils not conforming to the traditional notions of gender.³⁰

B.7. Employment

54. There are no official data or reported cases of discrimination. According to Juventas this is not least explained by the fact that LGBT persons in general are not out. A beneficiary of Juventas has reported to have been fired by an employer who stated that "we do not want a faggot in our store." However, he did not want to make a case out of it.³¹

B.8. Housing

55. There are no data regarding discrimination in the area of housing.

B.9. Health care

56. There are no studies about LGBT persons in relation to health care. However, the statement from a psychiatrist in a the daily newspaper *Pobjeda* in 2007 that homosexuality is a "disorder" remained unchallenged by other Montenegrin psychiatrists or medical professionals.³² This indicates that LGBT persons, practices and identities may not be sufficiently recognised, understood and respected by health care professionals in Montenegro. The representative from the Ministry of Health met in Podgorica backs this observation adding that some health professionals are ready to accept LGBT persons and treat them properly. He calls the situation in health care "a copy of everyday life", and

28 Ibid.

29 Human Rights Action, *Results of anonymous questionnaire - 30 homosexual persons*, Podgorica, 2009.

30 Meeting with Juventas, 6 May 2010.

31 Ibid.

32 Lazarevic N., *Montenegro's Gay Community Stays Hidden to Survive*, BalkanInsight.com, 19 October 2009, www.balkaninsight.com/en/main/analysis/22983, accessed 28 December 2009.

states that the consequences are that LGBT persons are reluctant to seek proper health care.³³

57. Also the Director of the Neuropsychiatric Clinic in Podgorica has publicly stated that homosexuality is an illness. However, in that case the Chamber of Medical Physicians reacted opposing that statement.³⁴
58. The reluctance to seek proper health care also means that, in spite of knowledge of a higher prevalence of HIV/AIDS among men who have sex with men (MSM) than in the population as a whole, it is not easy to reach MSM. In other words, even though a drop-in centre for testing and counselling has been established, HIV/AIDS prevention is a challenge and data are difficult to collect.³⁵
59. Juventas do outreach activities targeting MSM and have, after some start-up difficulties, success with reaching an increasing number of beneficiaries.³⁶
60. There are no possibilities for gender reassignment treatment in Montenegro - no medical expertise and no legal regulations.³⁷

B.10. Access to goods and services

61. There are no data on discrimination regarding access to goods and services. According to Juventas this is not least due to the general invisibility of LGBT persons.³⁸

B.11. Media

62. There are no studies as such about LGBT issues and representations in Montenegrin media. An extensive and well-documented article published by BalkanInsight.com states that "the media rarely cover themes related to the gay and lesbian community."³⁹ It further concludes that the absence of LGBT persons from the public sphere makes room for persons, among them political and religious leaders, who claim that LGBT persons barely exist, that homosexuality is a Western import, or that homosexuality is a "psychological and emotional deviation", as has been stated by the chancellor of the Faculty of Theology in Cetinje.⁴⁰
63. However, some articles and statements published by the media, have caused debate – as, for example, in the case of a statement by the media centre manager of the Socialist National Party which was countered by Dr. of Law Jovan Kojicic quoted below:⁴¹
64. "The statement of the Socialist National Party media centre manager, Professor Dragan Koprivica, published in "your newspaper" "Vijesti" on 25 December 2008, whose party leader is also the president of National Council for European Integration, remains to be discussed. Professor Koprivica's statement is, at the very least, homophobic and points to homosexuality as social anomaly which should be cured "but not violently". Professor

33 Meeting with the Ministry of Health, 7 May 2010.

34 Ibid.

35 Ibid.

36 Meeting with Juventas, 6 May 2010.

37 Meeting with the Ministry of Health, 7 May 2010.

38 Meeting with Juventas, 6 May 2010.

39 Lazarevic N., *Montenegro's Gay Community Stays Hidden to Survive*, BalkanInsight.com, 19 October 2009, www.balkaninsight.com/en/main/analysis/22983, accessed 28 December 2009.

40 Ibid.

41 Kojicic J., *'European' homophobia of Dragan Koprivica. Nothing is accidental*, Vijesti, 31 December 2008, p. 17.

Koprivica probably wanted to say that he is by all means for 'democratic' solutions because he is not calling for violence literally. At that he denied the answer to a wider, and even scientific auditorium, about means and methods Montenegro intends to use for "curing" this "anomaly". In his statement Professor Koprivica manifests feelings of uneasiness, dislike, and even repugnance towards same-gender sexuality, limits the rights of all people, transforms them into objects to be feared and cursed, negates possibility of education and tolerance, and potentially encourages interpersonal homophobia in the society categorised as socially homophobic and so potentially, also, inciting hate, instigating hate and bigotry, all forbidden by the Constitution of Montenegro."

65. Another case are the statements of the Minister of Human and Minority Rights that have caused debates in both printed media and television (see section on Public Opinion and Attitudes towards LGBT persons).
66. The accusations made in 2009 that an Executive Director of a newspaper in Podgorica should be gay, to discredit him, caused the newspaper to run several articles on the problem of homophobia in Montenegro (see the section on *Freedom of Expression*).

B.12. Transgender issues

67. There is no established transgender community as such in Montenegro - and only one (female to male) transgender person has been involved in the activities of Juventas.⁴²
68. As mentioned under *Health care* there are no possibilities for gender reassignment surgery. However, Juventas report that, according to their knowledge, there are no problems with changing documents. Juventas knows of five persons who have changed documents in the municipality (Podgorica) and problems have not been encountered. However, there are no legal regulations in the area.⁴³

B.13. Data availability

69. There are no official data on homophobia, transphobia or discrimination on grounds of sexual orientation and gender identity in Montenegro. However, several known public statements and reactions to them, some recent studies and similar accounts and assessments by both NGO representatives and representatives of public authorities make it possible to outline the situation of LGBT persons in Montenegro. The relatively small size of the country and the high level of invisibility leaves some areas blank.

⁴² Meeting with Juventas, 6 May 2010.

⁴³ Meeting with Juventas, 6 May 2010.