

Universal Periodic Review - Montenegro COC Netherlands and Juventas

- Delivered by Joyce Hamilton

Mister/Madame President,

I make this statement also on behalf of Juventas in Montenegro.

We welcome the commitment made by the Montenegrin Government to the realization of human rights of LGBT people in Montenegro and the Government's acceptance of recommendations on sexual orientation and gender identity.

In particular, we appreciate the pledge of Montenegrin Government to: take steps to combat societal discrimination on the basis of race, sexual orientation, disability or gender identification; Take measures to protect the rights of LGBT persons effectively and investigate and prosecute alleged cases of violence and discrimination against LGBT persons; Establish effective mechanisms of dialogue with human rights defenders in this field; and consider amending the Criminal Code so that hate crimes against LGBT persons are considered serious criminal offenses or at least aggravating circumstances.

Montenegro is currently making numerous changes to its legal framework, but the protection of human rights hasn't yet reached international standards and good practices in all areas. Enforcement of newly adopted laws is faced with many challenges. Montenegro recently adopted amendments of the Criminal Code, which now explicitly includes sexual orientation and gender identity as protected grounds, but further improvement of the hate speech/crime legislation is necessary. Homophobic and transphobic statements of leading politicians and professionals in various areas, fuelled and gave legitimacy to the widespread discrimination against LGBT people, but none so far has been adequately sanctioned. As a result, level of LGBT people's trust in state institutions is on a low level, so is the reporting rate as far as violence and discrimination cases are concerned.

Targeted actions should be implemented by local and national authorities and other governmental bodies to allow practice and protection of human rights of LGBT people. In this context, we urge the Montenegrin government:

- To guarantee the right to peaceful assembly as well as ensure adequate protection to LGBT persons and allies no matter how "popular" such actions are within the general public;
- To amend the Law on prohibition of discrimination to recognize sanctions, and provide definitions of terms used;
- To amend the Law on Education to enable monitoring and documentation of violence based on sexual orientation and gender identity in schools;
- To amend the Law on Civil Registry and Law on Central Registry to enable legal gender recognition;
- To adopt the Law on same sex partnerships;
- To form a system of free legal aid and empowering of LGBT persons to report violence and discrimination.

Montenegro has made advances in complying with the CM/Rec (2010)5 of the Committee of Ministers of the Council of Europe on sexual orientation and gender identity, but we remind the government that more progress is needed to equally protect trans people against discrimination.