



*Government of Montenegro*  
*Primo Minister*

Podgorica, 29 November 2010

**Mr. Thomas Hammarberg**  
**Council of Europe Human Rights Commissioner**

Dear Commissioner,

Thank you for your letter in regard of the situation and rights of LGBT population in Montenegro.

I take this opportunity to reiterate firm commitment of the Government of Montenegro and all its institutions to consistently comply with and enforce human rights as guaranteed under the Constitution and other relevant domestic and international regulations. As you know, under the Constitution of Montenegro all the citizens of Montenegro are equal before the law regardless of any distinctive traits or personal characteristics. The issue of discrimination is additionally incriminated under the criminal law of Montenegro and dealt with in detail under the Anti-discrimination Law. In this spirit it is doubtless that tolerance and respect of equal right to dignity of every human is the cornerstone of a pluralist democracy.

Therefore, our vision of further democratic development is a society that ensures equally for each individual all the rights, freedoms and opportunities, a society that values diversity, distinctive traits or personal characteristics as a potential rather than a fault, a society that fully cherishes an inclusive approach and values.

This is the approach that we have applied when drafting the Anti-discrimination Law. A significant number of NGOs active in protecting human rights participated in the public debate and their proposals and suggestions have been incorporated in the Law. The same applies to the suggestions of the OSCE/ODIHR and of the CoE

Venice Commission. Particular attention was given to protection against discrimination based on gender identity or sexual orientation. This Law imposes, inter alia, an obligation upon the Ministry of Human and Minority Rights to put in place a form to be used to keep a record of all discrimination cases. Also, other relevant bodies are obligated to keep special records of any discrimination cases and make such documentation available to the Ombudsman.

In this context I take this opportunity to inform you that a new Ombudsman Law is in the parliamentary pipeline. The new Law is to increase the number of deputies to the Ombudsman, as well as the staff, coupled with increased salaries, which will equal those in the Constitutional Court of Montenegro (the Ombudsman will draw the same salary as the President of the Constitutional Court and a Deputy Ombudsman a salary equalling that of a justice of the Constitutional Court, etc.) Taking into account the importance and the role of the Office of the Ombudsman as the national mechanism for protection against any form of discrimination and the forthcoming passage of the Ombudsman Law, the draft 2011 Budget Law has increased by abt. 30% the funds to be allocated for the functioning of this institution.

To raise public awareness and insure a proactive approach in ensuring respect and protection of human rights the Ministry of Human and Minority Rights has implemented a series of important activities. Among other things, last year the Ministry sponsored a regional conference on rights of sexual minorities. At the beginning of this year the Ministry participated in financing training of six employees of the Ministry of the Interior and Public Administration, who were trained in dealing with and policing public gatherings of LGBT population. In the forthcoming period the Ministry will implement targeted education programmes for staff of other institutions of the state dealing with different aspects of discrimination.

To raise public awareness of the issues of protection against discrimination and combating discrimination motivated by any reasons the Ministry has prepared a broad-based media campaign. Particular emphasis is placed on protection against family violence, promoting tolerance, protecting gender identity, sexual orientation etc. The media promotion is to include a series of television programs, videos and radio jingles, as well as billboards placed along the busiest roads in Montenegro with an unequivocal message: Together Against any Form of Discrimination.

Representatives of the Ministry of Human and Minority Rights have promoted equal rights of the LGBT population through participation in diverse media




programs and activities, too (TV Montenegro program entitled "Replika" ; a round table discussion organized by the Monitor weekly ; Antena M radio phone-in program entitled "Hot Chair", etc.)

I believe it is important to point to an intensified cooperation between the Government departments in charge and the civil sector. I would particularly highlight the formation of a national coalition "Together for LGBT rights". This is an initiative launched in May of this year by the NGO "Juventas", which the Ministry of Human and Minority Rights and other competent Ministries have joined. In addition to this, an E-Group of the Coalition has also been set up, as well as the Friends of the Coalition (including Office of the Ombudsman and a number of the printed and broadcasting media). The objective is to enhance monitoring and evaluation of respect of human rights of the LGBT population through this form of joint activity, too.

Also, as a result of an intensified cooperation between the Ministry and the civil sector a study visit was arranged to the Serbian Government institutions and NGOs active in promoting and protecting human rights of the LGBT population with a view to sharing experience and familiarizing with the practice in the neighbourhood.

Convinced that the above activities are conducive to a proactive approach of the Government towards guaranteeing human rights of the LGBT population, promoting tolerance and combating any form of discrimination I look forward to our further constructive cooperation in accomplishing this joint mission and objective.

Yours sincerely,

  
Milo Djukanović