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REPORT ON PROJECT SUPPORTED THROUGH THE SUB-GRANTING SCHEME



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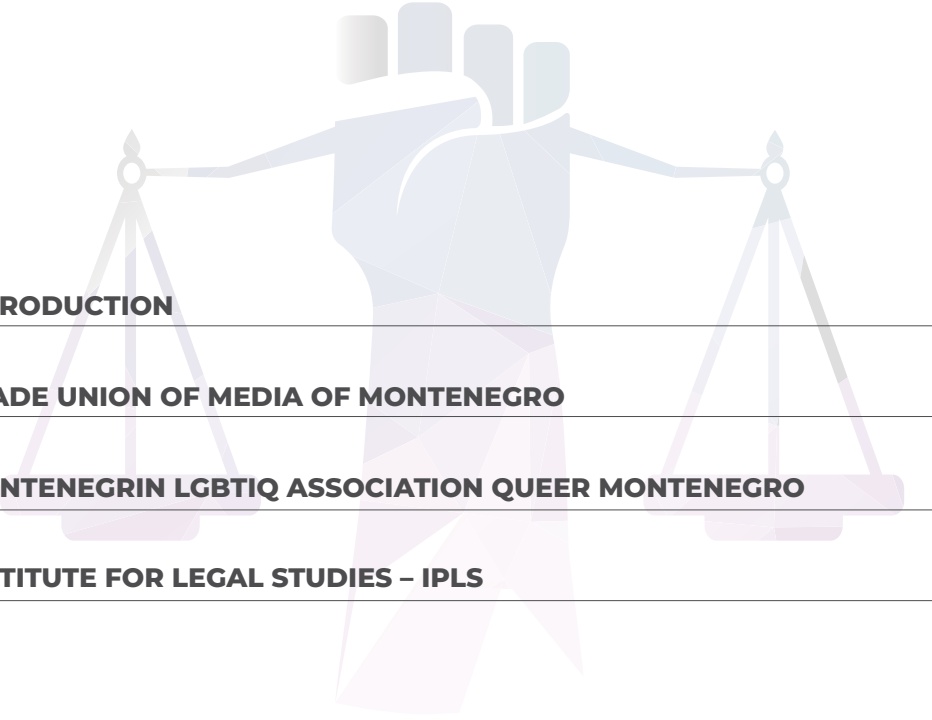
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INTRODUCTION

The Center for Monitoring and Research CeMI and the Human Rights Action HRA have implemented the project "Access to Justice and Human Rights in Montenegro – Trial Monitoring Project 2021-2023". The project was financially supported by the European Union and co-financed by the Ministry of Public Administration of Montenegro.

The main objective of the project was to encourage democratic values in Montenegro by strengthening the foundations of the rule of law and expanding the culture of respect for human rights, as well as strengthening the role of civil society as a catalyst in the promotion of human rights, with a special emphasis on access to justice and the rule of law. As the name of the project suggests, the focus of project activities was the monitoring of judicial proceedings, specifically criminal proceedings.

In addition to monitoring judicial proceedings, one of the key elements of the project was strengthening the capacities of local CSO's through a sub-granting scheme. This initiative contributed to strengthening the capacity of civil society in the field of protection and promotion of human rights, increasing the sustainability and scope of work of the involved organizations, as well as creating a wider network of cooperation and support for further reforms of the judiciary in Montenegro. A special thematic focus within the sub-granting scheme was on the protection of victims' rights in criminal proceedings.

The organizations that CeMI and HRA supported through sub-granting scheme are 1) Trade Union of Media of Montenegro (TUMM), 2) Montenegrin LGBTIQ Association Queer Montenegro, and 3) The Institute for Legal Studies (IPLS).

Each of these organizations and their respective projects has contributed in its own way to strengthening justice and human rights in Montenegro. This report offers insight into the supported projects through the sub-granting scheme, and it highlights key successes and positive changes initiated through their implementation.

TRADE UNION OF MEDIA OF MONTENEGRO



PROJECT NAME:	Safety of journalists through court practice
PROJECT DURATION:	1.10.2023 – 30.4.2023
OVERALL GOAL:	To contribute to a safer and more secure working environment for journalists and other media workers in Montenegro.
SPECIFIC GOALS:	<ol style="list-style-type: none"> 1. Increased public awareness about the endangered safety of journalists and other media workers; 2. Improved judicial practice in cases of endangering the safety of journalists and other media workers, through sensitizing judges and prosecutors.

Over the course of eight years, more than 70 cases of attacks, threats, and endangerment of journalists and media outlets have been registered. Many of these cases involve the same journalists or media organizations, and sometimes even the perpetrators are the same.

Through the project of the Trade Union of Media of Montenegro (TUMM), efforts were made to improve the functioning of the primary courts in Montenegro by sensitizing judges and prosecutors to issues related to the safety of journalists.

The project involved an analysis of final court judgments in cases involving the endangerment of journalists and other media workers, and as a result, solutions were proposed that could contribute to the improvement of judicial practice and more effective resolution of these cases. All primary courts (15 of them), and the primary state prosecutor's offices (13 of them) were covered by this project.

This project also aimed to improve the safety and security of journalists and other media workers, as well as media outlets, by monitoring the number of cases, the age and gender distribution of victims, their affiliations with media organizations, the duration of proceedings, and the nature of judicial practices.

The main outcomes of the project are:

1. Established a database of court proceedings in cases of endangerment of journalists and other media workers from 2012 to 2022:

TUMM collected all the information from the courts, gathered archival materials, and initiated the development of the database. During the project, 35 final judgments from the primary courts were collected, and the monitoring team also obtained 20 judgments from misdemeanor courts. In the analyzed period, 55 data matrices were completed for analysis and data collection.

2. Published an analysis of court proceedings in cases of endangerment of journalists and other media workers from 2012 to 2022:

Data was collected on 55 cases of attacks on journalists that were handled by the Primary Courts and Misdemeanor Courts in Montenegro. A unified database of attacks on journalists and media property was created. The database was presented at meetings with judges and the prosecutor and is part of the "Safety of Journalists through Judicial Practices" analysis.

3. Established collaboration with judges and prosecutors to better protect the rights of journalists and other media workers:

A consultative meeting was held with the prosecutor at the Basic State Prosecutor's Office in Podgorica, Dusko Milanovic, where the project results and all project activities were presented. Representatives of the prosecutor's office, primary courts, and misdemeanor courts participated in the project's final conference. Zeljka Jovovic, the president of the Basic Court in Podgorica, spoke at the final conference in Podgorica.

KEY PROJECT ACTIVITIES:

1. Writing and publishing thematic articles

During the project implementation, five thematic articles were published and shared on TUMM's website and social media platforms:

1. Journalists Still Targeted: Attacks on the Job and Online Threats
2. Most Commonly, Imprisonment Sentences for Endangering Journalists' Safety
3. Impunity for Attacks on Journalists: The Case of Olivera Lakić
4. Who Protects Me While I'm on Duty?
5. Serious Flaws in an Unsuccessful Investigation

2. Developing the analysis “Safety of journalists through court practice 2012-2022”



The research team conducted a thorough analysis of the legislative framework and court proceedings related to the endangerment of journalists, leading to several key conclusions and recommendations.

The analysis revealed a concerning number of legal proceedings related to journalist endangerment in Montenegro, with most cases leading to convictions and a variety of sentences.

The analysis emphasizes that several measures are needed to bolster the safety of journalists and media workers.

- Establishing a dedicated team within the Ministry of Internal Affairs and the prosecution offices – so-called contact points or the designation of individuals in the police and prosecution offices responsible for coordinating actions in cases of criminal offenses against journalists. Additionally, setting up a dedicated hotline and an online platform for emergencies accessible 24 hours a day would provide journalists and media workers with immediate access to protective measures when needed.
- Support services for journalists and media workers who are victims of attacks and threats need to be developed, including the provision of free legal assistance and representation by qualified legal representatives, as well as psychological and medical support when necessary.
- The establishment of new mechanisms and the strengthening of existing ones for the collection and monitoring of information, such as databases, are essential to enable the collection, analysis, and reporting of specific quantitative and qualitative data on attacks against journalists and media workers.
- Continuous training should be provided to all relevant stakeholders involved in proceedings and decision-making (police officers, prosecutors, judges, etc.) concerning the protection of freedom of expression and journalists, focusing on the specific aspects of investigations into attacks on journalists and other critical issues, particularly in the context of older cases of attacks on journalists.
- Further sensitization of judges and efforts to standardize judicial practices in cases of violence against journalists and other media workers, effective application of qualified forms of criminal offenses, and consideration of the need for creating guidelines for handling cases of attacks on journalists.

The analysis also offers the following recommendations:

- Establish a dedicated team within the Ministry of Internal Affairs and the prosecution offices to coordinate responses to crimes against journalists.
- Create a 24/7 hotline and an online platform for emergencies to provide immediate access to protective measures for journalists and media workers.
- Develop support services for victims of attacks, including legal, psychological, and medical support.
- Strengthen mechanisms for data collection and monitoring, such as databases, to gather and analyze specific information on attacks against journalists and media

workers.

- Provide continuous training for all stakeholders involved in proceedings and decision-making regarding the protection of journalists and freedom of expression.
- Promote consistency in judicial practices and the effective application of qualified forms of criminal offenses in cases involving violence against journalists.
- Consider the development of guidelines for handling cases of attacks on journalists.

The analysis is available for download at the following link: <https://safejournalists.net/wp-content/uploads/2023/05/Bezbednost-novinara-MNE.pdf>

3. Presentation of the research “Safety of Journalists through court practice 2012-2022”



President of the Basic Court in Podgorica, Zeljka Jovovic (left), Vice President of the TUMM, Marijana Camovic Velickovic (middle) and Mirko Boskovic, attorney (right), Conference “Safety of Journalists through Court Practice”, 12 May 2023.

During the presentation of the analysis at the conference held on 12 May of 2023, key legal and media figures emphasized the need for continued focus on journalists' safety and the challenges faced by the judiciary in dealing with these cases.

Radomir Krackovic, President of TUMM, emphasized that journalists' safety in Montenegro is increasingly at risk. He referred to amendments in the Criminal Code that increased penalties for attacks on journalists, noting that their effectiveness in deterring attacks remains to be seen. He highlighted the importance of focusing on media freedom and safety and advocated for stricter penalties for attacks on journalists.

Vice President of TUMM, Marijana Camovic Velickovic stated that 73 cases of attacks, threats, and pressures on journalists were recorded in the last three years. She stated that in the 2012-2022 period, based on data from basic and misdemeanor courts, there were 55 legal proceedings related to the endangerment of journalists or other media workers.

Out of these, 35 cases were in basic courts, and 20 in misdemeanor courts. The majority of misdemeanor cases (14) were in the Podgorica court, with five in Budva and one in Bijelo Polje. Among the cases in basic courts, 29 have concluded, and six are ongoing, with most resulting in guilty verdicts (23). She noted that imprisonment was a common sentence, with an average duration of five months. Also, there were instances of fines and community service. The average duration of legal proceedings was nine months, but some cases took over a year, with the longest at 35 months.

Zeljka Jovovic, President of Basic Court in Podgorica, expressed concern about the 73 cases of attacks on journalists, stressing the need for preventive actions. She mentioned the challenges faced by the court, including strikes by lawyers and the COVID-19 pandemic, leading to trials being held in unconventional locations. Despite these challenges, she was proud of the court's handling of journalist-related cases and noted the court's heavy caseload and understaffing issues. She expressed hope for future court specialization.

Mirko Boskovic, a lawyer and legal advisor for the TUMM, introduced the methodology of their research and the reasons for selecting specific cases for analysis. He noted a noticeable increase in the sensitivity of judges and prosecutors towards cases of attacks on journalists over the last two or three years.

MONTENEGRIN LGBTIQ ASSOCIATION QUEER MONTENEGRO



PROJECT NAME:	Equal Access to Justice for LGBTIQ+ Individuals in Montenegro
PROJECT DURATION:	1.10.2023 – 31.5.2023
OVERALL GOAL:	To contribute to the improvement of the rule of law and the respect for the human rights of LGBTIQ+ individuals in Montenegro.
SPECIFIC GOALS:	To enhance the level of professionalism and integrity within the judiciary to ensure equal access to justice for LGBTIQ+ individuals by increasing the participation of civil society organizations in monitoring and/or shaping practical public policies related to the LGBTIQ+ community.

Most LGBTIQ+ individuals are aware of the institutions that have mechanisms to protect their rights, although some may not be familiar with them and their operations. Distrust of institutions and the fact that they do not guarantee anonymity for those reporting cases discourage LGBTIQ+ individuals from using available support services.

To address this problem, the Montenegrin LGBTIQ Association Queer Montenegro implemented a project “Equal Access to Justice for LGBTIQ+ Individuals in Montenegro”.

The main outcomes of the project are:

1. Enhanced cooperation between judicial system institutions and civil society organizations with a focus on improving access to justice system for LGBTIQ+ individuals;
2. Strengthened cooperation and capacity of civil society organizations in the field of access to justice for LGBTIQ+ individuals through the establishment of the Coalition for the Rights of LGBTIQ+ Individuals, "EQUALITY";
3. Conducted monitoring of the work of system institutions with a focus on access to justice for LGBTIQ+ individuals, including the monitoring of civil society organizations and their support services for the LGBTIQ+ community;
4. Enhanced capacity of system institutions in the field of access to justice for the LGBTIQ+ community through the development of publications containing a detailed analysis of the work of system institutions (prosecution, courts, police administration, LGBTI community trust team) in the domain of access to justice for the LGBTIQ+ community, along with specific recommendations for improving this area;
5. Contribution to raising awareness among the general public through the creation of a video campaign about the importance of access to justice, methods of reporting discrimination, and available support services, using an animated video with basic information on access to justice, reporting discrimination cases, and accessible support services.

KEY PROJECT ACTIVITIES:

1. Developing of the analysis "Equal Access to Justice for LGBTIQ+ Individuals in Montenegro - Myth or Achievable Reality?"

The aim of the analysis was to depict the position of LGBTIQ+ individuals in Montenegro in terms of the level of freedom of expression of their sexual orientation, gender identity, intersex characteristics, assessments of the safety of openly living their identity, experiences with hate speech, hate crimes, discrimination, and violence, reporting of such cases, and the treatment of individuals who have reported these cases, as well as the level of satisfaction with the outcome of these cases and the assessment of access to justice for LGBTIQ+ individuals in Montenegro.

The analysis was conducted based on the collected testimonies, experiences, and statements of LGBTIQ+ individuals themselves, as well as on the basis of data collected from relevant institutions for reporting cases of hate speech, discrimination, and violence.

Main recommendations contained in the analysis are:

1. Organize education for the citizens of Montenegro about the harmfulness of hate speech towards LGBTIQ+ individuals, which, in addition to immediate consequences, can also have long-term effects on the quality of life of LGBTIQ+ individuals, especially affecting emotional stability and mental health. Organize thematically tailored education, especially in areas such as educational institutions, employers and employer associations, sports associations/organizations, judicial, police, and prosecutorial authorities, students and student associations, healthcare institutions, etc.

2. Establish an obligation for all employers in the territory of Montenegro to establish a strict zero-tolerance policy for hate speech and discrimination against any employee based on their actual or perceived sexual orientation or gender identity within their internal rules. Strictly penalize those who spread hate speech or discrimination on these grounds;
3. In the education system, establish a zero-tolerance policy for hate speech and discrimination against LGBTIQ+ individuals at all levels, regardless of whether they are openly LGBTIQ+ or not. Punish other users of the educational process (students, pupils) for hate speech, hate crimes, and discrimination. If a teacher/professor or a member of the school administration has committed any of these acts or has failed to respond to hate speech/hate crimes/discrimination when present, the penalty should be more severe;
4. It is necessary to raise awareness among young people through the education system about accepting diversity and the harm of discrimination and violence against LGBTIQ+ individuals;
5. The recommendation for religious institutions is to respect the laws of Montenegro and not to incite or spread hate speech against LGBTIQ+ individuals. If hate speech is provoked by representatives of religious institutions, the recommendation for relevant authorities is to sanction these actions following the applicable laws;
6. The recommendation for LGBTIQ+ individuals in the public sphere is to come out publicly and use their position to improve the overall situation of the community, which would also encourage other LGBTIQ+ individuals to live more openly;
7. The practical application of existing laws that prohibit hate speech, hate crimes, discrimination, and violence against LGBTIQ+ individuals and laws that allow them to enjoy human rights.
8. Institutions that provide support to LGBTIQ+ individuals in human rights protection should inform citizens about available support services, procedures, reporting methods, the process flow, and legal remedies;
9. In all institutions where hate speech, discrimination, and violence can be reported, mandatory rules should be established to guarantee the anonymity of LGBTIQ+ individuals reporting cases who wish to keep their identity protected, regardless of whether they are openly identifying as such or not;
10. Introduce a provision in the Law on the Prohibition of Discrimination that holds individuals and legal entities accountable and subject to sanctions for outing LGBTIQ+ individuals without their consent;
11. Within the education system, the Ministry of Education should incorporate the study of sexual orientation, gender identity, and intersex characteristics into school curricula, approaching these topics objectively from a human rights perspective;
12. Hate speech against LGBTIQ+ individuals in the Parliament of Montenegro should be sanctioned, and parliamentary immunity should be revoked for Members of Parliament in cases where hate speech is directed towards any group.

2. Final Conference

The analysis was presented that the final conference, held in May 2023, in hotel CUE in Podgorica. The conference gathered representatives of CSOs, DEU, representatives of state institutions and international organizations.



CEO of Queer Montenegro, Milos Knezevic (left), DEU Program Manager, Mladenka Tesic (middle) and Head of Legal Department at CeMI, Ognjen Mitrovic (right), Conference „Equal Access to Justice for LGBTIQ+ Individuals“, 25 May 2023

Milos Knezevic, Executive Director of Queer Montenegro emphasized the crucial need for equal access to justice for LGBTIQ+ individuals to protect their rights, eliminate discrimination, prevent violence, improve mental health, and build an inclusive society. He reminded that the European Commission's report on Montenegro suggests increasing judicial capacities to handle hate crimes and hate speech effectively and ensuring proper reporting, investigation, prosecution, and sanctioning of such cases. Despite growing public awareness of LGBTIQ+ rights, challenges persist, particularly in the media and on social networks. He pointed out that conditions for the full implementation of the Law on Same-Sex Partnership are yet to be ensured and highlighted ongoing discrimination and exclusion of LGBTIQ+ individuals at both individual and institutional levels.

Mladenka Tesic, Program Manager at the EU Delegation in Montenegro expressed concern about negative societal trends, particularly regarding discrimination and hate speech against LGBTIQ+ individuals. She noted an alarming rise in physical attacks on LGBTIQ+ persons, emphasizing the responsibility of all to avoid exclusion, avoidance, or discrimination of any group. Tesic highlighted the complex and unique legal needs of LGBTIQ+ individuals, which are often compounded by obstacles in accessing justice, including distrust of the judicial system and lack of specialized services.

Ognjen Mitrovic, Head of Legal Department at CeMI, noted CeMI's significant efforts in advocating for LGBTIQ+ rights through various projects. He suggested that the implementation of activities outlined in the Strategy for Improving the Quality of Life of LGBTIQ+ Persons in Montenegro needs to continue. He recommended strengthening

the capacities of police and judiciary through sensitization training and seminars, consistent application of norms against discrimination and violence, and standardized practices for adequate prosecution and sanctioning.

Zeljka Cetkovic, Program Coordinator at the Center for Civic Education, reported that almost every LGBTIQ+ individual interviewed had experienced hate speech and discrimination in education and workplaces, with some being victims of hate crimes. She suggested organizing thematic educations in various sectors, including educational institutions, employers, sports associations, judicial, police, and prosecutorial bodies, and healthcare institutions. She also recommended mandatory policies for employers in Montenegro to establish zero tolerance for hate speech and discrimination based on sexual orientation or gender identity.

Milena Besic, Director of CEDEM argued that over-regulation is not the solution and stressed the importance of implementing existing laws more effectively. She highlighted the need for consistent application of court decisions and referenced the European Court of Human Rights practices in court rulings.

Dina Knezevic, Chief Advisor of the Protector of Human Rights and Freedoms reminded that the Law on Same-Sex Partnerships represents a step towards harmonizing with EU standards but needs to be integrated with other laws for full efficacy. She noted the formation of a working group for drafting a law on gender identity and the importance of uniform statistics across institutions to track complaints and lawsuits effectively.

INSTITUTE FOR LEGAL STUDIES – IPLS



PROJECT NAME:	Enhancement of Victim Protection Mechanisms within Montenegro's Judicial System
PROJECT DURATION:	1.10.2023 – 30.4.2023
OVERALL GOAL:	Contribution to the protection of human rights of vulnerable social groups in the judicial system of Montenegro.
SPECIFIC GOALS:	To enhance the effectiveness of legal and institutional mechanisms to support victims in Montenegro's judicial system.

Montenegro is facing the issue of inadequate protection of victims' rights in judicial proceedings. There are problems within the legal and institutional framework that limit the full protection of victims' rights in the judicial system. Despite the establishment of protection services in courts, the treatment of victims in judicial institutions is not at a satisfactory level, and the support services offered to them do not provide complete physical or psychological protection.

To address these problems, the Institute for Legal Studies (IPLS) implemented a project titled „Enhancement of Victim Protection Mechanisms within Montenegro's Judicial System.“

The main outcomes of the project are:

1. A comprehensive legal analysis was carried out to assess the alignment of Montenegro's national legal framework for victim protection with international standards.

Based on this analysis, specific recommendations were formulated for amending the existing legal framework;

2. Extensive monitoring was conducted on the performance of victim support services across all Montenegrin courts.

This led to the identification of areas for improvement, and subsequent recommendations were made to optimize the efficiency of these services.

Before commencing the implementation of project activities, IPLS established a collaboration with the Supreme Court of Montenegro by signing a Memorandum of Understanding. This strategic partnership guaranteed the smooth and efficient execution of essential activities, including organized visits to Montenegrin courts and structured meetings with judicial authorities. This memorandum facilitated a coordinated approach, and ensured that these activities were conducted in a timely and effective manner, aligning with the project's objectives.



Acting President of the Supreme Court of Montenegro, Vesna Vuckovic (left) and the CEO of IPLS, Milorad Markovic (right), Signing of a Memorandum of Understanding between IPLS and the Supreme Court of Montenegro, 16 December 2022.

KEY PROJECT ACTIVITIES:

1. Research

IPLS conducted the research involving visits and interviews with officials from Support Services in various courts across Montenegro, including basic, higher, and misdemeanor courts in Podgorica, Budva, and Bijelo Polje. Key personnel from the Supreme Court of Montenegro and the Supreme State Prosecutor's Office's Professional Service were also interviewed. The research predominantly used questionnaires for collecting both quantitative and qualitative data. The interviews were complemented by an analysis of existing legislation and strategic documents, aimed at forming recommendations for legislative improvements and institutional framework enhancement. Additionally, the research included an analysis of the information availability on the portal sudovi.me.

2. Development of the Analysis

After conducting the research, IPLS developed a comprehensive analysis of the victim support services in the judicial system of Montenegro.

The analysis highlights the need for legislative improvements in Montenegro's legal framework to enhance protection and support for victims of crimes and misdemeanors. Key recommendations include defining "victim" in the Criminal Procedure Code (CPC), establishing professional victim support services in higher courts and prosecutor's offices, and improving access to free legal aid. Additionally, the authors suggest centralizing victim support services for more effective and accessible support, especially for vulnerable groups like children and victims of domestic violence. The analysis also calls for better training for legal and law enforcement professionals, improved information dissemination about victim rights and support services, and integrating civil society organizations into the support system. Addressing these issues, as stated in the analysis, is crucial for creating an efficient and effective system of support and protection for victims.

3. Roundtable for presentation of the Analysis

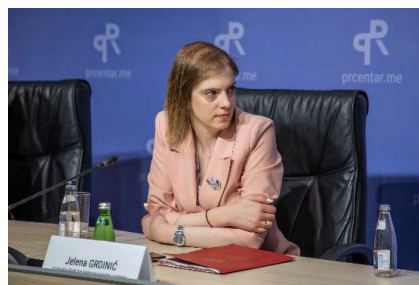
IPLS has presented their Analysis titled "Improvement of the Victim Protection System in Montenegro's Justice System" at the roundtable, which gathered representatives of the Supreme Court of Montenegro and the judiciary, the representatives of the Supreme State Prosecutor's Office, the Bar Association, Ministry of Justice and NGO representatives.

The main message from the roundtable was that **a systematic approach in establishing an institutional framework for providing support and protecting the rights of victims of criminal and misdemeanor offenses is crucial to ensure that support and protection are widely available, effective, and efficient.**



The roundtable was opened by the Executive Director of IPLS, **Milorad Markovic**, who highlighted the importance of the action of NGOs that have established a support system for certain categories of victims in practice, as well as the Council of Europe's initiative in establishing support services for the injured, witnesses, and victims, and in developing protocols for the conduct of authorized officials.

Jelena Grdinic, the Acting General Director of Criminal and Civil Legislation at the Ministry of Justice, has highlighted significant advancements in the Criminal Procedure Code. This update notably integrates the concept of a "victim," extending an array of rights to those affected by criminal offenses. Grdinic emphasizes that these comprehensive amendments are poised to substantially enhance the criminal justice system.



Meanwhile, **Bojana Bandovic**, an advisor at the Supreme Court, underscored the court's dedication to protecting victims' rights, with a particular focus on individuals impacted by human trafficking and domestic violence. She detailed the establishment and ongoing enhancement of the Support Service, a key initiative in this area. The Service's recent achievements include the release of an informative guide for witnesses and victims of domestic violence and human

trafficking. This guide aims to demystify court proceedings for victims, helping them navigate the system more effectively and feel less marginalized.

Bandovic also addressed several challenges facing the Support Service. These include the hesitance of victims to engage with the service, the absence of foundational documents for the Service's operation, ensuring its long-term sustainability, and enhancing the visibility of the services offered.

Dijana Popovic Gavranovic, the Head of the Professional Service at the Supreme State Prosecutor's Office, commended the project's contributions. A notable achievement includes the legal analysis of existing legislation, ensuring its alignment with international standards, and proposing amendments to enhance the legal framework. She also emphasized the unique challenges in handling cases where children are victims, stressing the need for special protective measures throughout the judicial process to safeguard these vulnerable individuals.





Tijana Zivkovic Petrakovic, a lawyer and expert on the project, presented the analysis that she authored, and contributed critical insights. She expressed concerns that the current legal framework's conceptualization of a victim somewhat neglects the victimological perspective, which merits greater emphasis. Her analysis particularly highlighted the alignment with the EU Strategy for Victims' Rights (2020 - 2025), indicating key measures for improvement.

Zivkovic Petrakovic emphasized that the legal analysis primarily focuses on scrutinizing the provisions of the national criminal legislation, especially those within the Criminal Procedure Code and the Criminal Code. This analysis is vital for enhancing the legal protection of victims. Additionally, she pointed out a key area of research: the visibility of the Support Service and the accessibility of information for the injured parties, witnesses, and victims. It was noted that only three court portals currently provide contact information for authorized support officers.

She also underscored the necessity for legal advancements and the introduction of new frameworks, particularly in safeguarding victims' rights during criminal proceedings. This indicates a broader scope for legal reform to better support and protect victims.

