



## **European network of legal experts in gender equality and non-discrimination**

### **NEWS REPORT**

<b>Country:</b>	Montenegro
<b>Title:</b>	Amending the Law on the Prohibition of Discrimination (LPD)
<b>Date:</b>	9 September 2016
<b>Expert:</b>	Nenad Koprivica
<b><u>Context</u></b>	
<b>Issue at stake:</b>	The Montenegrin Ministry for Human and Minority Rights initiated the procedure of amending the existing LPD in order to improve the prohibition against discrimination and additionally harmonize this law with the anti-discriminatory international law and standards, first of all, with the EU directives and UN conventions ratified by Montenegro.
<b>Ground of discrimination:</b>	All grounds
<b>Source:</b>	Legislation
<b>Field:</b>	Employment, social protection, social advantages, access to goods and services, education, housing, other
<b>Applicable law:</b>	The Law on Prohibition of Discrimination

### **Content**

**Law development:** On 25 July 2016, the public discussion on amending the Law on the Prohibition of Discrimination was finished and a Report on the Public Discussion was published via the web site of the Ministry for Human and Minority Rights on 4 August. The final Draft Law on Amendments to the LPD has not been published yet. After publishing the final Draft Law, the procedure on adopting the amended Law in the Parliament will be initiated. The main reason for amending this law is the necessity for additional compliance of this law with the European and international standards on prohibition against discrimination. However, the Montenegrin Protector for Human Rights and Freedoms has highlighted in his last Report 2015 the inadmissibility of the frequent changes of legislation in the area of protection against discrimination and emphasized that the existing LPD should be completely revised and a new LPD must be adopted. Additionally, the Protector stressed that one of the key aims of planned amendments concerning increasing sentences and penalties for legal entities and natural persons responsible for discriminatory acts would not provide any changes with regard to stricter penalty for acts of discrimination in the practice. The main reason for this opinion is that there are many legal entities whose financial strength is very limited. In this way, many companies in practice will not be sentenced for discriminatory acts.

### **Key points of analysis:**

The Law on Amendments to the LPD should eliminate earlier potential breaches with the Directive, provide a glossary which would define discrimination in certain areas, and especially improve the penal provisions, through the introduction of provisions that define the offense by a natural person who commits discrimination as well as increase sentencing for caused discrimination.

**Internet link source:** <http://www.minmanj.gov.me/vijesti/162055/Javni-poziv-za.html>  
(NacrtZakona.pdf)